



ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

Cap. 19.

An Act for inclosing Lands in the Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* in the County of *Norfolk*.

[4th July 1838.]

WHEREAS there are within the Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* in the County of *Norfolk* divers Commons, Commonable Lands, and Waste Grounds: And whereas *Robert Copeman* Esquire is Lord of the Manor of *Pulham* in the said County, and as such claims to be entitled to the Soil of the said Commons, Commonable Lands, and Waste Grounds; And whereas the Reverend *William Leigh* Clerk, *James Drane*, *John Crickmore*, *Joshua Brown*, and divers other Persons, are respectively Proprietors of all the Messuages, Cottages, Lands, and other Hereditaments situate, lying, and being in *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* aforesaid: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George* the Third, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas another Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Laws*

41G.3.c.109.

1 G. 4. c. 23.

[Private.]

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respecting

respecting the inclosing of Open Fields, Pasture, Moors, Common and Waste Lands in England: And whereas it would be advantageous to the several Persons entitled to and interested in the Premises if all Rights of Common and other Rights in or to the said Commons, Commonable Lands, and Waste Grounds were extinguished, and the same (except as hereinafter mentioned) were divided, and specific Parts or Shares thereof allotted to the several Persons entitled thereto and interested therein, according to their respective Shares, Rights, and Interests, and such Allotments inclosed and held in Severalty; but such beneficial 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 Queen'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 Heyhoe Le Neve Gilman* of *Hingham* in the said County of *Norfolk*, Esquire, and *John Josselyn* of *Sproughton* in the County of *Suffolk*, Esquire, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons, Commonable Lands, and Waste Grounds, and for carrying this Act into execution, subject to the Rules, Orders, and Directions in this Act contained, and also subject to the Powers and Provisions of the said recited Acts, except where the same are hereby varied or altered.

Commis-
sioners ap-
pointed.

For appoint-
ing succeed-
ing Commis-
sioners.

II. And be it further enacted, That if either 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 or for the Period of Three Calendar Months neglect to act in the Execution of this Act, then and in every such Case, if such Commissioner so dying, or refusing, becoming incapable, or neglecting to act, shall be the said *Samuel Heyhoe Le Neve Gilman*, or any Commissioner to be appointed in his Stead as herein-after mentioned, it shall be lawful for the Lord or Lords, Lady or Ladies of the said Manor of *Pulham* for the Time being, by Writing under his, her, or their Hand and Seal or Hands and Seals, to nominate and appoint another Person to be a Commissioner in the Place and Stead of the said *Samuel Heyhoe Le Neve Gilman*; and in case such Commissioner so dying, or refusing, becoming incapable, or neglecting to act, shall be the said *John Josselyn*, or any Commissioner to be appointed in his Stead as herein-after mentioned, it shall be lawful for the major Part in Value of the Proprietors of Estates in the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* (to be ascertained by the then last Land Tax Assessments for the said Parishes) who shall assemble at a Meeting to be called for that Purpose by the surviving or other Commissioner within Twenty-one Days after the Death, or Refusal, Incapacity, or Neglect of the said *John Josselyn*, or of any Commissioner to be appointed in his Stead, shall be known to him, and of which Meeting at least Eight Days previous Notice shall be given by advertising the same in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other public Newspaper circulated in the said County of *Norfolk*, and by affixing the same Notice on the principal Doors of the Churches of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* aforesaid, to elect, nominate, and appoint, by Writing under their Hands, another Person to be a Commissioner in the Place or Stead of the said *John Josselyn*; and in case the Lord or

Lords, Lady or Ladies of the said Manor of *Pulham*, or the said other Proprietors, as the Case may be, shall neglect or refuse to nominate and appoint another Commissioner in the Place and Stead of the Commissioner so dying, or refusing, becoming incapable, or neglecting to act in manner herein-before directed and authorized, within the said Twenty-one Days next after the Death of such Commissioner, or his Refusal or becoming incapable or neglecting to act, being known to them, then and in every such Case it shall be lawful for the surviving or remaining Commissioner, and he is hereby required, at any Time after the Expiration of the said Twenty-one Days, by Writing under his Hand and Seal, to appoint another Person to be a Commissioner in the Place of every Commissioner so dying, or refusing, becoming incapable, or neglecting to act, and so as often as Occasion shall require: Provided that no Person interested in the said intended Division and Inclosure, or the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested, shall be capable of being appointed a Commissioner; and every Commissioner so to be appointed shall, after making the Declaration to be prescribed in that Behalf, have the like Powers and Authorities for carrying this and the said recited Acts into execution, in all respects, as if he had been originally named and appointed a Commissioner in and by this Act.

III. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act and the said recited Acts, except for the Purpose of signing and giving Notice of the First Meeting for the Purposes of this Act, until he shall have made and subscribed the Declaration following; (that is to say,)

Declaration to be made by Commissioners.

‘ I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the First Year of the Reign of Queen *Victoria*, intituled *An Act for inclosing Lands in the Parishes of Pulham Saint Mary the Virgin and Pulham Saint Mary Magdalen 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.’

Form of Declaration.

Which Declaration it shall be lawful for any Justice of the Peace acting for the said County of *Norfolk* to receive, and he is hereby required to receive the same, and which Declaration shall be in lieu of and a Substitution for the Oath or Affirmation required by the said first-recited Act to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed; and the said Declaration, so made and subscribed, and also the Appointment of every new Commissioner, shall be annexed to and deposited with the Award to be made in pursuance of this and the said first-recited Act.

IV. And be it further enacted, That the said Commissioners shall (after having made and subscribed the said Declaration, and before they proceed to any other Business touching the Execution of this Act or the said recited

For appointing Umpire.

recited Acts) and they are hereby authorized and required to appoint some fit and proper Person (not interested in the said intended Division and Inclosure, nor the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested,) to be an Umpire between them; and in case such Person, or any other Person to be appointed as Umpire for the Purposes of this Act or the said recited Acts, shall die, or refuse or neglect for the Space of Thirty Days to act, or shall become incapable of acting, as such Umpire, the said Commissioners shall and they are hereby required forthwith to nominate and appoint another Person (not interested or intrusted as aforesaid) to be an Umpire for the Purposes of this Act and the said recited Acts; and when the said Commissioners shall differ or disagree in Opinion touching any Matter or thing to be done in the Execution of this Act or the said recited Acts, then the Matter upon which such Difference 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 on all others, as far as the Judgment and Determination of the said Commissioners would in such Case have been binding and conclusive; and in case any such Umpire shall neglect to settle and determine any such Difference after the same shall have been referred to him by the said Commissioners, and a written Notice under the Hands of the said Commissioners, or One of them, shall have been delivered to him, or at his last or usual Place of Abode, requiring him to settle such Difference within Thirty Days from the Delivery of such Notice, such Neglect shall be and be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act; and for the Purpose aforesaid, but not for any other Purpose, such Umpire shall have and he is hereby invested with the same Powers and Authorities as by this Act and the said recited Acts, or any of them, are given to or vested in the said Commissioners.

Declaration
to be made
by Umpire.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as such Umpire until he shall have made and subscribed the Declaration following; (that is to say,)

Form of Declaration.

‘ I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as an Umpire by virtue of an Act passed in the First Year of the Reign of Queen *Victoria*, intituled *An Act for inclosing Lands in the Parishes of Pulham Saint Mary the Virgin and Pulham Saint Mary Magdalen 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.’

