



ANNO QUADRAGESIMO SEXTO

GEORGI III. REGIS.

Cap. 9.

An Act for inclosing Lands in the Parish of *Wy-*
mondham in the County of *Norfolk*.

[22d March 1806.]

WHEREAS there are within the Parish of *Wymondham*, in the County of *Norfolk*, certain Open Fields, Commons, and Waste Grounds: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord of the Manor of *Wymondham of the Queen*, and the Right Honourable Sir *Charles Morgan*, Baronet, is Lessee thereof; the Right Honourable *John Lord Wodehouse* is Lord of the Manor of *Downham Hall*; the Reverend *Henry Charles Hobart*, Clerk, is Lord of the several Manors of *Wymondham Grisfaugh*, *Wymondham Cromwells*, and *Rustens* in *Wymondham*; the Mayor, Sheriffs, Citizens, and Commonalty of the City of *Norwich*, are Lords of the Manor of *Choselies* in *Wymondham*; the Reverend *George Preston*, Clerk, is Lord of the Manor of *Stanfield Hall*; *Randall Burroughes*, Esquire, is Lord of the Manor of *Stalworthys* and *Burtfield Hall* in *Wymondham*; the Reverend *Robert Parr*, Clerk, is Lord of the Manor of *Wymondham Hethersett*; the Reverend *James Stoughton*, Clerk, is Lord of the Manor of *Wymondham Brockdish*; *William Jackson*, Esquire, is Lord of the several Manors of *Tbuxtons* and *Beechams*, and *Gunvilles* in *Wymondham*; and *John Beevor*, Doctor of Physick, is Lord of the Manor of *Wadkars* in *Wymondham*; 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 interessed in the Soil of the said Commons and Waste Grounds: And whereas the Right Reverend the Lord Bishop

Lords, &c.
of Manors.

[Loc. & Per.]

N n

Patron and
of Vicar.

of *Ely*, in Right of his Bishoprick, is entitled to the Rectorial or Great Tythes of and arising from the Lands and Grounds in the said Parish of *Wyndham*; and the said Lord Bishop is Patron of the Vicarage of *Wyndham* aforesaid, of which the Reverend *William Papillon*, Clerk, is Vicar, who, as such Vicar, is entitled to the Vicarage House, Small Tythes, and certain Glebe Lands within the said Parish: And whereas the said *John Lord Wodehouse*, *Henry Charles Hobart*, *George Preston*, *Randall Burroughes*, *William Jackson*, 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 *Wyndham*: 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 Acts*: And whereas it would be of great Benefit and Advantage to the several Proprietors of and Persons interested in the said Open Fields, Commons, and Waste Grounds, if the same were divided and inclosed, and specific Parts and Shares thereof assigned and allotted unto the several Persons interested therein, according and in Proportion to their several and respective Estates, Rights, and Interests; but 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 Untbank*, of the Hamlet of *Heigham* in the County of the City of *Norwich*, *Henry Bell* of *Wallington*, *John Dugmore* of *Swaffham*, *Joseph Muskett* of *Easton*, and *Anthony Atbill* of *East Dereham*, all in the County of *Norfolk*, Gentlemen; shall be; and they are hereby appointed Commissioners for setting out, dividing, and allotting the said Open Fields, 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 Open Fields, 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 Three 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.

The Lizard
Common not
to be inclosed.

II. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Commissioners to divide, allot, or inclose such Part of the said Commons and Waste Grounds called or known by the Name of *The Lizard*.

For appoint-
ing new Com-
missioners.

III. 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

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 being 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.

IV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, 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, Three Commissioners shall not attend, then and in such Case the Commissioner or Commissioners attending may adjourn such Meeting to such Time and Place within the said Parish of *Wymondham*, or within Eight Miles thereof, as he or they shall think most convenient, he or they giving Notice of such Adjournment to the absent Commissioners.

Notice of Commissioners Meetings.

One Commissioner may adjourn.

