



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 10.

An Act for inclosing Lands in the Parish of *East Ruston* in the County of *Norfolk*.

[22d March 1806.]

WHEREAS there are within the Parish of *East Ruston*, in the County of *Norfolk*, certain Commons and Waste Grounds: And whereas the Right Reverend *Henry* Lord Bishop of *Norwich*, in Right of his Bishoprick, is Lord of the Manor of *Kerdeston Netherhall* in *East Ruston*, of which *Daniel Durrant Scott* Esquire is the Lessee, the Dean and Canons of *Windsor* are Lords of the Manor of *East Ruston Windsor*, of which the Reverend *Gibson Lucas* Clerk is the Lessee, and *Thomas Cubitt* Esquire is Lord of the several Manors of *East Ruston Vaux*, *East Ruston Burnells*, and *Marshalls* in *East Ruston*; the Lords of which said several Manors, or some or One of them, are, or is, or claim, or claimeth to be entitled to or interested in the Soil of the said Commons and Waste Grounds: And whereas the said *Thomas Cubitt*, the Reverend *Gunton Postle*, Sir *Roger Kerrison*, and divers other Persons, are the Owners and Proprietors of all the Messuages, Cottages, Lands, and Tenements, situate, lying, and being within the said Parish of *East Ruston*: And whereas an Act was made in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such*

Lords, &c:
of Manors:

Proprietors:

[Loc. & Per.]

S s

Acts:

Advantage to
inclose.

Commissioners
appointed.

Acts: And whereas it would be of great Benefit and Advantage to the several Persons interested in the said Commons and Waste Grounds if the same were divided and inclosed, and specifick Parts and Shares thereof assigned and allotted according and in Proportion to their several and respective Estates, Rights, and Interests; but as such Division, Allotment, and Inclosure, cannot be effected and established without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Blake* of *Swanton Abbot* in the County of *Norfolk* Esquire, *William Forster* of *North Walsham* in the said County Gentleman, and *Nathaniel Palmer* of *Great Yarmouth* in the same County Gentleman, shall be, and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Commons and Waste Grounds, and for carrying this Act into Execution; and they are hereby authorized and directed to assign, set out, and allot, the said Commons and Waste Grounds, and to carry this Act and the said recited Act into Execution (save and except such Parts of the said recited Act as are hereby altered and varied); and all Acts, Matters, and Things authorized and necessary to be done and executed by the said Commissioners in pursuance of the said recited Act and of this Act, may be done and executed by any Two of them, and the same shall be as good, valid, and effectual, and shall have the same Force and Effect as if such Acts, Matters, and Things had been done by all the Commissioners herein named, or to be appointed in Manner herein-after mentioned.

For appoint-
ing new Com-
missioners.

II. And be it further enacted, That if any of the Commissioners herein named, or to be appointed by virtue of this Act, shall, before the Execution of all the Powers and Authorities hereby vested in him or them, die, or refuse, or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Commissioner or Commissioners, and he or they is or are hereby required, at any Time within Forty Days next after such Death, Refusal, or Incapacity shall be known to him or them, by Writing under his or their Hand or Hands, to appoint another Person not interested in the Premises, to be a Commissioner in the Room or Stead of each Commissioner so dying, or refusing, or becoming incapable to act; and every Commissioner so to be appointed as aforesaid shall, after taking and subscribing the Oath or Affirmation prescribed in that Behalf, have the like Powers and Authorities for carrying the said recited Act and this Act into Execution, in all Respects as if he had been named a Commissioner in this Act.

Notice of
Commissioners
Meeting.

III. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice of the Time and Place of their First and every other Meeting for the Execution of this Act to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, if published, and if not, then in some other Newspaper printed and circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if, at any Meeting appointed to be holden by the said Commissioners, it shall happen that no more than One Commissioner shall attend, such Commissioner may adjourn such Meeting to such Time and Place within the said Parish of *East Ruston*, or within Eight Miles thereof, as he shall think most convenient.

One Com-
missioner
may adjourn.

IV. Provided

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, in pursuance of the said recited Act or of this Act, shall be made and given by Advertisement in the said *Norfolk Chronicle* or *Norwich Mercury*, if published, and if not, then in some other Newspaper printed and circulated within the said County of *Norfolk*.

Other Notices
how to be
given.