Which Declaration it shall be lawful for the said Commissioners or either of them, or any Justice of the Peace for the said County of *Norfolk*, to receive, and he is hereby required to receive the same; and such Declaration, so made and subscribed, and also the Appointment of every such Umpire, shall be annexed to and deposited with the Award of the said Commissioners.

Commissioners may
appoint a
Clerk.

VI. And be it further enacted, That it shall be lawful for the said Commissioners to appoint some fit and proper Person to be their Clerk to assist them in the Execution of the Powers and Authorities of this Act and

and the said recited Acts, and such Clerk from Time to Time to remove, and another to appoint in his Room, as to the said Commissioners shall seem proper.

VII. And be it further enacted, That the said Commissioners and their Clerk respectively shall be allowed and paid the Sum of Three Pounds and Three Shillings each, and no more, by the Day, when actually attending or employed in the Execution of this Act, or necessarily travelling to or from any Meeting for the Purposes of this Act, during the first Two Years next after the passing of this Act, and after the Expiration of the said Two Years, until the Powers and Provisions of this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, by the Day, when actually attending or employed or travelling as aforesaid; in full Satisfaction for his Trouble and Expences in carrying this Act into execution.

Commis-
sioners and
Clerk's Al-
lowance.

VIII. And be it further enacted, That the said Commissioners shall cause and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper to be circulated in 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 no more than One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within one of the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, or within Eight Miles of one of them, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioner; and that every Meeting of the said Commissioner in the Execution of this or of the said recited Acts shall be held within one of the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, or within Eight Miles of one of them.

Notice of
Commis-
sioners
Meetings.

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

Other No-
tices how to
be given.

X. And for regulating the Duration of all Meetings or Attendances for the Purposes of this Act; be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may

For regulat-
ing the Du-
ration of
Meetings.

[Private.]

be, shall be charged only as Half a Day, and the Commissioners and Clerk shall be paid accordingly ; and a Book shall be kept by the Commissioners or their Clerk in which shall be entered the several Days on which the said Commissioners attended, and at what Hours the Commissioners were present thereat, and at what Hour they left or adjourned the same ; and such Books shall be signed by the Commissioners at the Termination of each Meeting or Attendance, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Attornies, during the several Meetings or Attendances to be held in pursuance of this Act ; and all such Persons shall and may take Copies of or Extracts from such Book, without paying any thing for the same : Provided also, that it shall not be lawful for the Commissioners to retain or pay themselves or such Clerk, out of any Monies to be received by them or over which they may have any Control in the Execution of this Act, any Sum or Sums of Money, on account of the Allowance herein directed to be made to the Commissioners and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award to be made in pursuance of this Act, or in case the Accounts of such Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided : Provided nevertheless, that in case of the Decease of the Commissioners or Clerk previous to the Execution of the said Award the Commissioners for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein directed to be made and stated, pay to the Executors or Administrators of the deceased Commissioners, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due thereon.

Proprietors,
&c. to pay
their own
Expences.

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

Existing
Surveys,
Maps, and
Plans may be
used.

XII. And be it further enacted, That in case any Person or Persons having in his, her, or their Custody any actual Surveys, Maps, or Plans of any of the Lands and Grounds within the said Parishes, or either of them, shall deliver such Surveys, Maps, and Plans to the said Commissioners, it shall be lawful for the said Commissioners to inquire into the Authenticity and Accuracy thereof on the Oath or solemn Affirmation as well of the Person or Persons producing and delivering such Surveys, Maps, and Plans respectively as of any other Person or Persons, (which Oath or Affirmation any One of the said Commissioners is hereby authorized to administer,) or by such other Means as they shall think proper ; and in case the said Commissioners shall be satisfied that the same are authentic and accurate, and will answer the Purpose of new Surveys, Maps, or Plans, then the said Commissioners are hereby authorized to make use of the same, as far as the same shall be available, for the Purpose of carrying this Act and the said recited Acts into execution ; and also, out of the Monies to be raised for the general Purposes of this Act, to make unto the Owner or Owners of such Surveys, Maps, and Plans, or to the Person or Persons producing the same respectively, a just and fair Allowance for such Surveys, Maps, and Plans.

XIII. And

XIII. 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 any Right or Interest which they or any of them shall claim to have of and in the said Lands and Grounds hereby directed to be divided and allotted, or touching or concerning their respective Shares or Proportions of or in the same respectively, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Commis-
sioners to
settle Differ-
ences.

XIV. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered by them in pursuance of the said recited Acts or this Act, or upon the Hearing and Determination of any Difference or Dispute as aforesaid, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered and required, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection, or Objections shall be or have been disallowed or overruled, or against whom the said Commissioners shall have determined as aforesaid; and in case 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 be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person 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 said Costs and Charges, 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 as aforesaid, after deducting the Expences attending such Distress and Sale: Provided always, that Duplicates of the Objections to the Accounts or Claims by the said recited Acts directed to be delivered to the said Commissioners as therein mentioned shall be delivered to such Person or Persons whose Account or Accounts, Claim or Claims shall be so objected to, in such Manner and at such Time or Times as the said Commissioners shall direct or appoint for that Purpose.

Power to
award Costs.

Objections-
to Claims to
be delivered
to the Parties.

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 touching or concerning any Property, Right, or Interest intended to be affected by such Determination, then and in every such Case

Rights may
be tried by
an Issue at
Law.

it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate so dissatisfied, to cause an Action to be brought upon a feigned Issue in one of Her Majesty's Courts of Record at *Westminster* against the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioners shall have been notified in Writing to the several Person or Persons interested or claiming to be interested; and the Person or Persons so dissatisfied as aforesaid shall 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 the Defendant or Defendants in such Action or Actions shall and he, she, and 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 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 such 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 binding, final, and conclusive, unless the Court wherein such Action 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; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that if 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, or if the final Result of such Action shall not be in his, her, or their Favour, then and in every such Case the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided also, that no such Difference Suit, or Proceeding as aforesaid, nor any Difference, Dispute, or Proceeding touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of the Powers vested in them by this Act or the said recited Acts, but the Division, Allotment, and Inclosure hereby directed to be made shall be proceeded in notwithstanding such Differences, Suit, or Proceeding: Provided also, 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.

Proceedings
not to abate
by the Death
of Parties.

Provision in
case of Death
of Parties
before Action
brought.

XVI. 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 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

such Person or Persons as if actually living, and to serve the Heir or Heirs, Devisee or Devisees of the Person or Persons so dying, and the Clerk of the said Commissioners, with Process for commencing such Action or Actions in the same Manner as the Party or Parties so dying might have been served therewith if living; and that 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.

XVII. And be it further enacted; That if any of the Parties interested in the said intended Division and Allotment shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but that the said Commissioners shall proceed in the Execution in the Powers given to them by this Act or the said recited Acts in such Manner as they might have done in case such Parties had not died; and that the Share or Shares of the Person or Persons so dying shall be allotted to the Person or Persons who by Law shall become entitled to the same, and shall be accepted and fenced by him, her, or them according to the Directions of this or the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and other Conditions of this and the said recited Acts.

Death of Parties not to suspend Execution of the Act.

