



ANNO QUINQUAGESIMO

GEORGI III. REGIS.

Cap. 67.

An Act for inclosing Lands in the Parishes of *Great Plumstead* and *Postwick*, in the County of *Norfolk*.
[18th April 1810.]

WHEREAS there are within the Parishes of *Great Plumstead* and *Postwick*, in the County of *Norfolk*, certain open Fields, called or known by the Names of *The Great Field*, *The Hall Croft*, *Bulman's Croft*, and the *Hurne*; and there are also within the same Parishes certain Commons and Waste Grounds: And whereas the Right Honourable *Neil Earl of Rosebery* is Lord of the Manors of *Great Plumstead* and *Postwick* with *Craneleys*; and the Reverend *Thomas Vere Chute* is Lord of the Manor of *Thorpe* next *Norwich* with *Plumstead*; and the said *Neil Earl of Rosebery* and *Thomas Vere Chute* claim to be entitled to the Soil of the said Commons and Waste Grounds: And whereas the Dean and Chapter of the Cathedral Church of *Norwich* are entitled to the Improprate Rectory of *Great Plumstead*, and the said *Neil Earl of Rosebery* is Lessee of the Glebes, Tythes and the Rights thereto belonging, and the said *Neil Earl of Rosebery* is Patron of the Rectory of *Postwick*; of which *John Taylor*, Clerk, is the present Rector: And whereas the said *Neil Earl of Rosebery*, *Rosalmond Marker*, *Francis Gostling Esquire*, and other Persons, are the Owners and Proprietors of the Messuages, Cottages, Lands and Tenements within the

[Loc. & Per.]

Act 41. G. 3.
respecting
Inclosures.

Commons
and Waste
Grounds.

Appointment
of Commis-
sioners.

said Parishes of *Great Plumstead* and *Postwick*; And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Open Fields, Commons and Waste Grounds are subject to certain Rights of Sheepwalk, Shackage and Common; and the said Commons and Waste Grounds, in their present State and Condition, yield very little Profit to the Persons interested therein, and the said Open Fields are inconveniently situated for the respective Owners and Proprietors thereof; and it would be greatly advantageous to the several Persons interested in the Premises, if the said Rights of Sheepwalk, Shackage and Common were extinguished, and if the said open Fields, Commons and waste Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons interested therein, according to their respective Shares, Estates, Rights and Interests, in, over or upon the same: But as these Objects cannot be attained 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 *Henry Bell* of *Wallington* near *Lynn*, in the County of *Norfolk*, Esquire, *Gardiner Chapman* of the Precinct of the Cathedral Church of *Norwich*, Gentleman, and *William Unthbank* of *Heigham*, in the County of the City of *Norwich*, Gentleman, and their Successors, to be appointed in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting and inclosing the said open Fields, Commons and waste Grounds, and for carrying this Act and the said recited Act into Execution, (except such Parts of the said recited Act as are hereby varied or altered); and that all Acts, Matters and Things authorized or necessary to be done and executed by the said Commissioners in pursuance of this Act and the said recited Act, may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters and Things had been done and executed by all the Commissioners herein named or to be appointed in Manner herein mentioned.

For appoint-
ing new
Commis-
sioners.

II. And be it further enacted, That if any of the Commissioners herein named or to be appointed by virtue of this Act, shall, before the Execution of all the Powers and Authorities hereby vested in them, die or refuse or become incapable to act in the Execution of this Act, then and in every such Case, if such Commissioner so dying or refusing or becoming incapable to act shall be the said *Henry Bell*, or any Commissioner to be appointed in his stead, as hereinafter mentioned, it shall and may be lawful to and for the surviving or remaining Commissioners, and they are hereby authorized and required, at any Time within Twenty-eight Days next after such Death, Refusal or Incapacity shall be known to them, by Writing under their Hands, to appoint any other Person to be a Commissioner in the Place of the said *Henry Bell*, or any Commissioner to be appointed in his stead; and in Case such Commissioner so dying or refusing or becoming incapable to act shall be the said *Gardiner Chapman*, or any Commissioner to be appointed in his stead, as hereinafter mentioned, it shall and may be lawful to and for the Lord of the said