V. And be it further enacted, That *Robert Summers* of *Happisburgh* in the said County, Land Surveyor, shall be and he is hereby appointed the Surveyor under this Act.

Surveyor.

VI. And be it further enacted, That in order to shorten the Boundary Fences between the said Parish of *East Ruston*, and the Lands lying within any Parish or Parishes adjoining thereto, it shall and may be lawful to and for the said Commissioners (with the Consent in Writing under the Hand or Hands of the major Part in Value of the Land Owners in any Parish or Parishes adjoining to the said Parish of *East Ruston*, and also under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in any such adjoining Parish or Parishes, or of the Owner or Owners of the Land upon which such Fences shall or may be intended to be made) to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds lying within the said Parish of *East Ruston*, and the Lands lying in such adjoining Parish or Parishes, as they shall judge proper for the Purposes aforesaid; and after the Boundaries shall be so set out, ascertained, and determined, such Fences shall be erected thereon by such Person or Persons, in such Manner, and at such Time or Times, as the said Commissioners shall direct; and the same shall for ever thereafter be deemed and taken to be the Boundaries between the said Parish of *East Ruston*, and such adjoining Parish or Parishes; any Law, Usage, or Custom to the contrary notwithstanding.

For shorten-
ing Boundary
Fences.

VII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the Commons and Waste Grounds to be divided, allotted, and inclosed by virtue of this Act, shall be and be deemed to be Part of the said Commons and Waste Grounds, and shall be divided and allotted accordingly by the said Commissioners, and in case any Dispute shall arise touching any such Encroachments, or the Extent thereof, every such Dispute shall be determined by the said Commissioners.

Encroach-
ments made
within Twenty
Years, to be
deemed Part
of the Lands
to be inclosed.

VIII. And be it further enacted, That in case any Cottages or other Buildings shall have been erected upon any Part of the said Commons or Waste Grounds, or upon any Encroachments which shall have been made thereon within Twenty Years now last past, then the said Commissioners are hereby authorized, and empowered in case they shall think fit, to make Sale and dispose of such Encroachments whereon such Cottages or other Buildings shall stand, or such other Parts of the said Commons and Waste Lands in lieu thereof, as they the said Commissioners shall think more proper and convenient (not exceeding the Quantity of such Encroachments respectively) to the Owners of such Cottages or other Buildings, or any of them respectively, at such Price or Prices as they the said Commissioners shall deem fair and reasonable, and in and by the Award to be made by the said Commissioners to set out and allot the same

Power to sell
Encroach-
ments,
whereon
Houses are
erected; to
the Owners
thereof.

to

to such Purchaser or Purchasers, his, her, or their Heirs accordingly; and the Monies arising from such Sale or Sales shall be applied in and towards the Payment of the Expences attending the passing and executing of this Act.

Commissioners
to set le Dif-
ferences.

IX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the Right to the Soil of the said Commons and Waste Grounds, or any Part or Parts thereof, or touching or concerning any other Rights, Interests, Shares, and Proportions which they or any of them shall have or claim to have of and in the Lands hereby directed to be divided and allotted, 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, Tenements, or Hereditaments whatsoever.

Commissioners
not to deter-
mine Titles.

Commissioners
to assess Costs.

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

Power allow-
ing Parties to
try their
Rights by an
Issue at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politick, 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 of the Claims, Rights, or Interests, intended to be affected by such Determination, it shall and may be lawful to and for the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so

to determined by the said Commissioners, at the then next or at the following Assizes to be holden for the said County of *Norfolk*; and for that Purpose the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, in whose favour such Determination shall have been made, within One Calendar Month after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, 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 Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which 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 upon the Trial of such Action or Actions shall be binding, final, and conclusive upon all and every Person and Persons, and Body and Bodies Politick, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts; and order a new Trial to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and it shall also be lawful for the Court, upon sufficient Cause shewn, to put off the Trial of such Issue as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the said Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners, touching such Claim or Claims of Right to the Soil of the said Commons and Waste Grounds, or other Rights or Interests in, over, or upon, the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or of any Part thereof, which shall not be objected to within the Time aforesaid, or being objected to, the Party or Parties objecting, not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be final and conclusive upon all Parties.

Determina-
tion of Com-
missioners to
be final, if
not objected
to or no Ac-
tion brought.