V. 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.

VI. And be it further enacted, That, in order to shorten the Boundary Fences between the said Parish of *Wymondham* 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 *Wymondham*, 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 *Wymondham*, 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 *Wymondham* and such adjoining Parish or Parishes; any Law, Usage, or Custom, to the contrary notwithstanding.

For shortening Boundary Fences.

VII. And

Limitation of
the Rights of
Common.

VII. And be it further enacted, That all Persons having Houses or Tenements within the said Parish of *Wyniondbam*, which have been erected Forty Years, and in respect of which a Right or Rights of Common upon the said Commons and Waste Grounds have been exercised during that Time without lawful Interruption, shall, on their preferring their respective Claims in the Manner prescribed in that Behalf, have and be deemed to have a Right or Rights of Common over and upon the same in respect of such Houses or Tenements; and 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.

Commission-
ers to settle
Differences.

VIII. 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.

Commission-
ers not to
determine
Titles.

Commission-
ers to assess
Costs.

IX. 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 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 over-ruled, 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

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.

X. 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 determined by the said Commissioners, at the then next or 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 Three Calendar Months 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 the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given 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 shown, 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.

Power allowing Parties to try their Rights by an Issue at Law.

Determination of Commissioners to be final, if not objected to, or no Action brought.

XI. 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,
 [Loc. & Per.] O o such

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

such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Disputes
about Titles
not to im-
pede the
Proceedings,
or the Exe-
cution of this
Act.

XII. 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 *Wyndham*, 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.

No Flags, &c.
to be cut,
without
Leave of the
Commission-
ers.

XIII. 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 Flags, Whins, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without the Licence of the said Commissioners 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 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
suspending
Rights of
Common be-
fore the
Award,

XIV. 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 *Wyndham* 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 extinguished, or the Exercise thereof 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.

XV. 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 *Wyndham*, which to the said Commissioners shall appear useles 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 also, that none of the present Roads or publick Highways, within the said Parish of *Wyndham*, 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.

Commissioners may stop up old Roads.

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

XVI. And be it further enacted, That the said Commissioners shall (after they have set out and appointed the publick Carriage Roads and Highways through, over, and upon the said Open Field Lands intended to be divided, allotted, and inclosed) assign, set out, and allot the said Open Field Lands unto and amongst the several Owners and Proprietors thereof, and all and every other Person or Persons, and Body or Bodies Politick, Corporate, or Collegiate, having any Right or Interest in, to, over, or upon the same or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of, and a full Satisfaction and Compensation to him, her, or them respectively, for his, her, or their respective Parts and Shares of and in such Lands, and his, her, or their respective Rights and Interests therein.

Allotment of the Open Fields.

XVII. And be it further enacted, That the said Commissioners shall (after they shall have set out and appointed the publick Carriage Roads and Highways through, over, and upon the Commons and Waste Grounds within the said Parish of *Wyndham*) 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; 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 for Right of Soil.

XVIII. And

Allotment for
the Poor.