said Manors of *Great Plumstead* and *Postwick* with *Craneleys*, for the Time being, by Writing under his Hand and Seal, to nominate and appoint any other Person to be a Commissioner in the Place of the said *Gardiner Chapman*, or any Commissioner to be appointed in his stead; and in Case such Commissioner so dying or refusing or becoming incapable to act shall be the said *William Unthbank*, or any Commissioner to be appointed in his stead, as hereinafter mentioned, it shall and may be lawful for the major Part in Value of the Proprietors of Estates in the said Parishes of *Great Plumstead* and *Postwick*, (exclusive of the Lord of the said Manors of *Great Plumstead* and *Postwick* with *Craneleys*, for the Time being, and the Owner or Owners for the Time being of the Messuages, Lands, Tenements and Hereditaments in the said Parishes, now belonging to him in respect of the same), to elect, nominate and appoint, by Writing under their Hands, any other Person to be a Commissioner in the Place of the said *William Unthbank*, or any Commissioner to be appointed in his stead; and it is hereby declared, that for the Purpose of such Election, Nomination and Appointment, the surviving or remaining Commissioners or Commissioner shall, by Writing under their or his Hands or Hand, within Twenty-eight Days next after such last-mentioned Death, Refusal or Incapacity shall be known to them or him, appoint a Meeting of the said Proprietors to be held in the Vestry of the Parish Church of *Great Plumstead* aforesaid; and that Notice of such Meeting shall be given by the said Commissioners in the same Manner as other Notices are required to be given in and by this Act.

III. Provided always, and be it further enacted, That in case such surviving or remaining Commissioners shall neglect or refuse to nominate and appoint a Commissioner or Commissioners in the Place of the said *Henry Bell*, or any Commissioner to be appointed in his stead, in Manner as hereinbefore directed and authorized, then and in every such Case it shall and may be lawful for the Lord of the said Manors of *Great Plumstead* and *Postwick* with *Craneleys*, for the Time being, and the Lord of the said Manor of *Thorpe* next *Norwich* with *Plumstead*, for the Time being, and he and they is and are hereby required at any Time after the Expiration of the said Twenty-eight Days, by Writing under their respective Hands and Seals, alternately to appoint any other Person to be a Commissioner in the Place of the said *Henry Bell*, or any Commissioner to be chosen in his stead as aforesaid, as often as the Case shall happen; and in Case the Lord of the said Manors of *Great Plumstead* and *Postwick* with *Craneleys*, or the said other Proprietors, as the Case may be, shall neglect or refuse to appoint another Commissioner in the Place and stead of the said *Gardiner Chapman* or *William Unthbank*, or any Commissioner or Commissioners to be appointed in their stead as aforesaid, then and in every such Case it shall and may be lawful for the surviving or remaining Commissioners, and they are hereby required, at any Time after such last-mentioned Neglect or Refusal shall be known to them, by Writing under their Hands and Seals, to appoint any other Person or Persons to be a Commissioner or Commissioners in the Place of the said *Gardiner Chapman* or *William Unthbank*, or their Successors, to be appointed as aforesaid, and so *toties quoties*, as often as Occasion shall require; provided that no Person interested in the said intended Division and Inclosure shall be capable of being appointed a Commissioner; and every Commissioner

In case the Commissioners shall neglect to appoint Commissioners, Lords of Manors, &c. to do it.

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to be appointed shall, after taking the Oath prescribed in that Behalf, have the like Powers and Authorities for carrying this Act and the said recited Act into Execution, in all respects as if he had been originally named and appointed a Commissioner in and by this Act.

Notice of Meetings.

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 and the said recited Act, to be inserted in some Newspaper published in the City of *Norwich*, Eight Days at least before every such Meeting, (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners it shall happen that no more than One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners; Provided always, that all Meetings of the said Commissioners, in pursuance of this Act, or the said recited Act, shall be held within One of the said Parishes of *Great Plumstead* or *Postwick*, or within Eight Miles thereof.

Other Notices how to be given.

V. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, in pursuance of this Act, or the said recited Act, for any Purpose whatever, (except such Notices as are in and by this Act authorized or particularly directed to be given in any other Manner), shall be so made and given by Advertisement in some Newspaper published in the said City of *Norwich*, and by Writing to be affixed upon the Principal Doors of the Parish Churches of *Great Plumstead* and *Postwick* aforesaid; and all such Notices so given, shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Parties concerned, respecting all the Matters and Things to which such Notices respectively shall relate; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Commissioners to settle Differences.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective Shares, Rights and Interests which they or any of them shall claim to have of and in the Lands and Grounds hereby directed to be divided, allotted and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment and Inclosure, it shall and may be lawful to and 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 to assess Costs.

VII. And be it further enacted, That in Case the said Commissioners shall, upon the hearing and determining of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act, or in pursuance of this Act, or upon the hearing and determining of any Dispute or Difference as aforesaid, see Cause to award any Costs,

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 such Determination shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled, or against whom the said Commissioners shall have made any Determination as aforesaid; and in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, so neglecting or refusing to pay the same; rendering the Overplus (if any) upon Demand to the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; Provided, always, that Notice of the Objections to the Accounts or Claims by the said recited Act directed to be delivered to the said Commissioners as therein mentioned, shall also be delivered to such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Account or Accounts, Claim or Claims shall be so objected to, or his, her or their Agent or Agents, in such Manner, and at such Time or Times, as the said Commissioners shall direct or appoint for that purpose.

Objections to Claims to be delivered to Parties.

VIII. And be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Allotments, Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims, of any Rights of Soil, Sheepwalk, Shackage and Common, or of any other Rights or Interests, in, over and upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, to proceed to a Trial at Law, of the Matter so determined by the said Commissioners at the then next, or at the following Assizes, to be holden for the said County of *Norfolk*, and for that purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made, within One Calendar Month after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall name, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Ball, 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

Power to try Rights by an Issue at Law.

which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts, which shall be given in such Action or Actions, shall be final, binding and conclusive, upon all and every Person and Persons, Body and Bodies Politic, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, in case the said Court shall think proper, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, the same not being set aside by the Court, the said Commissioners shall, and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the event of such Trial or Trials.

Determinations of Commissioners not objected to, or after Trial, to be final.

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

If any of the Parties die Proceedings not to abate.

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

Provision in case Parties die before Actions brought.

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

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

XII. And be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of any such Parties (except in Cases of Encroachments made within the Period of Twenty Years as hereinafter mentioned); but in case the said Commissioners shall

shall be of opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up by or recovered from such Person or Persons by Ejectment or other due course of Law.

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 Politic, Corporate or Collegiate, in or to any Messuages, Lands or Tenements, in the said Parishes of *Great Plumstead* and *Postwick* respectively, such Suit or Suits shall not impede, delay or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act, but the said Division and Allotments shall be proceeded in notwithstanding such Suit or Suits; and the Allotment or Allotments to which any such Suit shall relate may be had or taken by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

Disputes about Titles not to impede the Proceedings, or delay the Execution of this Act.

XIV. 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 hereinafter mentioned shall be situate, and not interested in the Repair of such Road or Roads, Footpath or Footpaths) to stop up, divert or turn, and to direct to be discontinued any public Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands and Grounds in the said Parishes of *Great Plumstead* and *Postwick* or either of them, which to the said Commissioners shall appear to be useless or unnecessary: Provided always, that such Order so made by such Justices shall be subject to an Appeal to the Quarter Sessions in like Manner and under the same Forms and Restrictions as if the same had been originally made by such Justices as aforesaid.

Commissioners may stop old Roads.

XV. Provided also, and be it further enacted, That none of the present Roads in, over and upon the Lands and Grounds hereby directed to be divided and allotted; shall be shut up and discontinued until the said Commissioners shall have caused the public Roads to be set out in Manner directed by 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 are to be shut up until others are set out.

XVI. And be it further enacted, That all Encroachments which at any Time within Twenty Years before the passing of this Act, have been made upon the said Commons and waste Grounds hereby directed to be divided and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute shall arise touching any such Encroachment or Encroachments or the Extent thereof, such Dispute shall be finally determined by the said Commissioners.

Encroachments made on Commons, to be deemed part of Lands to be divided.

XVII. And be it further enacted, That the said Commissioners shall assign, set out and allot, unto the Surveyors of the Highways within the said Parishes of *Great Plumstead* and *Postwick*, such Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners

Allotment for public Watering Places and Pits.