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

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

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

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

[*Loc. & Per.*]

T t

XIV. And

No Turf,
Flags, &c.
to be cut
without Leave
of the Com-
missioners.

XIV. And be it further enacted, That it shall not be lawful for any Person or Persons, from and after the passing of this Act, to cut, dig, pare, grave, flay, take, or carry away, any Reed, Rushes, Turf, Flags, Whins, or Furze, in, upon, or from, the said Commons and Waite Grounds, or any Part thereof, without the Licence of the said Commissioners in Writing first had and obtained for that Purpose (which Licence the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions, as they shall think proper to insert therein); and if any Person shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away, any Reed, Rushes, Turf, Flags, Whins, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without or contrary to such Licence as aforesaid, the said Commissioners, upon due Proof thereof made before them upon Oath, shall and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending in the Premises, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as last aforesaid shall be applied towards the Costs and Charges of obtaining and executing this Act.

For extin-
guishing or
suspend ing
Rights of
Common
before the
Award.

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

Commission-
ers may stop
up old Roads.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace for the said County of *Norfolk*, acting in and for the Division in which the Road or Roads, Footpath or Footpaths herein-after mentioned shall be situate, and not interested in the Repair of such Road or Roads, Footpath or Footpaths, to stop up and to direct to be discontinued any publick Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands and Grounds in the said Parish of *East Ruston*, which to the said Commissioners shall appear useless or unnecessary; Provided always, that such Order so to be made shall be subject to an Appeal to the Quarter Sessions, in the like Manner, and under the same Forms and Restrictions, as if the same had been originally made by such Justices as aforesaid:
Provided

Provided also, that none of the present Roads or publick Highways within the said Parish of *East Ruston* shall be shut up or discontinued until the several Roads intended to be and remain publick Highways within the same Parish shall be set out according to the Directions of the said recited Act, and until the same shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages.

None of the present Roads to be stopped until new Roads be made.

XVII. And be it further enacted, That the said Commissioners shall assign, set out, and allot, unto the Lords of the said Manors, the Vicar, Churchwardens, and Overseers of the Poor of the said Parish of *East Ruston* for the Time being, One hundred and sixty Acres, Part of the said Common called *North Fen Common*; Forty Acres, Part of the said Commons called *South Fen*; Thirty Acres of the Common called *Holmes Fen*; Thirty Acres, Part of the Common called *The Fen and Hill Common*; and Forty Acres of that Part of the Common which lies next to the Parishes of *Happisburgh* and *Brunstead*; and the said Allotments shall be and are hereby vested in the Lords of the said Manors, the Vicar, Churchwardens, and Overseers of the Poor of the said Parish for the Time being for ever, as Trustees for the Poor of the same Parish; and such Part or Parts of the said Allotments as they shall think proper shall be held, used, and appropriated by the said Trustees for the Purpose of cutting Fuel, which Fuel shall be distributed amongst the poor Inhabitants of the said Parish of *East Ruston*, who shall not occupy Tenements of more than the yearly Value of Five Pounds or more than Ten Acres of Land, in such Shares and Proportions, at such Times in every Year, and according to such Rules and Directions, as shall from Time to Time be made and prescribed by the said Trustees for the Time being, or the major Part of them, for that Purpose, and not otherwise; and the Residue of the said Allotments shall be used and enjoyed solely and exclusively by such poor Inhabitants of the said Parish as aforesaid, as a Common of Pasture for all Geese, Stock, and Cattle which shall really and *bonâ fide* be the Property of such poor Inhabitants, in such Manner, at such Time or Times, and according to such Rules and Directions, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise: Provided always, that it shall and may be lawful to and for the Lords of the said Manors, and the Vicar of the said Vicarage for the Time being, to act in the Execution of the Trusts hereby reposed in them, by their respective Agents or Proxies, such respective Agents or Proxies being appointed by Writing under the respective Hands of such Lords and Vicar for the Time being, and producing the respective Appointments at the Time of their acting by virtue thereof.

Allotment for the Poor.

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

XVIII. 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 within the said Parish of *East Ruston*, such Part or Parts of the Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, not exceeding Two Acres in the Whole, as the said Commissioners shall think necessary, as and for publick Watering Places for Cattle, and as and for publick Sand, Gravel, Clay, and Chalk Pits; and the same Allotment or Allotments when set out shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said Parish of *East Ruston*, and their Tenants for the Time being for ever, in such Manner, and under such

Allotment for publick Sand and Gravel Pits, &c.