XVIII. And be it further enacted, That in order to render straight and shorten the Boundaries between the Commons, Commonable Lands, and Waste Grounds by this Act directed to be divided and allotted in the said respective Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* and any Parish or Parishes adjoining thereto, or to make the same Boundaries regular, it shall be lawful for the said Commissioners (with the Consent in Writing of the Owner or Owners of the Land in such adjoining Parish or Parishes, or of the Lord or Lords, Lady or Ladies of the Manor in which such Land is situate, in case the same be a Common or Waste Ground) to set out the Boundaries between the Commons, Commonable Lands, and Waste Grounds by this Act directed to be divided and allotted in the said respective Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, and any such adjoining Parish or Parishes, in such Manner as they shall judge proper for the Purposes 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 thereafter be deemed and taken to be the Boundaries between the Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* aforesaid respectively and such adjoining Parish or Parishes respectively, any Law, Usage, or Custom to the contrary notwithstanding.

For shortening Boundaries.

XIX. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways in pursuance of this Act or the said first-recited Act the said Commissioners shall and are hereby authorized and empowered, if they shall think

Power to stop up Roads.

[Private.]

it necessary or proper, by and with the Consent and under the Order in Writing of any Two Justices of the Peace for the said County of *Norfolk* acting in and for the Division in which the said Carriage Roads, Highways, Bridle Roads, or Footways are situate, to discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through or over any of the Lands or Grounds within the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, or either of them; and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, except where such Roads or Ways so to be stopped up shall pass through any ancient Inclosures, in which case the Soil of such Roads or Ways shall become the Property of the Owners of such ancient Inclosures adjoining the same, on either Side thereof, in equal Moieties.

Proceedings
previously to
diverting or
stopping up
Roads.

XX. Provided always, and be it further enacted, That before any such Order shall be made, or any public Carriage Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered by the said Commissioners, the said Commissioners shall cause to be affixed at each End of the said Highway so proposed to be discontinued, stopped up, diverted, or altered a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioners acting under or by virtue of this Act; and the said Commissioners shall also cause the same Notice to be inserted in some Newspaper generally circulated in the said County of *Norfolk* for Four successive Weeks, and shall also cause a like Notice to be affixed on the outer Door of the Church of the Parish in which the Carriage Road, Highway, Bridle Road, or Footway so intended to be discontinued, stopped up, diverted, or altered is situate on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid, and such Order as aforesaid shall have been made, the said public Carriage Road, Highway, Bridle Road, or Footway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the said County of *Norfolk* as is herein-after mentioned.

Persons ag-
grieved may
appeal.

XXI. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he or she would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered to make his or her Complaint by Appeal to the Justices of the Peace at the General Quarter Sessions to be holden for the said County of *Norfolk* within Four Calendar Months next after the making of the said Order, upon giving to the said Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

XXII. And

XXII. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the Carriage Road, Highway, Bridle Road, or Footway so intended to be discontinued, stopped up, diverted, or altered ought to be so discontinued, stopped up, diverted, or altered, or whether the said Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Session; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the Carriage Road, Highway, Bridle Road, or Footway so intended to be discontinued, stopped up, diverted, or altered is wholly unnecessary, or may beneficially to the Public be discontinued, altered, or diverted, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Session shall dismiss such Appeal; and in that Case the said Court shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioners; and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that the Carriage Road, Highway, Bridle Road, or Footway so intended to be discontinued, stopped up, diverted, or altered is necessary, or could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved by its being discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the Carriage Road, Highway, Bridle Road, or Footway so intended to be discontinued, stopped up, diverted, or altered by the Order of the said Commissioners to its original State; and in that Case the said Court of Quarter Sessions shall and is hereby authorized and required to award to the Party or Parties giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal; and such Costs and Expences shall be paid by the said Commissioners, and shall be raised by the said Commissioners in such and the same Manner as they are hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

In case of Appeal, Jury at Sessions to determine whether old Highways shall be discontinued.

XXIII. And be it further enacted, That the Charges and Expences attending the discontinuing, stopping up, diverting, or altering any such Roads shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Expences of discontinuing Roads.

XXIV. And be it further enacted, That when and so soon as any of the public Roads to be set out by virtue of the said in part recited Acts and this Act shall be made and completed it shall be lawful for any Two or more of Her Majesty's Justices of the Peace for the said County of *Norfolk* acting as aforesaid, if they shall think fit, from Time to Time to certify and declare under their Hands and Seals any of such Roads so to be set out, or any Part or Parts thereof, to be fully and sufficiently formed, repaired, and completed; and such Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Person or Persons and in like Manner as the public Roads within the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* respectively are or ought

Justices may certify Roads in part.

to

to be by Law amended and kept in repair ; and every such Certificate shall, at the General Quarter Session of the Peace to be holden for the County of *Norfolk* next after the Date thereof, be filed of Record by the Clerk of the Peace of the said County.

For preserv-
ing Fences
next public
Roads.

XXV. And be it further enacted, That no Person or Persons shall, during the Period of Seven Years, to be computed from the Execution of the Award of the said Commissioners, graze or keep any Cattle whatsoever in or upon any of the public Roads or Ways which the said Commissioners shall order and direct to be set out ; and every Proprietor or Occupier of Lands and Tenements within the said Parishes respectively, and his or her Servants and Labourers, is and are hereby empowered to take and impound every Horse, Ass, Bullock, Cow, Sheep, Lamb, and other Beast which shall be so found grazing as aforesaid.

For making
new Drains,
&c.

XXVI. 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 *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* aforesaid respectively to be cleansed, opened, scoured, widened, deepened, or enlarged, and to stop up and discontinue any Ditches, Fences, Drains, Brooks, 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, or Watercourses to be made within the same Parishes respectively, and to make such Orders for maintaining such Ditches, Fences, Bridges, Sluices, Tunnels, Drains, Brooks, or Watercourses in repair as they shall think proper ; provided that no such Works shall be made in any inclosed Land without the previous Consent in Writing of the Owner or Owners thereof, and that no Rivulet, Brook, 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 the Land from which and into which any such Rivulet, Brook, or Watercourse shall be diverted, turned, carried, or conveyed, or to the Prejudice or Injury of any Person interested in such Rivulet, Brook, or Watercourse.

Flags, &c.
not to be cut
after Notice.

XXVII. And be it further enacted, That if any Person or Persons shall, after Notice given by the said Commissioners of the Enactment contained in this Clause, cut, dig, pare, grave, flay, or carry away any Turf, Flags, Whins, or Furze in, upon, or from the said Commons, Commonable Lands, 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 Rules, Orders, Regulations, and Restrictions as they shall think proper to insert therein,) then and in every such Case any One of Her Majesty's Justices of the Peace for the said County of *Norfolk*, upon due Proof thereof made before him upon Oath (which Oath such Justice is hereby authorized to administer), shall and he is hereby required, by Warrant under his Hand and Seal directed to any Person 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 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; and for Want of sufficient Distress, and on Proof thereof, it shall be lawful to and for such Justice to commit the Person so offending as aforesaid to the House of Correction for any Term not exceeding Three Calendar Months.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, at any Time before the Execution of their Award, by any Writing under their Hands to be affixed upon the principal Doors of the respective Churches of the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, to order and direct all or any Rights of Common, or any other Commonable Rights whatsoever, in, over, or upon the said Commons, Commonable Lands, 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 Writing on the said Church Doors respectively, or at any other Time to be appointed by the said 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.

For suspend-
ing Exercise
of Common
Rights.