Commissioners

missioners shall think necessary, not exceeding Four Acres in *Great Plumstead*, and One Acre in *Postwick*, as and for public Watering Places for Cattle, and as and for public Sand, Gravel, Clay, Chalk and Marl Pits, and the same Allotment or Allotments, when so set out shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates, within the said Parishes respectively, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the said Commissioners shall by their Award direct or appoint, and not otherwise.

Allotment to the Proprietors of Lands in *Great Plumstead* for Marl Pits.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners to assign, set out and allot to the Surveyors of the Highways within the Parish of *Great Plumstead* aforesaid, so much and such Part of the Commons and waste Grounds in the said Parish of *Postwick*, not exceeding One Acre, as they the said Commissioners shall think proper, as and for a Publick Marl Pit, and the said Allotment when set out shall for ever thereafter be used by the Proprietors of Lands and Estates in *Great Plumstead* aforesaid, and their Tenants for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall direct and appoint for that Purpose; provided that the said Commissioners shall assign, set out and allot to or for the Benefit of the Proprietors of Lands and Estates in *Postwick* aforesaid so much and such Parts of the Commons and Waste Grounds within the said Parish of *Great Plumstead* as they the said Commissioners shall determine to be an Equivalent and Compensation for the said Allotment directed to be made for a Marl Pit, and to be taken from the Commons and waste Grounds in *Postwick* as aforesaid.

Allotments for Right of Soil.

XIX. And be it further enacted, That the said Commissioners shall in the next place assign, set out and allot unto the Lord or Lords, Lady or Ladies, of the said Manors of *Great Plumstead*, and *Tborpe* next *Norwich* with *Plumstead*, or of any other Manor or Manors, being the Owner or Owners, of the Soil of the said Commons and waste Grounds in the said Parish of *Great Plumstead*, such Parts of the same Commons and waste Grounds, as in the Judgement of the said Commissioners shall be equal in Value to One-eighteenth Part of the said last-mentioned Commons and waste Grounds; and the said Commissioners shall also assign, set out and allot unto the Lord or Lords, Lady or Ladies of the said Manor of *Postwick*, with *Craneleys*, or of any other Manor or Manors, being the Owner or Owners of the Soil of the said Commons and Waste Grounds in the said Parish of *Postwick*, such Parts of the same Commons and waste Grounds as in the Judgement of the said Commissioners shall be equal in Value to One-eighteenth Part of the last-mentioned Commons and waste Grounds, which Allotments respectively shall be a full Recompence and Compensation for the Right in and to the Soil of the Commons and waste Grounds hereby directed to be divided and inclosed.

Allotment for the Poor.

XX. And be it further enacted, That the said Commissioners shall in the next Place assign, set out and allot unto the Lord of the said Manor of *Great Plumstead*, and the Churchwardens and Overseers of the Poor of the said Parish of *Great Plumstead*; so much and such Parts of the Commons and waste Grounds lying within the said Parish of *Great Plum-*