Rules

Rules and Regulations, as the said Commissioners shall in and by their Award direct and appoint.

Allotment for
Right of Soil.

XIX. And be it further enacted, That the said Commissioners shall then assign, set out, and allot unto and for the Lords of the said Manors, or any of them, or any other Person or Persons, being Owner or Owners of or entitled to the Soil of the said Commons and Waste Grounds, such Parts of the said Commons and Waste Grounds hereby directed to be divided and allotted, as in the Judgement of the said Commissioners shall be equal in Value to One-eighteenth Part of the said Commons and Waste Grounds, after the Allotment or Allotments shall be so made to the Trustees for the Poor, and the Surveyors of the Highways as aforesaid; and such Allotment or Allotments shall be a full Recompence and Compensation for the Right of such Lord or Lords, or of such other Person or Persons respectively in and to the Soil of the same Commons and Waste Grounds, the said Eighteenth Part, so to be set out as aforesaid, to be allotted, divided, and proportioned to, between, and amongst the said Lord or Lords, or other Person or Persons as aforesaid, in such Shares and Proportions as they the said Commissioners shall think just and equitable.

Allotment of
the Residue.

XX. And be it further enacted, That the said Commissioners shall then assign, set out, and allot, the Residue and Remainder of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst all and every Person and Persons, Body and Bodies Politick, Corporate, or Collegiate, having any Right or Rights of Commons, or other Rights or Interests in, to, over, or upon the same, or any Part or Parts thereof, (except the Owner or Owners of the Soil thereof, in respect of such Soil only,) in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of, and a full Satisfaction and Compensation to him, her, or them respectively, for his, her, or their respective Rights and Interests therein: Provided always, that the respective Owners and Proprietors of all the Lands and Grounds lying within the said Parish of *East Ruston*, who shall deliver in their Accounts or Claims in Manner prescribed by the said recited Act, shall be deemed to be entitled to, and to have had and enjoyed, a Right of Common of Pasture upon the said Commons and Waste Grounds, at all Times of the Year, for all their commonable Cattle levant and couchant upon their respective Lands.

Proprietors
entitled to
Common for
their Cattle
levant and
couchant.

Power of En-
franchising
Copyholds.

XXI. And whereas the Lord of the said respective Manors of *East Ruston Vaux*, *East Ruston Burnells*, and *Marshalls*, in *East Ruston*, is willing to enfranchise any Allotment or Allotments to be made in respect of the several Copyhold or Customary Messuages, Lands, Tenements, or Hereditaments, held of the said respective Manors, and also to extinguish all Fines, Rents, Reliefs, Customs, and Services, due and payable to the Lord of the said respective Manors, out of or from such Allotment or Allotments, on being allowed an adequate Satisfaction and Compensation for the same; and the several Owners and Proprietors of such Allotment or Allotments may be desirous that the same should be so effected and carried into Execution; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, by and with the Consent of the respective Copyholders desirous of such Enfranchisement,

expressed

expressed in Writing under their respective Hands, and delivered to the said Commissioners, to assign, set out, and allot unto the Lord of the said respective Manors, such Proportions, Shares, or Parts of the Allotments of the said Commons and Waste Grounds, which the said Copyholders respectively shall be entitled unto, as in the Judgement of the said Commissioners shall be a full and equivalent Satisfaction and Compensation to the Lord of the said respective Manors for all his Rights, Claims, Fines, Heriots, Chief Rents, Reliefs, Services, and Customs, as Lord of the said respective Manors, in and to any such Copyhold or Customary Estates, so to be enfranchised as aforesaid; and every such Enfranchisement shall be mentioned and described in the Award directed to be made by the said Commissioners.

XXII. And be it further enacted, That all and every Allotments or Allotment made in respect of such Copyhold or Customary Messuages, Lands, Tenements, and Hereditaments, and enfranchised as aforesaid, shall at all Times from and after the making and executing the said Award by the said Commissioners, for ever thereafter be held and enjoyed by the several and respective Person and Persons entitled to the same, enfranchised, and, as Freehold Estates of Inheritance, free and discharged of all Fines, Heriots, Chief Rents, Reliefs, Customs, and Services whatsoever, and the same shall, from and after such Enfranchisement, be granted, bargained, sold, released, conveyed, or assigned by Deed, or devised by Will, in the same Manner as other Freehold Estates of Inheritance are conveyed and devised; and on the Death of any Person who shall be the absolute Owner of such Estates, without a Will, the same shall descend to his or her Heir or Heirs at Law, in such Manner as other Freehold Estates descend.