XXIX. And be it further enacted, That all Encroachments which shall have been made within Twenty Years last past upon the Commons, Commonable Lands, and Waste Grounds by this Act directed to be divided and allotted (except a Piece of Land, containing by Estimation Eight Perches, lying in the said Parish of *Pulham Saint Mary Magdalen*, lately inclosed by *John Frost*, and whereon certain Buildings have been erected by him,) shall be deemed Part of the same Commons, Commonable Lands, and Waste Grounds to be so divided and allotted; and in case any Dispute shall arise touching any such Encroachment or Encroachments, or the Extent thereof respectively, such Dispute shall be determined by the said Commissioners: Provided nevertheless, that all such Encroachments as shall have been made within the Period aforesaid, upon which any Erection, Buildings, or Improvements shall have been made, shall be allotted to the Person or Persons who shall at the Time of the making the said Allotments be in Possession or Receipt of or entitled to the Rents and Profits of such Encroachments as the Whole or Part of the Shares and Proportions of the said Lands and Grounds to which such Person or Persons shall be entitled by virtue of this Act, without considering the Value of any Erections thereon; and in case any such Person shall not be entitled to any Allotment, or to any Allotment equal to the Value of such Encroachment, then the said Commissioners are hereby authorized and empowered, in case they shall deem it advisable, and not otherwise, to make Sale and dispose of such Encroachments, or such Parts thereof as shall exceed the Rights of the Possessor thereof in and upon the said Lands and Grounds, to such Person; and in case he or she shall be willing to purchase the same, then the said Commissioners shall ascertain and fix the Value thereof, but in so doing shall value the Land only, and not any Buildings that may be thereon; and upon such Person

Encroach-
ments.

[Private.]

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paying

paying the Price so fixed to the said Commissioners at the Time or Times to be by them appointed for Payment thereof it shall be lawful for the said Commissioners to convey by an Indenture of Bargain and Sale (of which no Inrolment shall be necessary) any such Encroachment to the Purchaser thereof, or as he or she shall direct; and every such Encroachment, or such Part thereof as shall be so purchased and conveyed, and all Buildings and Improvements thereon, shall thereupon by virtue of this Act become vested in such Purchaser, his or her Heirs and Assigns, upon such Uses, and to and for such Ends, Intents, and Purposes, as shall be expressed in such Indenture of Bargain and Sale for that Purpose; and after such Payment such Purchaser shall not be bound to see to the due Application of such Purchase Money, and the said Commissioners shall apply all such Purchase Money in and towards the Payment of the Expences attending the passing of this Act, and of executing this Act and the said recited Acts; provided that in case such Person or Persons shall neglect to pay the said Purchase Money to the said Commissioners at the Time to be appointed as aforesaid the said Commissioners shall be at liberty to allot the said Encroachment or Encroachments to any other Person or Persons according to the Directions of this Act.

For obtain-
ing Posses-
sion of En-
croachments.

XXX. And be it further enacted, That if at any Time after Three Calendar Months Notice in Writing under the Hands of the said Commissioners shall have been given to or left at the Dwelling House or last known Place of Abode of the Person or any One or more of the Persons claiming to be entitled to or being or claiming to be in Possession or in Receipt of the Rents and Profits of any such Encroachment so declared to be Part or Parcel of the said Commons, Commonable Lands, and Waste Grounds as aforesaid, to quit and deliver up the Possession of such Encroachment to the said Commissioners, or to any Person by them authorized to take the Possession thereof, the Possession of such Encroachment, or any Part thereof, shall, contrary to the Intent and Meaning of such Notice, be detained or withheld by any Person whomsoever from the said Commissioners, or from the Person by them authorized to take Possession thereof, or from the Person or Corporation to whom the same shall be sold or allotted by the said Commissioners under the Provisions of this Act, or from his or their Agent authorized to take Possession thereof, it shall be lawful for the said Commissioners, or for any Person acting under their Authority, or for the Person or Corporation to whom such Encroachment shall have been allotted as aforesaid, or his or their Agent, by and under the Direction and Order in Writing of any one Justice of the Peace for the said County of *Norfolk*, to obtain and take the full and absolute Possession of every or any such Encroachment, the Possession whereof shall be detained or withheld as aforesaid, and to remove and put out the Person or Persons in Possession of the same, and to take down, take up, remove, and carry away, and lay and leave, at some convenient Distance, for the Use of the Owner thereof, all such Buildings, and the Materials thereof, and all such Goods and Chattels, as shall be then on such Encroachment, doing as little Damage thereto as may be, but without being answerable for any involuntary or unavoidable Damage that may be done thereto; and if at any Time after such Notice as aforesaid any Person shall, contrary to the Intent and Meaning thereof, detain, withhold, take, or retain, or assist in detaining, withholding, taking, or retaining, the Possession of any such Encroachment as aforesaid, or any Part thereof, or dig, cut, burn, or injure, or assist in digging, cutting, burning, or injuring the same,

or any Part thereof, or in any Manner prevent or interrupt the said Commissioners, or any Person by them authorized to take Possession of the same, or the Person or Corporation to whom the same shall have been allotted by the said Commissioners as aforesaid, or his or their Agent, from or in obtaining, taking, or retaining Possession thereof, or from or in the free and exclusive Enjoyment thereof, every Person so offending, and being convicted before any Justice of the Peace for the said County of *Norfolk* not interested in the Premises, upon the Oath or Affirmation of One or more Witness or Witnesses (which Oath or Affirmation such Justice is hereby empowered to administer), shall forfeit and pay, by way of Penalty, any Sum of Money, in the Discretion of such Justice, not exceeding the Sum of Twenty Pounds; and such Justice shall and he is hereby empowered, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Sum of Money (if not paid on Demand) to be levied by Distress and Sale of the Goods and Chattels of the Person so offending in the Premises, rendering the Overplus of the Money levied (if any), after satisfying the said Penalty, and the Costs and Charges of such Distress and Sale, to the Owner or reputed Owner of such Goods and Chattels; and the said Penalty shall be paid to the said Commissioners, and applied by them towards the several Purposes of this Act; and in case any Person so offending and liable to such Penalty as aforesaid shall not have sufficient Goods and Chattels within the Jurisdiction of such Justice whereon or whereby the said Penalty and Costs and Charges can be levied as aforesaid, it shall be lawful for the said Justice to commit such Person to the House of Correction, there to remain for any Time in the Discretion of the said Justice, not exceeding Six Calendar Months.

XXXI. Provided always, and be it further enacted, That it shall be lawful for any Person claiming to be entitled to, or being or claiming to be in Possession or in Receipt of the Rents and Profits of any such Encroachment so declared to be Part or Parcel of the said Commons, Commonable Lands, and Waste Grounds as aforesaid, within Three Calendar Months next after such Notice in Writing under the Hands of the said Commissioners to quit and deliver up the Possession thereof shall have been given or left or affixed as aforesaid, to commence an Action at Law, whereby his Right or Title to the same may be tried upon a feigned Issue in the same Manner and with and subject to the same Provisions as are hereinbefore enacted and declared for trying and determining any other Right, Interest, or Claim in question; and the said Commissioners, or any other Person under their Authority, shall not exercise any Right or do any Act of Ownership over such Encroachment in question (save and except the taking Possession of such Encroachment) until the Right or Title to the same shall have been determined by such Action, or until such Action shall have been ended by due Course of Law; and such Person, and the said Commissioners, and all other Parties interested, shall be bound and concluded by the Event of any such Action respecting such Encroachment in question therein.

Right to Encroachments may be tried by an Action at Law.

XXXII. And be it further enacted, That the said Commissioners shall in the first place assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Manor of *Pulham*, or to such other Person or Persons as shall be then entitled to the Soil of the Commons, Commonable Lands,

Allotments for Right of Soil.