Plumstead as they the said Commissioners shall adjudge and deem to be equivalent to the average Value of Twenty Acres of the same Commons and waste Grounds, and the same Allotment shall from and after the Execution of the Award of the said Commissioners be vested in the Lord of the said Manor of *Great Plumstead*, and the Churchwardens and Overseers of the Poor of the said Parish of *Great Plumstead* for the Time being for ever, as Trustees for the Poor of the said Parish, and shall also assign, set out and allot, unto the Lord of the said Manor of *Postwick* with *Craneleys*, the Rector of the said Rectory of *Postwick*, and the Churchwardens and Overseers of the Poor of the said Parish of *Postwick*, so much and such Parts of the Commons and waste Grounds lying in the said Parish of *Postwick* as in the Judgement of the said Commissioners shall be equivalent to the average Value of Five Acres of the same Commons and waste Grounds, and the last-mentioned Allotment shall on the Execution of the Award of the said Commissioners be vested in the Lord or Lords of the said Manor of *Postwick* with *Craneleys*, the Rector of the said Rectory, and the Churchwardens and Overseers of the Poor of the said Parish of *Postwick*, for the Time being for ever, as Trustees for the Poor of the same Parish: Provided always that it shall and may be lawful for the Trustees of the said respective Allotments or the major Part of them, and they are hereby empowered from Time to Time, by Writing under their Hands and Seals, to lease and demise the same, or so much thereof as they shall think proper, to any Person or Persons whomsoever, for any Term or Terms of Years not exceeding Twenty-one Years, so as in every such Lease there be reserved and made payable to the Trustees of the Land thereby demised or the major Part of them by Two equal half-yearly Payments in the Year, the most improved yearly Rent or Rents that can be obtained for such Land, without taking any Income, Fine or Premium, in Consideration of granting such Lease or Leases, and that in all such Leases there be contained the usual Covenants, and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations as the said Trustees, or the major Part of them shall think proper to be inserted therein; and the Rents and Profits arising from the Allotment to be made to the Trustees for the Poor of the said Parish of *Great Plumstead*, or from so much thereof as shall be demised as aforesaid, shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed amongst the poor Inhabitants of the said Parish of *Great Plumstead* who shall be legally settled therein, and shall not occupy Lands, or Tenements, of more than the yearly Value of Five Pounds, in such Proportions and Quantities, at such Times in every Year, and according to such Rules and Orders as the said Trustees of the last-mentioned Allotment for the Time being or the major Part of them shall appoint and prescribe for that Purpose, and not otherwise; and so much of the said last-mentioned Allotment as shall not be leased or demised as aforesaid shall be held, used and appropriated by the same Trustees for the Purpose of cutting Fuel and Fodder, to be distributed amongst such Poor Inhabitants of the said Parish of *Great Plumstead* as are hereinbefore mentioned, in such Shares and Proportions, and according and subject to such Rules, Orders and Regulations, as the said Trustees for the Poor of the same Parish for the Time being or the major Part of them shall appoint and prescribe for that Purpose, and not otherwise; and the Rents and Profits arising from the Allotment to be made to the Trustees for the Poor of the said Parish of *Postwick*,

or from so much thereof as shall be demised as aforesaid, shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed among the Poor Inhabitants of the said Parish of *Postwick* who shall be legally settled therein, and shall not occupy Lands or Tenements of more than the yearly Value of Five Pounds, in such Proportions and Quantities and at such Times, in every Year, and according to such Rules and Orders as the Trustees for the last-mentioned Allotment for the Time being or the major Part of them shall appoint and prescribe for that Purpose, and not otherwise; and so much of the last-mentioned Allotment as shall not be leased or demised as aforesaid shall be held, used and appropriated by the same Trustees for the Purpose of cutting Fuel and Fodder, to be distributed among such Poor Inhabitants of the said Parish of *Postwick* as are hereinbefore-mentioned, in such Shares and Proportions, and according and subject to such Rules, Orders and Regulations, as the said Trustees for the Poor of the same Parish for the Time being 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 of the Allotments, to be made to the Trustees for the Poor of the said Parishes of *Great Plumstead* and *Postwick* respectively, or of the Part or Parts thereof, which shall be demised or leased as aforesaid, shall at any Time or Times be more than sufficient to answer the Purposes for which the same are hereby directed to be set out, then and so often it shall and may be lawful for the Trustees thereof 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 and Benefit of the Poor for whose Benefit such Allotments respectively 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 of *Great Plumstead* and *Postwick* with *Craneleys*, and the said Rector respectively for the Time being, to act in the Execution of the Trusts hereby reposed in them as aforesaid by their Agents or Proxies respectively to be appointed by Writing under their respective Hands.

Directions
for the appli-
cation of the
Overplus
Rents.

Lords of
Manors and
Rector to act
by Proxy.

Allotments in
lieu of Rights
of Sheep-
walk, &c.

XXI. And be it further enacted, That the said Commissioners shall in the next Place assign, set out and allot, unto the said *Neil* Earl of *Rosebery*, and all and every other Person or Persons entitled to any Right or Rights of Sheepwalk, Shackage or Feed for Sheep, in, over and upon the Lands and Grounds hereby directed to be divided and allotted, or any Part or Parts thereof, so much and such Parts of the said Lands and Grounds, as in the Judgement of the said Commissioners shall be equal in Value to and a full Compensation to him, her or them for the same Rights respectively: Provided always, that the Allotments to be made to the said *Neil* Earl of *Rosebery*, for and in respect of his Right of Sheepwalk, and Shackage, in, over and upon the open Fields hereby directed to be divided and inclosed, shall be situate in the same open Fields, or some or One of them.