Copyhold, after Award, executed and Compensation given, to be held as Freehold.

XXIII. And be it further enacted, That the Lands to be assigned, allotted, and appointed for the Enfranchisement of the Allotment or Allotments made in respect of the said Copyhold or Customary Messuages, Lands, Tenements, or Hereditaments, shall stand limited and settled to, for and upon such and the same Estates, Uses, Trusts, Intents, and Purposes, as the said respective Manors shall stand limited, and be subject and liable to.

Lands to be given for Enfranchisement and Exoneration, to be limited to the same Uses as the Manors stand limited.

XXIV. Provided always, and be it further enacted, That, in making the Allotments under and by virtue of this Act, the said Commissioners shall allot to every Proprietor of Forty Acres of Land within the said Parish of *East Ruston* such Part of the Marsh or Fen Land called *South Fen*, as shall bear a due Proportion to the Remainder of the said Commons, and shall have a due regard as well to the Quality and Quantity of the Lands and Grounds so to be divided and allotted as aforesaid, as also to the Situation and Contiguity of the same to the respective Habitations, Messuages, Barns, and other Property, of the several Parties to or for whom such Lands and Grounds shall respectively be assigned and allotted; provided also, that if any Person or Persons hath or have sold, or contracted, or agreed to sell, or shall at any Time before the Execution of the Award of the said Commissioners, sell, or contract, or agree to sell, his, her, or their Right, Interest, and Property, in, over, or upon, the said Commons and Waste Grounds, to any other Person or Persons, then and in every such Case it shall and may be lawful to and for the said Commissioners,

For laying the Allotments conveniently together.

In case any Person shall sell his Common Rights, the Allotment to be made to the Purchaser.

[*Loc. & Per.*]

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and

and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract, or Agreement, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold, or contracted, or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his or her Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him or her as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement, had not been made, or such Right, Interest, or Property, had been vested in such Vendee at the Time of making such Allotment as aforesaid.

For fencing
Allotments.

XXV. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted, shall be inclosed, hedged, ditched, and fenced by such Persons, and Body or Bodies Politick, Corporate, and Collegiate (save and except the Lord Bishop of *Norwich*, in Right of his Bishoprick, and the said Dean and Canons of *Windsor*, in respect of any Allotments to be made to them respectively, the Vicar of the Vicarage of *East Ruston* for the Time being, in respect of any Allotment to be made to him in Right of the said Vicarage, and save and except the Trustees for the Poor, and the Surveyors of the Highways, for or in respect of the Allotments hereby directed to be made to them respectively as aforesaid), within such Time and in such Manner as the said Commissioners shall in and by their Award order, direct, and appoint; and the Hedges, Ditches, Drains, and Fences, which shall be made pursuant to the said Award, shall at all Times thereafter be maintained and kept in Repair, and cleansed by such Persons, and Body or Bodies Politick, Corporate or Collegiate, as the said Commissioners shall by their said Award order and direct: Provided always, that convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Twelve Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages in and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced in, made up, and inclosed.

For leaving
Gaps.

Leases void
as to Allot-
ments.

XXVI. And be it further enacted, That all and every Lease and Leases of any Messuages, Lands, or Tenements, within the said Parish of *East Ruston*, shall, as far as such Lease or Leases affect or concern any Allotment or Allotments to be made 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 and Allotments; and such Allotment and Allotments shall be made and assigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees; and such Allotment and Allotments shall be freed and discharged from all the Right and Interest which may or otherwise might be claimed, in or to the same by virtue of such Lease or Leases; and the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, to whom the Messuages, Lands, or Tenements comprised in such Lease or Leases shall belong as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same, under such Lease or Leases, as the said Commissioners shall by Writing under their Hands direct,

direct, for the Right of Common, or any other Rights or Interests in, over, or upon the said Commons, and Waste Grounds, or any Part thereof appendant or appurtenant to such Messuages, Lands, or Tenements, and which shall be extinguished by this Act; and if any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, shall refuse or neglect to make such Compensation to the Person or Persons entitled thereto, on Demand, then and in such Case it shall be lawful for the said Commissioners and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied: Provided always, that nothing herein contained shall extend or be construed to extend so as to render null and void any Lease or Leases granted by the Lord Bishop of *Norwich*, or any of his Predecessors, being Bishops of *Norwich*, or by the Dean and Canons of *Windsor*, of any Lands, Tenements, and Hereditaments, within the said Parish of *East Ruston*, or any Part or Parts of such Lease or Leases.