XVIII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot, unto the Lords of the said Manors, and to the Vicar, Churchwardens, and Overseers of the Poor of the said Parish of *Wymondham*, such Part 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 Thirtieth Part of the said Commons and Waste Grounds; and such Allotment or Allotments, when set out, shall be vested in the Lords of the said Manors, and the Vicar, Churchwardens, and Overseers of the Poor of the said Parish of *Wymondham* for the Time being for ever, as Trustees for the Poor of the said Parish; and the said Trustees in whom the said Allotment or Allotments shall for the Time being be so vested, or the major Part of them, are hereby empowered and required from Time to Time, by Writing under their Hands and Seals, to lease or demise the said Allotment or Allotments to be vested in them to any Person or Persons whomsoever, for any Term or Number of Years, not exceeding Twenty-one Years at any one Time, to commence in Possession, and not in Reversion or by Way of future Interest; and so that in every such Lease there be reserved and made payable to the said Trustees for the Time being, or the major Part of them by Four equal Quarterly Payments in every Year, the best and most improved yearly Rent or Rents that can be reasonably had and obtained for the same, without taking any Income, Fine, or Premium, in consideration of granting such Lease or Leases; and so that in every such Lease there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations, and such Security for the Performance of the same, as the said Trustees or the major Part of them shall think most proper to be inserted therein; and the Rents and Profits arising from the said Allotment or Allotments shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed amongst such poor Inhabitants of *Wymondham* who shall be legally settled in the said Parish, whether they be Owners or Occupiers, in such Proportions and Quantities, in such Manner, at such Times in every Year, and according to such Rules and Regulations, as the said Trustees or the major Part of them shall appoint and prescribe for that Purpose, and not otherwise: Provided always, that in case the Rents and Profits for any such Allotment or Allotments shall at any Time be more than sufficient to answer the Purposes for which the same is or are hereby directed to be set out, then and so often it shall and may be lawful to and for the said Trustees for the Time being, or the major Part of them, to apply and dispose of the Overplus of such Rents and Profits for the Relief of the Poor, for whose Benefit such Allotment or Allotments shall be set out, in such Manner as the said Trustees or the major Part of them shall think proper: Provided also, 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 their respective Appointments at the Time of their acting by virtue thereof.

Direction for
the Application of the
overplus
Rents.

Lords of
Manor and
Vicar to act
by Proxy.

XIX. And

XIX. 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 *Wymondham*, 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 *Wymondham*, and their Tenants for the Time being for ever, in such Manner and under such Rules and Regulations as the said Commissioners shall in and by their Award direct and appoint.

Allotment for
publick Sand
and Gravel
Pits, &c.

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 Common, Right of Sheep Walk, 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 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, 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.

Allotment of
the Residue.

In case any
Person shall
sell his Com-
mon Right,
the Allotment
to be made
to the Pur-
chaser.

XXI. And be it further enacted, That, from and after the passing of this Act until the Execution of the said Award, the Open Fields hereby directed to be divided and allotted shall be subject and liable to such Directions and Regulations as the said Commissioners from Time to Time, by any Writing under their Hands, shall appoint, as well with regard to the stocking as to the ploughing, tilling, sowing, and laying down the same; and in the mean Time, and until such Direction or Directions shall be made, and in case any Difference or Dispute shall arise between any of the Parties interested or claiming to be interested in the said Open Fields, touching or concerning any Allowance for ploughing, sowing

Commissioners may direct
the Course of
Husbandry.

[*Loc. & Per.*]

P p

Turnips

Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Open Fields, or any Part thereof, the said Commissioners shall, on Complaint made to them, hear and determine every such Difference or Dispute; and it shall and may be lawful to and for the said Commissioners to order and direct such Sum or Sums of Money in respect thereof to be paid by any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, interested in the said Open Fields, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, in like Manner interested therein, or to his, her, or their Tenant or Tenants, as the said Commissioners shall think reasonable, not exceeding Five Pounds *per* Acre; and in case any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and 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 can or may be raised or levied.

For fencing
Allotments.

XXII. 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 Vicar of the Vicarage of *Wymondham* 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.

Tenant to
give up
allotted
Lands, on
Satisfaction
made.

XXIII. And be it further enacted, That every Tenant and Occupier, under any Lease or Agreement for any Term of Years of any Open Field which shall be allotted by virtue of this Act, shall, immediately after the Execution of the said Award, or within such future Time as the said Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose, give and resign up the full and peaceable Possession of such allotted Lands to the Person or Persons to whom the same shall be respectively allotted; but the Tenants or Occupiers of such allotted Lands shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person

or Persons entitled to receive the same, within Ten Days after Demand made thereof, it shall and may be lawful to and for the said Commissioners; and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised and levied.