Allotments to
Dwelling-
houses.

XXII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out and allot unto the several Owners and Proprietors of Messuages, Cottages, or Dwelling-houses, in the said Parishes of *Great Plumstead* and *Postwick* respectively, which have been erected and built Twenty-five Years at least before the passing of this Act,

Act, or built upon the Scite of any ancient Messuages, Cottages, or Dwelling-houses, that may have been burnt, dilapidated or pulled down, so much and such Part or Parts of the said Commons and waste Grounds in the said Parishes respectively, thereby directed to be divided, allotted and inclosed, as they the said Commissioners shall adjudge and determine to be equal to the average Value of One Acre of the said Commons and waste Grounds when inclosed, to and for each and every such Messuage, Cottage or Dwelling-house.

XXIII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out and allot, all and every the open Fields hereby directed to be divided, allotted and inclosed, unto and amongst the several Owners and Proprietors thereof; and all and every other Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, having any Right or Interest in, to, over or upon the same or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionable 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.

XXIV. And be it further enacted, That the said Commissioners shall then assign, set out, and allot all the Residue and Remainder of the Lands and Grounds, within the said Parishes of *Great Plumstead* and *Postwick* respectively, hereby directed to be divided, allotted and inclosed, unto and amongst all and every Person and Persons, and Body or Bodies Politic, Corporate, or Collegiate, being the Owners of or having any Rights of Common, or other Rights or Interests in, over or upon the same, or any Part thereof, in such Parts, Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Compensation and Satisfaction to him, her and them respectively, for his, her and their respective Rights of Common, or other Rights or Interests in, over or upon the said Lands and Grounds or any Part or Parts thereof: Provided always, that the Allotments to be made by the said Commissioners to the said *Neil Earl of Rosebery*, his Heirs or Assigns, under or by virtue of this Act or the said recited Act, shall adjoin to his old inclosed Lands and Grounds within the said Parishes of *Great Plumstead* and *Postwick* respectively.

Allotment of
the Residue.

XXV. And be it further enacted, That the respective Owners and Proprietors of Arable Lands and Grounds lying within the said Parishes of *Great Plumstead* and *Postwick* respectively, who shall deliver in their Accounts or Claims in Manner prescribed by the said recited Act, shall be deemed to be entitled 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 great and commonable Cattle *levant* and *couchant* upon their respective Lands and Grounds.

Proprietors
admitted to
have Rights
of Commons.

XXVI. And whereas the said *Neil Earl of Rosebery* is entitled to a Right of Sheepwalk or Shackage in, over, and upon certain old inclosed Lands and Grounds belonging to the said *Rosamond Marker*, and other Persons within the said Parish of *Great Plumstead*, and it would be of great Benefit and Advantage to the Owners of such Lands and Grounds

Compensa-
tion to be
made for a
certain Right
of Sheep-
walk.