Lands, and Waste Grounds within the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* respectively, or any Part or Parts thereof, so much and such Part or Parts of the said Commons, Commonable Lands, and Waste Grounds in the said Parishes respectively as shall be equal in Value to One Eighteenth Part thereof; and such Allotment or Allotments shall be a full Compensation and Recompence to such Lord or Lords, Lady or Ladies, or such other Person or Persons as aforesaid, for his, her, or their Right in and to the Soil of the said Commons, Commonable Lands, and Waste Grounds respectively, except the Piece of Land called the *Fairstead*, situate in the said Parish of *Pulham Saint Mary Magdalen*.

Allotments
for Watering
Places, &c.

XXXIII. And be it further enacted, That the said Commissioners shall in the next place assign, set out, and allot unto the Surveyors of the Highways for the Time being within the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* respectively such Parts of the said Commons, Commonable Lands, and Waste Grounds as the said Commissioners shall think necessary, not exceeding One Acre in each of the said Parishes, as and for public Watering Places for Cattle, and as and for public Sand, Gravel, Stone, Clay, Marl, and Chalk Pits (if any Parts of the said Commons, Commonable Lands, and Waste Grounds in the said Parishes respectively shall in their Judgment be proper for such Purposes); and such Allotments shall be for ever freed, exonerated, and discharged from the Payment of all Parochial Rates, Charges, Burdens, Assessments, and Impositions whatsoever; and it shall be lawful for the Surveyors of the Highways and the Proprietors of Lands and Estates within the Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* aforesaid respectively, and their Tenants for the Time being respectively, to use such Allotments for the Purposes aforesaid in such Manner and under such Rules and Regulations as the said Commissioners shall by their Award direct and appoint.

Commis-
sioners to set
out Allot-
ments for
the Recrea-
tion of the
Poor.

XXXIV. And be it further enacted, That the said Commissioners shall set out, allot, and award unto the Lord or Lady for the Time being of the said Manor of *Pulham*, together with the Rector and Churchwardens of the said Parishes, out of any Part of the Lands and Grounds to be inclosed by virtue of this Act, a Piece of Land or Ground, not exceeding Five Acres nor less than Two Acres, as a Place of Exercise and Recreation for the neighbouring Population of the said Parishes; and such Allotment shall for ever thereafter be held by the said Lord or Lady of the said Manor, and Rector and Churchwardens, for the Purposes aforesaid.

Allotment of
the Residue.

XXXV. And be it further enacted, That the said Commissioners shall then assign, set out, and allot the Residue and Remainder of the said Commons, Commonable Lands, and Waste Grounds in the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* (except the said Piece of Land called the *Fairstead*, and the Piece of Land inclosed by the said *John Frost* as aforesaid) unto and amongst the several Persons and Body and Bodies Politic, Corporate, or Collegiate having any Rights or Interests in, to, upon, or over the same Commons, Commonable Lands, and Waste Grounds respectively, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and

and determine to be proportionate to the Value of and a full Satisfaction and Compensation to such Owners and Proprietors, and Body and Bodies Politic, Corporate, and Collegiate respectively, for his, her, or their respective Rights and Interests in, upon, or over such Commons, Commonable Lands, and Waste Grounds.

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

Allotments to be marked on a Plan for Examination, of which Notice shall be given.

XXXVII. Provided also, and be it further enacted, That if any Person or Persons shall, at any Time before the Execution of the said Award, sell his, her, or their Right, Interest, and Property in, to, over, or upon the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to any Person or Persons, and shall give Notice thereof in Writing to the said Commissioners One Calendar Month before the Execution of their Award, 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 and Purchaser in every such Sale, or to his or her Heirs and Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, 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 Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment.

In case of Rights being sold, Allotments to be made to Purchasers.

XXXVIII. 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 Person or Persons respectively (save and except the Rector of *Pulham* for the Time being in respect of any Allotment or Allotments to be made to him in right of his Rectory, and also save and except the Surveyor of the Highways within the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* respectively for and in respect of the Allotments hereby directed to be made to them as aforesaid) within such Time and in such Manner as the said Commissioners shall in and by their said Award order, direct, and appoint; and such Hedges, Ditches, and Fences shall at all Times thereafter be maintained,

Allotments to be fenced.

[Private.]

kept in repair, and cleansed by such Person or Persons as the said Commissioners shall by their said Award direct.

Alterations may be made in Allotments before Execution of the Award.

XXXIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, at any Time before the Execution of their Award, to make any Alterations which they may think proper in all or any of the Allotments and Fences which they may have set out and ordered, or in the private Roads which they may have set out over any such Allotment or Allotments; and in case any Person or Persons shall, in the Judgment of the said Commissioners, be injured by any such Alterations on account of any Expences he, she, or they have been at, the said Commissioners shall ascertain and determine what Recompence shall be made; and such Recompence is hereby directed to be made accordingly, and to be raised and paid as the said Commissioner shall by any Writing under their Hands direct or appoint, and to be levied and recovered, in case of Nonpayment, by the same Ways and Means and in the same Manner as is herein-before directed respecting the Recovery of any Sum or Sums of Money which may be awarded by the said Commissioners as Costs.

No Sheep or Lambs to be kept in the Allotments for Seven Years.

XL. Provided always, and be it further enacted, That no Sheep or Lambs shall, during the Term of Seven Years next after the Execution of the said Award, be kept in any of the Allotments to be made by virtue of this Act, and which shall be bounded by any Fence to be raised by the Direction of the said Commissioners, unless the Person or Persons keeping the same shall, at his, her, or their own Expence, guard and protect such Fence from being hurt or damaged by such Sheep or Lambs, whether such Fence be made by the Owner or Occupier of such Allotment or Allotments, or by the Owner or Occupier of any Allotment adjoining thereto.

Wills or Settlements not to be affected.

XLI. 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 Acts 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 Tenure, Wills, Jointures, Rents, and Charges, and no other, as the Messuages, Buildings, Lands, and Grounds whereof such Proprietor was 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.

For allowing Exchanges to be made.

XLII. 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 Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, or either of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parishes

Parishes or either of them, 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 at the Request in Writing of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or at the Request of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid who, at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Request to be made in Writing under the Common Seal or Seals of the Body or Bodies Politic, Corporate, or Collegiate, and under the Hands of the other Parties respectively; and all and every such Exchange or Exchanges so made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

XLIII. And be it further enacted, That all the Costs, Charges, and Expences attending the making, completing, or recording of any Exchange, or any Agreement relating thereto respectively, which shall be made under and by virtue of this Act or the said first-recited Act, shall be borne and defrayed by the several Parties making or interested in any such Exchanges respectively, or between whom the same shall be made, in such Manner and in such Proportions as the said Commissioners shall order or direct, either by their said Award, or by any Writing under their Hands made previously or subsequently to the said Award. Expences of Exchanges.

XLIV. Provided always, 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 inclosed Lands or other Hereditaments which shall be exchanged by virtue of this Act, shall, immediately after the signing of the Award of the said Commissioners, or within such further Time, not exceeding One Year from the signing of the said Award, as the said Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose, deliver up the full and peaceable Possession of such exchanged Lands or other Hereditaments to the Person or Persons to or with whom the same shall be respectively exchanged; but the Tenants or Occupiers of such exchanged Lands shall receive from the respective Owners and Proprietors thereof such Satisfaction, either by Reduction of Rent or by Payment of any Sum of Money, as the said Commissioners, upon Request in Writing being made to them for that Purpose, shall by Writing under their Hands order, direct, or appoint to be paid to such Tenants respectively as an Equivalent for Tenants to give up Possession of Lands exchanged.

for such Loss or Losses as they shall respectively sustain thereby; and if any Sum or Sums of Money to be directed to be paid as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised and levied: Provided always, that if there shall be any Lease or Agreement for a Lease of Lands, Part of which shall be in the said Parishes, or either of them, and Part in any adjoining Parish, all and every such Lease or Leases at Rack Rents now subsisting may be vacated; but where any Lands shall have been taken in Exchange, which Lands shall be holden under any Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

Leases to be void as to Allotments.