XXVII. And be it further enacted, That all the Lands and Grounds which shall be allotted by virtue of this Act, to any Person or Persons for or in respect of any Messuages, Cottages, Lands, or Grounds, 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 appendant or appurtenant to any such Copyhold or Leasehold Premises, shall from and after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold respectively, and shall be holden as such, by and under the same Tenure, Rents, Payments, Fines, Customs, and Services, as the Copyhold or Leasehold Messuages, Cottages, Lands, or Tenements respectively for or in respect whereof any such Allotment or Allotments shall be made, are now holden; and all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid, and who shall not enfranchise the same, or such Part thereof as shall be Copyhold of the said Manors of *East Ruston Vaux*, *East Ruston Burnells*, and *Marshalls*, in *East Ruston*, or any or either of them, shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Steward or Stewards of the said Manor or Manors as the said Commissioners shall by their Award order and direct); but in case any Person or Persons to whom such Lands and Premises shall be allotted shall die without Admission within the said Six Calendar Months, then the customary Fine or Fines, and other Payments, shall be due and payable on the Admittance of the Person or Persons entitled to such Lands and Premises; and after every such first Admittance the Copyhold Land and Premises so to be allotted as aforesaid, shall at all Times thereafter be holden under and subject to the same Tenure, Fines, and other Payments as the present Copyhold Messuages, Cottages, Lands, or Tenements, in respect whereof such Lands and Premises shall be allotted, are now holden under and subject to; and the said Commissioners shall by their said Award determine, describe, and abut the Lands and Grounds respectively which

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

are

are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this Act (save and except such as shall be ascertained by the said Commissioners to be Copyhold or Leasehold), shall thenceforth be deemed, taken, and enjoyed, as Freehold Lands and Grounds, 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.

For allowing
Exchanges to
be made.

XXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *East Ruston*, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Coporate 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 with the Consent of the Guardians, Trustees, Feoffees, for Charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Coporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so made shall be good, valid, and effectual in 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 Lord Bishop of the Diocese, and the Patron of the Living in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate; provided also, that all Costs, Charges, and Expences attending the making of any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportion as the said Commissioners shall by their said Award order and direct.

Wills and
Settlements
not to be
affected.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, in, out of, upon, or affecting any of the Messuages, Buildings, Lands, and Grounds to be divided, allotted, or exchanged by virtue of this Act, or any Part thereof, but that every Proprietor shall stand and be seised and possessed 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, and for such and the same Estates, and subject to

to such and the same 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 Award to be made by the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been made.

XXX. And be it further enacted, That all the Costs, Charges, and Expences of inclosing and fencing the Lands which shall by virtue of this Act be allotted to any Lord or Lords of the said several Manors, or any of them, or to any other Person or Persons as Owner or Owners of the Soil of the said Commons and Waste Grounds, and to the Vicar in respect of the said Vicarage, and of inclosing the respective Allotments hereby directed to be made to the Trustees for the Poor of the said Parish of *East Ruston*, and the Surveyors of the Highways, as such Trustees and Surveyors, and all the Costs, Charges, and Expences 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 directed to be divided and allotted, and of preparing and inrolling the said Award, and the Copies thereof; and all the Charges and Expences of the said Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioners within the said Parish of *East Ruston*, and all other Expences of carrying the said recited Act and this Act into Execution, shall be borne, defrayed, and paid by the several Persons, and Body or Bodies Politic, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the Vicar of the said Vicarage for the Time being, for or in respect of any Allotment or Allotments which shall be made to him in Right of the said Vicarage, and also save and except the Trustees for the Poor of the said Parish of *East Ruston*, and the Surveyors of the Highways, for or in respect of any Allotments which shall be made to them respectively as such Trustees and Surveyors as aforesaid), in such Shares and Proportions, at such Time or Times, either before or after the Execution of the said Award, and to such Person or Persons as the said Commissioners shall direct or appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences, according to such Direction or Appointment as aforesaid, then and in such Case the same shall and may be recovered in the Manner directed in and by the said recited Act.