XXIV. And be it further enacted, That in all Cases where an Allotment or Allotments of any Part or Parts of the said Commons and Waste Lands shall be made, for or in respect of the Right or Rights of Common belonging to any Messuages, Cottages, Lands, and Hereditaments within the said Parish, holden by any Tenant or Occupier for a Term of Years by virtue of any Lease or Agreement, and such Tenant or Occupier do not or shall not come to an Agreement with the Person or Persons to whom such Allotment or Allotments shall be made for the Use and Occupation thereof, such Tenant or Occupier shall not be entitled to enter upon, occupy, or hold the said Allotment or Allotments; but shall nevertheless have and receive, from the Owner or Owners thereof, such an Abatement from the yearly Rent or Rents reserved and made payable in and by such Lease or Agreement, for the Remainder of the Term or Terms then to come therein, as the said Commissioners shall adjudge to be a reasonable Compensation to him or her for the Right or Rights of Common which hath or have been accustomed to be used and exercised by such Tenant or Occupier, and which shall be extinguished by this Act.

Satisfaction to be made to Tenants of Estates who shall not agree to take the Allotment of Commons set out for their respective Farms.

XXV. 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, 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 Lands 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

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

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 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 so 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.

XXVI. 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 *Wyndham*, 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, 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 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, Females 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 Politick, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so made shall be good, valid, and effectual in 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.

XXVII. 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

Proprietor shall stand and be seized and possessed of the several Messuages, Buildings, Lands, and Grounds to be allotted to or exchanged with him or her as afore-said, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Messuages, Buildings, Lands, and Grounds whereof such Proprietor was seized 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.

XXVIII. 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 *Wyndham*, 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 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 *Wyndham*, 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 Politick, 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 *Wyndham*, 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 afore-said, and also save and except such Persons whose respective Property in Lands and Buildings shall not in the Judgement of the said Commissioners exceed the yearly Value of Five Pounds at the Time of making the said Allotments, or who shall not be possessed of Personal Property to the Amount of One hundred Pounds,) 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 afore-said, 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.

[Loc. & Per.]

29—R

XXIX. Provided

Directions
for charging
Copyhold
Lands with
Expences.

XXIX. 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.

Commission-
ers to lay
their Account
before a Justice
Once in every
Year.

XXX. 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 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 Expences.

For allowing
Interest on
Money ad-
vanced.

For inrolling
and depositing
the Award.

XXXI. 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

shall be paid; and the said Award shall, from and after the Delivery of such Copy thereof, so signed and attested as aforesaid, to the said Clerk of the Peace, be deemed and taken to be 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 Fourpence *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 *Wymondham*, or in such other Place, as the said Commissioners shall appoint.

XXXII. And be it further enacted, That the said Commissioners shall, and they are hereby required to make an Extract on Parchment, under their Hands, of so much of their said Award as relates to any Allotment or Allotments to be made to His Majesty, His Heirs and Successors, or to any other Rights or Interests of His Majesty, His Heirs and Successors, in the Lands and Grounds hereby directed to be divided, allotted, and inclosed; and also to make or cause to be made a Map or Plan of such Allotment or Allotments, and transmit the same to the Surveyor General of His Majesty's Land Revenue for the Time being, within One Calendar Month after the Execution of the said Award; and such Extract and Map or Plan shall, on the Receipt thereof, be by the said Surveyor General filed and preserved among the Muniments of his Office.

Commissioners to make an Extract of so much of their Award as relates to His Majesty's Allotment, and to transmit the same to the Land Revenue Office.

XXXIII. 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 interessed 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

Appeal to Quarter Sessions.

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.

Right to Tythes not to be prejudiced.

XXXIV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to prejudice, lessen, or defeat the Right, Title, or Interest of any Person or Persons whomsoever, in or to any Tythes arising, renewing, or increasing out of or payable in respect of any Lands, Tenements, or Hereditaments within the said Parish of *Wyndham*; but all such Tythes shall be payable and be paid at all Times hereafter, in such and the same Manner as they would have been in case this Act had not been made.

Saving the Rights of the Lords of the Manors.

XXXV. 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 Royalities 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 Royalities, Rights, and Appurtenances to such 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.

XXXVI. 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, 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 Publiick.

XXXVII. 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.