XLV. Provided also, and be it further enacted, That all and every Lease and Leases at Rack Rent or extended Rent now subsisting of any Messuages, Lands, or Tenements within the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, or either of them, shall, as far as such Lease or Leases affect or concern any Allotment or Allotments to be made of any Part of the said Commons, Commonable Lands, and Waste Grounds, in respect of any such Messuages, Lands, or Tenements comprised in such Lease or Leases, be and the same is and are hereby declared to be null and void as to such Allotment or Allotments; and the Tenants or Occupiers holding under such Lease or Leases shall not be entitled to enter upon or hold such Allotment or Allotments, but shall be allowed by the respective Owners or Proprietors thereof such an Abatement from the yearly Rent or Rents reserved and made payable in and by such Lease and Leases, for the Remainder of the Term or Terms then to come therein, as the said Commissioners shall adjudge to be a reasonable Compensation to such Tenants or Occupiers for the Commonable Right or Interest which hath been accustomed to be used and exercised by such Tenants or Occupiers, and which is hereby extinguished.

Allotments to be of the same Tenure as the Property in respect of which they shall be made.

XLVI. And be it further enacted, That all Lands and Tenements which shall be allotted by virtue of the said first-recited Act or of this Act to any Person or Persons for or in exchange for or in respect of any Messuages, Lands, or Tenements holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and for ever after the Execution of the said Award, be deemed and taken to be of the same Tenure as the Messuages, Lands, or Tenements for or in respect whereof such Allotments respectively shall be made are now held; and that all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid shall pay to the Lord or Lords, Lady or Ladies of the Manor or Manors of which such Copyhold Premises are holden, a yearly Quit Rent after the Rate of One Penny for every Acre of such Commons, Commonable Lands, and Waste Grounds as shall be allotted in respect of such Messuages, Cottages, Lands, or Tenements, and shall, within

within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same; and that in all Cases in which the Person or Persons to whom such Copyhold Lands and Premises shall be allotted shall have been before admitted to the Lands and Tenements in respect whereof the same shall have been allotted, no Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors, shall be payable (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admittances 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 any Copyhold Lands or Tenements shall be allotted as aforesaid shall not have been before admitted to the Lands or Tenements in respect whereof the same Allotment or Allotments shall have been made, or shall refuse or neglect to be admitted Tenant or Tenants thereto within the said Six Calendar Months, or at the first General Court Baron for the Admission of Copyholders to be holden for the said Manor or Manors next after the Expiration thereof, or shall die without having been admitted thereto, then and in any or either of the said Cases it shall be lawful for the Lord or Lords, Lady or Ladies of the said Manor or Manors respectively for the Time being to take and use all such Measures for compelling such Admittance or Admittances to the said Allotment or Allotments respectively as the Lord or Lords, Lady or Ladies of such Manor or Manors is or are now by Law and according to the Custom or Customs of the said Manor or Manors empowered to take and use for Want of a Tenant to any Lands or Tenements holden by Copy of Court Roll of the said Manor or Manors; and in every such Case the Customary Fines and other Payments shall be due and payable on the Admittances of the Persons entitled to such Lands and Premises; and after every such first Admission as aforesaid the Copyhold Premises so to be allotted as aforesaid shall at all Times be subject to such Fines and other Payments as the Lands or Tenements in respect whereof such Lands and Premises shall be allotted are now held under and subject to, together with the said Quit Rent of One Penny; and the said Commissioners shall by their said Award, and by the Maps or Plans to be thereto annexed, determine, describe, and abut the Lands and Grounds respectively which are to be and remain Copyhold or Leasehold; and all other Lands and Tenements to be allotted by virtue of the said first-recited Act or of this Act (except what shall be so ascertained by the said Commissioners to be Copyhold or Leasehold) shall be from thenceforth deemed, taken, and enjoyed as Freehold Lands and Tenements, subject nevertheless to such free Rents and Services as are now payable out of the respective Lands, Tenements, or Hereditaments for or in respect whereof the same shall or may be allotted.

XLVII. And be it further enacted, That it shall be lawful for the Owner or Owners of any Lands, Tenements, or Hereditaments of Copyhold or Customary Tenure within and Parcel of the said Manor of *Pulham*, or any other Manor or Manors, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, and for the Guardians, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who shall happen to be respectively Infants, Femes
 [Private.] Power to enfranchise Copyholds.
 Covert,

Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, and for Trustees or Feoffees for charitable or other Uses, to contract and agree with the Lord or Lords, Lady or Ladies for the Time being of the said Manor, or any other Manor or Manors, whether such Lord or Lords, Lady or Ladies shall be a Body or Bodies Politic, Corporate, or Collegiate, or shall hold the said Manor in Fee Simple, or for any limited Estate or Interest, or as Trustees or otherwise, for the absolute and perpetual Enfranchisement of all or any such Copyhold or Customary Lands, Tenements, or Hereditaments, and all Allotments in respect thereof, and for the Extinguishment of the Fines, Quit Rents, and all other Rights of the Lord or Lords, Lady or Ladies in, over, and upon the same, for a Compensation either in Money or Land as in any such Contract shall be specified and declared.

Provision where the Enfranchisement shall be made for a Compensation in Land.

XLVIII. And be it further enacted, That in all Cases where such Enfranchisement and Extinguishment shall be contracted to be made for a Compensation in Land the said Commissioners shall and they are hereby required, upon the Application of any of the Parties interested, and which Application shall be made at or before the Time to be appointed by the said Commissioners for the Delivery of Statements of any Objections to the Allotments which shall be proposed to be made by them as herein-before mentioned, to set out and allot, unto and for the said Lord or Lords, Lady or Ladies of such Manor, such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, belonging to the Person or Persons contracting for such Enfranchisement and Extinguishment as aforesaid, as shall in the Judgment of the said Commissioners be a full Compensation and Satisfaction for such Enfranchisement and Extinguishment according to the Terms which shall be agreed upon between the Parties.

Where the Enfranchisement shall be made for a Compensation in Money.