Directions
for defraying
the Expences
of this Act.

XXXI. Provided always, and be it further enacted, That so much of the Charges and Expences as shall become payable in respect of the Lands to be allotted unto and for the Lord Bishop of *Norwich*, and unto the Dean and Canons of *Windsor*, for or on account of any Messuages, Cottages, Lands, Tenements, and Hereditaments now holden under any Lease or Leases from him or them respectively, shall be borne, defrayed, and paid by his or their respective Lessees, and their respective Executors, Administrators, or Assigns.

Lessees, under the Lord Bishop of *Norwich* and the Dean and Canons of *Windsor*, to pay the Expences of their Allotments.

[*Loc. & Per.*]

X

XXXII. Provided

Directions
for charging
Copyhold
Lands with
Expences.

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

Commissioners
to lay
their Ac-
counts before
a Justice once
in every
Year.

XXXIII. And be it further enacted, That once at least in every Year during the Execution of this Act, such Year to be computed from the Day of the passing thereof, the said Commissioners shall and they are hereby required to make a just and true Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before some One or more of His Majesty's Justices of the Peace for the said County of *Norfolk*; to be by him or them examined and balanced; and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Statement or Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices: Provided always, that the said several 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 this and the said recited Act: Provided also, that if any of the Persons interested in the Lands and Grounds hereby directed to be divided and allotted, or any other Person or Persons, shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and passing this Act, and of carrying the same and the said recited Act into Execution, every such Person shall be repaid such Money, together with lawful Interest from the Time of advancing the same, out of the first Money that shall be raised for the defraying of such Expences under and by virtue of this Act.

Proprietors
and Agents
to pay their
own Ex-
pences.

For allowing
Interest on
Money ad-
vanced.

For inrolling
and deposit-
ing the
Award.

XXXIV. And be it further enacted, That within the Time which is by the said recited Act limited for the Inrolment of the Award thereby directed to be made by the said Commissioners, a true Copy of the said Award; written upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof; together with a proper Map or Plan thereto annexed; shall be delivered to the Clerk of the Peace for the said County of *Norfolk*; who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Guineas shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery of such Copy

Copy thereof, so signed and attested as aforesaid to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act; and the said Award and the said Copy thereof, or any other Copy thereof, or of any Part thereof, attested by the said Commissioners, or by the said Clerk of the Peace, or his Deputy, (for which Copy no more shall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words) shall from Time to Time and at all Times be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatsoever; and the original Award shall be deposited and kept in the Parish Church of *East Ruston*, or in such other Place as the said Commissioners shall appoint.

XXXV. And be it further enacted, That if any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, shall, think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act declared to be final and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein-before mentioned), then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned (in case the Appeal shall be made against any Act or Determination of the said Commissioners) Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices not interested in the Premises, at their said General Quarter Sessions, or at any future Sessions to which such Appeal may be adjourned, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in every such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

Appeal to
Quarter Sessions.

XXXVI. Provided always, and be it enacted, That nothing herein contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lords or Ladies of the Manors herein mentioned, or any of them, of, in, or to the Seignories or Royalties incident and belonging to the said Manors respectively; but that such Lords or Ladies of the said Manors for the Time being respectively shall and may at all Times hereafter hold and enjoy the same, and all Rents, Courts, Perquisites and Profits of Courts, Services, Franchises, Privileges, Mines, Waifs, Estrays, Deodands, Forfeitures, and all other Royalties, Rights, and Appurtenances, to such

Saving the
Rights of the
Lords of the
Manors.

Manors respectively incident or belonging (other than those which are intended to be compensated for, barred, or destroyed by this Act) in as full, ample, extensive, and beneficial a Manner as they respectively could or might have held and enjoyed the same in case this Act had not been passed.

General
Saving.

XXXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body and Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons, and Body or Bodies Politick, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act and of the said recited Act, for and in respect of such Rights or Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Estate, Right, Title, and Interest, as they, every, or any of them could or ought to have had and enjoyed of, in, to, or in respect of the Lands hereby directed to be divided and allotted, in case this Act had not been passed.

Declaring the
Act Publick.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN
Printers to the King's most Excellent Majesty. 1806.