XLIX. And be it further enacted, That in all Cases where such Enfranchisement and Extinguishment shall be contracted to be made for a Compensation in Money the said Commissioners shall and they are hereby required, upon the Application of any of the Parties interested as aforesaid, to ascertain and determine the Amount of such Compensation according to the Terms which shall be agreed upon between the Parties; and all such Money Payments shall be made to the said Commissioners, whose Receipt shall be an effectual Discharge for the same; and the said Commissioners shall pay such Monies to the respective Lord or Lords, Lady or Ladies of such Manors, his, her, or their Heirs or Assigns, in case such Lord or Lords, Lady or Ladies shall be Tenants thereof in Fee Simple; and in case any such Lord or Lords, Lady or Ladies shall not be Tenants thereof in Fee Simple, then and in such Case such Sum or Sums of Money shall be applied and disposed of by the said Commissioners in the Manner herein-after directed with respect to Monies to be paid for the Purchase or Exchange of Hereditaments, or of any Timber or Wood growing thereon; and all such Enfranchisements and Extinguishments when completed shall be specified in the Award of the said Commissioners, and an Entry of every such Enfranchisement and Extinguishment shall be made on the Court Rolls of the said Manor; and a Copy of such Entry, certified by the Steward or Deputy Steward of the said Manor, shall be admitted in all Cases as sufficient Evidence of such Enfranchisement,

ment, and the Contract for the same, and of the Payment of the Consideration or Purchase Money when the same shall have been paid in Money; and when and so soon as such Allotment and Payments shall be respectively made as the Consideration for such Enfranchisements and Extinguishments as aforesaid the Lands and Hereditaments which shall be so agreed to be enfranchised as aforesaid shall be held in Free and Common Soccage, freed and absolutely acquitted and discharged from all Customary Fines, Heriots, Rents, Fealty, Suit of Court, Amerciaments, Forfeitures, and other Customary Payments, Duties, Services, and Penalties whatsoever, which, by or according to the Custom of the Manor whereof such Lands and Hereditaments were Parcel, they had or would have been subject to or charged with, or which would otherwise be payable or to be done or performed to the Lord or Lords, Lady or Ladies for the Time being of the said Manor, for or in respect of the same Hereditaments as Copyhold of the same Manor, if the same Hereditaments had not been so enfranchised; and the same Hereditaments shall (subject to any Charge or Mortgage which may be made under the Authority of the said recited Acts or of this Act) go, remain, and be to the same Uses, on the same Trusts, and subject to the same Powers and Limitations (as near as the Difference of the Tenure will admit) as would have been subsisting in such Hereditaments (as Copyhold) if the same had not been so enfranchised as aforesaid.

L. And be it further enacted, That it shall be lawful for the respective Husbands, Guardians, Trustees, Feoffees, or Trustees for charitable or other Uses, Committees and Attornies of the Owner or Owners for the Time being of any such Copyhold Lands, Tenements, or Hereditaments so to be enfranchised as aforesaid who shall be under Coverture, Minors, Lunatics, beyond the Seas, or under any legal Disability, and for any such Owner or Owners being entitled for a particular or limited Estate only, to mortgage and charge the Lands, Tenements, or Hereditaments to which such Enfranchisements shall relate with the Monies to be paid as the Consideration for such Enfranchisements, and with Interest thereon, in the same Manner as is by this Act provided for enabling Parties to borrow Money for defraying the Costs of this Act and other Purposes.

Incapacitated Persons may borrow Money for such Enfranchisement.

LI. And be it further enacted, That the Costs, Charges, and Expences of inclosing the Lands and Grounds which shall by virtue of this Act and of the said first-recited Act, or either of them, be allotted to the Rector of *Pulham* aforesaid in right of his Rectory, and of inclosing the Allotments hereby directed to be made to the Surveyors of the Highways within the said several Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen*, and all Costs and Charges incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Premises hereby or by the said first-recited Act directed to be surveyed, planned, valued, divided, and allotted, and of preparing and depositing the said Award, and the Copy thereof, and all the Charges and Expences of the said Commissioners, and of the several Persons to be employed by them in and about the Premises either before or after the Execution of the said Award, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners; and all other Expences of carrying this Act and the said recited Acts into execution, shall be borne, defrayed, and paid by the several Persons and Body or Bodies Politic, Corporate, or Collegiate to whom

For paying Expences.

whom any Allotment or Allotments shall be made by virtue of this Act and of the said first-recited Act (save and except the Rector of *Pulham* aforesaid for the Time being for or in respect of any Allotment or Allotments which shall be made to him in right of the said Rectory, and also save and except the Surveyors of the Highways within the said Parishes of *Pulham Saint Mary the Virgin* and *Pulham Saint Mary Magdalen* respectively for the Time being for or in respect of the Allotments hereby directed to be made to them as aforesaid), in such Shares and Proportions, at such Time and Place, to such Person or Persons, and in such Manner, as the said Commissioners shall direct and appoint; and in case of Refusal or Nonpayment thereof the same shall and may be recovered in manner directed by the said first-recited Act.

Accounts to
be audited.

LII. And be it further enacted, That once at least in every Twelve Calendar Months during the Execution of this Act (to be computed from the Day of passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement and Account of all Sums of Money by them received and expended or applied in the Execution of this Act, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before Two of Her Majesty's Justices of the Peace for the County of *Norfolk*, not interested in the said Inclosure, to be by them examined and balanced, and such Balance shall be stated in the Books of Account to be kept in the Office of the Person acting as Clerk to the said Commissioners; and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been allowed by such Justices, subject nevertheless to the Power of Appeal herein-after contained.

Empowering
Commis-
sioners, upon
Application,
to sell Part
of Allotments
to defray
Expences.

LIII. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by the Husbands, Guardians, Trustees, Committees, or Attornies of or for any Owners or Proprietors of Lands, Tenements, or Hereditaments in the said Parishes, or either of them, being under Coverture, Minors, Idiots, or Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies, or by any of the said Owners or Proprietors being Tenants in Tail or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of the Allotment or Allotments to be made by virtue of this Act or the said first-recited Act to the Persons by whom or in whose Behalf any such Application shall be made, for the Purpose of raising the Sum of Money which the said Commissioners shall by their said Award direct to be paid by such Person or Persons as his, her, or their Share or Shares of the Costs, Charges, and Expences of obtaining this Act, and of carrying the same and the said recited Acts into execution, and also the Charges of inclosing and subdividing such Allotment or Allotments, and of making and completing such Sale, so that the Sum of Money to be raised by such Sale, together with the Sum to be raised by Mortgage as herein-after mentioned, shall not exceed the Proportion of Five Pounds for each Acre of the said Lands to be allotted to the Person or Persons by or on whose Behalf such
Application

Application for a Sale shall be made; and such Sale shall be made by the said Commissioners in such and the same Manner and subject to the like Rules and Regulations as are mentioned and prescribed in the said first-recited Act in respect of the Sale of Lands towards the defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Part or Parts of an Allotment or Allotments for which the full Purchase Money shall be paid shall be vested in the said Commissioners, and shall be by them conveyed by Indenture of Bargain and Sale (of which no Enrolment shall be necessary), executed by such Commissioners at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser and his or her Heirs, or as he or she shall appoint, and shall be held by such Purchaser in Severalty; and so much of the Allotment or Allotments so to be sold as shall have been set out in respect of any Copyhold Messuages, Lands, or Tenements shall in the Indenture of Bargain and Sale be stated to have been by the said Award declared to be Copyhold, and shall be subject to the Provisions herein-before contained as to Allotments to be made in respect of Copyhold Hereditaments, and the Receipt of the said Commissioners shall be a good and sufficient Discharge to the Purchaser for the Purchase Money; and such Purchase Money shall be applied by the said Commissioners in or towards defraying such Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners the same shall be paid to the respective Parties of whose Allotment such Sales shall be so made respectively, in case they shall be Tenants in Fee Simple; and in case any of them shall not be Tenants in Fee Simple then their Shares of such surplus Money shall be applied and disposed of by the said Commissioners in the Manner herein-after directed with respect to Monies to be paid for the Purchase or Exchange of Hereditaments, or of any Timber or Wood growing thereon.

LIV. And be it further enacted, That it shall be lawful for the Hus-

Persons hav-
ing limited
Interests may
raise Money
by Mortgage
to defray
Expences.

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strators,

strators, and Assigns, for any Term or Number of Years, so as such Grant, Demise, Lease, or Mortgage be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as in every such Grant, Demise, Lease, or Mortgage which shall be made by or on behalf of any Person or Persons interested or entitled to any such mortgaged Premises for the Term of his, her, or their natural Life or Lives there be contained a Covenant to pay and keep down the Interest of the said Money to be secured during his, her, or their respective Life or Lives in such Manner as that no Person or Persons afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title of such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise so to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended.

For charging
Copyhold
Allotments.

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

The Rector,
with Consent
of the Bishop
of the Diocese
and Patron
of the Living,
may lease
Allotments.

LVI. And be it further enacted, That it shall be lawful for the Rector of *Pulham* aforesaid, and for all other Person and Persons to whom any Allotment shall be made of any of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed, in respect of any Lands or Hereditaments belonging to any Church or Chapel or other Ecclesiastical Living or Benefice, by Indenture or Indentures under their respective Hands and Seals, with the Consent and Approbation of the Bishop of the Diocese and of the Patron of the said Rectory, Church, Chapel, or other Ecclesiastical Living or Benefice for the Time being respectively, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to them respectively by virtue of this Act to any Person or Persons whomsoever for any Term not exceeding Twenty-one Years, to commence from the Eleventh Day of *October* next after the Execution of the said Award, so that the Rent or Rents for the same shall be thereby reserved and made payable to the Rector or other Incumbent, or Person entitled for the Time being, by Four equal quarterly Payments in every Year; and so as that there be thereby also reserved and made payable the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Fore-
gift,

gift, Premium, Sum of Money, or other Consideration for making or granting any such Lease or Demise; and so as that no Lessee by any such Lease or Demise be made dispunishable for Waste by any express Words to be therein contained; and so as that there be inserted in every such Lease a Power of Re-entry on Nonpayment of the Rent or Rents to be thereby reserved within a reasonable Time to be therein limited after the same shall become due; and so as that a Counterpart of each Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid; and every such Lease shall be valid and effectual to all Intents and Purposes, any thing in the said recited Acts or in this Act contained, or any Law or Usage, to the contrary notwithstanding.

LVII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His Majesty King *George* the Third or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or in behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioners out of such Money to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any Fencing which shall be by the said Commissioners directed to be made by virtue of the Power herein-before given to them for that Purpose; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters for the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall when so paid in there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Party or Parties who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments,

Application of Compensation when amounting to 200*l*.

1 G. 4. c. 35.

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be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased, redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes and in the same Manner as the afore-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

When less than 200*l.* and amounting to 20*l.*

LVIII. Provided also, and be it further enacted, That in case the Surplus of any such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in every such Case the same shall, at the Option of the Party or Parties for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Lunacy, Disability, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in the Manner before directed; or otherwise the same shall be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Party or Parties who for the Time would be entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the said Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

LIX. Pro-

LIX. Provided also, and be it further enacted; That in case the Surplus of such Money shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Use of the Party or Parties who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged for his, her, or their own Use and Benefit; or in case of Infancy, Lunacy, or other Disability or Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Party or Parties so entitled respectively.

When under 20l.

LX. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purposes of defraying the Expences of applying for and obtaining this Act, and for carrying the same into execution, shall be repaid, with lawful Interest, to the Person or Persons advancing the same, his, her, or their Executors, Administrators, or Assigns, out of the first Monies to be raised by virtue of this Act.

Persons advancing Money to be repaid with Interest.

LXI. And be it further enacted, That if through Situation or other Circumstances of any Allotment or Allotments it shall happen that the Proprietor thereof shall not have a proportionate Share of the Boundary Fencing thereto, it shall be lawful for the said Commissioners, where they shall judge it reasonable, to ascertain and appoint any Sum or Sums of Money to be paid by such Proprietor towards the Boundary Fencing of such other or others of the said Proprietors as may happen to have too great a Proportion thereof, in order that the Expences of the Boundary Fencing may be brought as near as may be to a just and equal Proportion; and the Money so to be ascertained and appointed shall be levied and recovered in such and the same Manner as any Money may be recovered by virtue of the said first-recited Act or of this Act.

Allowance to be made for unequal Share of Fencing.

LXII. And be it further enacted, That the Award which by the said first-recited Act is directed to be made by the said Commissioners shall be executed by them in the Presence of the Proprietors who may attend at a Special Meeting to be held for that Purpose, and of which Meeting Ten Days Notice shall be given in the Newspapers herein-before mentioned, or One of them, or in some other Newspaper then circulated in the said County of *Norfolk*, and, together with proper Maps or Plans thereto annexed, shall, within the Time by the said first-recited Act limited for the Enrolment thereof, 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 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 thereof to the said Clerk of the Peace be deemed and taken to be complete, and to be enrolled according to the Directions and within the Meaning of the said first-recited Act; and that a Copy of the said Award and of the said Maps or Plans, signed by the said Commissioners, shall within the Time aforesaid be delivered to such Person, or deposited in such Place, as the Commissioners shall appoint; and the said Award and the said Copy thereof, and any other Copy of

Directions respecting the Award.

[Private.]

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the said Award, or of any Part or Parts thereof, to be attested by the Clerk of the Peace for the Time being of the said County of *Norfolk* or his Deputy, (for every Sheet of which containing One hundred Words Sixpence, 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.

For supply-
ing Omissions
in the Award.

LXIII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act shall hold their said respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, or subject to different Trusts, Charges, or Incumbrances, the said Commissioners shall, upon Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures, for each of such Estates, and under each of such Titles respectively, and shall accordingly in their said Award set out and distinguish distinct and separate Allotments for such respective Lands or other Hereditaments; and where, from the Want of necessary Information before the said Commissioners, or from any other Cause, their Award shall omit to discriminate, as herein-before is required, such different Titles, different Estates, and different Tenures, and Request shall be made to the said Commissioners at any Time within Two Years after making the said Award, by any Person or Persons interested, by Writing under his, her, or their Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other respect to proceed and act as if the said Award had not been made; and when and as soon as the said Commissioners shall have obtained what they shall think sufficient Information they are hereby also authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and separate Allotments; in the same Manner as if such Discrimination had been contained in the said Award; and every such separate Instrument shall have the same Effect as if it was contained in the said Award; and the same supplemental Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied, 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 most probably belong for the Time being; and all Expences which shall be reasonably incurred in or about any such supplemental Instrument as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioners to supply such Omission as aforesaid, his, her, or their Heirs, Executors, or Administrators.

Appeal to
the Quarter
Sessions.

LXIV. 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 Acts, other than and except such Orders or Determinations of the said Commissioners as are herein or by the said recited Acts directed to be final and conclusive, and except in such Cases as are directed or authorized to be tried, settled, or deter-
mined

mined by an Issue at Law 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 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 and the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their said General Quarter Session are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her 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 Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, which shall be levied in manner aforesaid.

LXV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, and his, her, and their Heirs, Executors, Administrators, and Successors respectively, all Royalties, Liberties, Franchises, Rights, Titles, and Interest (other than and except such as are meant and intended to be by this Act barred, destroyed, and extinguished) which they, every or any of them respectively, could or ought to have had and enjoyed in, to, or in respect of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed. General Saving.

LXVI. And be it further enacted, That this Act shall be printed by the several Printers to the Queen'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. This Act as printed by the Queen's Printers to be Evidence.