if

if the said Right of Sheepwalk or Shackage were extinguished; Be it therefore enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Writing under their Hands, to ascertain, fix and determine the Value of such last-mentioned Right of Sheepwalk or Shackage, and also the Sums of Money which shall be paid by the respective Owners or Proprietors of the Lands and Grounds which are subject to the same, as an Equivalent, Satisfaction and Compensation for releasing, exonerating and discharging such Lands and Grounds from the said Right of Sheepwalk or Shackage; and such Sums of Money shall be paid to the said Commissioners at such Time and Place as they shall, by Writing under their Hands appoint, and shall be applied by them in Discharge of such Proportion of the Costs and Charges of obtaining and executing this Act, as the said *Neil Earl of Rosebery*, or such other Person or Persons as shall be entitled to the said Right of Sheepwalk or Shackage, shall be subject and liable to pay; and the Overplus of such Money, (if any), shall be paid by the said Commissioners to the said *Neil Earl of Rosebery*, or the Person or Persons aforesaid: Provided always, that if any Body Politick, Corporate or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or Trustee, for or on Behalf of any Infant, Lunatic, Feme Covert, or other *Cestuique* Trust, shall be entitled to receive the Overplus of such Money; or if the said Right of Sheepwalk or Shackage is or shall be limited in strict or other Settlement, such Overplus of the aforesaid Money shall be laid out and applied in such Manner as is prescribed and directed by the said recited Act: Provided also, that if any of the Owners or Proprietors of the Lands or Grounds which are subject to the said Right of Sheepwalk or Shackage shall neglect or refuse to pay the Sum or Sums of Money so to be ascertained, fixed, determined and appointed to be paid by the said Commissioners as aforesaid, or any Part thereof, then and in such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered and required to set out and allot to the said *Neil Earl of Rosebery*, or to the Person or Persons who shall be entitled to the said Right of Sheepwalk or Shackage, so much and such Parts of the Lands and Grounds of such Owners or Proprietors, subject to the said Right of Sheepwalk or Shackage, as shall, in the Judgement of the said Commissioners, be a full Equivalent, Satisfaction and Compensation for the said Right of Sheepwalk or Shackage in, over and upon the Lands and Grounds of the said Owners and Proprietors respectively: Provided also, that after the making of such Satisfaction and Compensation as aforesaid, all Right of Sheepwalk and Shackage in, over and upon the Lands and Grounds for which such Satisfaction and Compensation shall be made, shall cease, determine and be for ever extinguished.

Where
Persons sell
their Com-
mon Rights,
the Allot-
ments to be
made to the
Purchasers.

XXVII. Provided always, and be it further enacted, That if any Person or Persons (except the said Dean and Chapter, and the Rector of the said Rectory of *Postwick*) 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, to, over or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Person or Persons, then and in every such Case it shall and
may

may be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of the Land unto the Vendee or Purchaser mentioned in any such Sale, Contract or Agreement, or to his or her Heirs, Executors, Administrators or Assigns, for and in respect of such Rights, Interests and Property so sold or contracted, or agreed to be sold as aforesaid, and every such Vendee or Purchaser, or his or her Heirs, Executors, Administrators or Assigns shall, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her or them as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale, 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 Rights, Interest or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

XXVIII. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, all the Arable Lands hereby directed to be divided and allotted shall be subject and liable to such Directions and Regulations as the said Commissioners shall from Time to Time, by Writing under their Hands appoint, as well with regard to the stocking as to the ploughing, folding, tilling, sowing and laying down the same; and it shall be lawful for the said Commissioners to order and direct such Sum or Sums of Money, in respect thereof, to be paid by any Person or Persons interested in the said Arable Lands, or any Part thereof, or his, her or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his or their Tenant or Tenants, as they the said Commissioners shall think reasonable; and in Case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by 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.

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

[Loc. & Per.] 18 A be

Course of
Husbandry
prescribed.

No Turf or
Flage to be
cut without
leave of the
Commis-
sioners.

be levied as aforesaid shall be applied towards the defraying the Costs and Charges of obtaining and executing this Act.

For extinguishing or suspending Rights of Sheepwalk and Common.

XXX. 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 at any Time or Times before the Execution of their said Award, by Notice in Writing under their Hands, to be affixed upon the principal Doors of the Parish Churches of *Great Plumstead* and *Postwick* aforesaid, to order and direct the Rights of Sheepwalk, Shackage and Common, or any Part thereof respectively, or any other Rights whatsoever, in, over and upon the open Fields, Commons and waste Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Notice; and that all such Rights as the said Commissioners shall, by such Notice, order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Notice, cease, determine and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage or Custom to the contrary notwithstanding.

Leases to be void as to Allotments.

XXXI. And be it further enacted, That all Leases and Agreements for Leases at Rack or extended Rent, now subsisting, of any Messuages, Lands or Tenements within the said Parishes of *Great Plumstead* and *Postwick*, or either of them, as far as such Leases or Agreements affect or concern any Allotment or Allotments to be made of any Part of the said Commons and Waste Grounds, in respect of any such Messuages, Lands or Tenements comprized in such Leases or Agreements, shall be and the same are hereby declared null and void as to such Allotment or Allotments; and such Allotment or Allotments shall be made and assigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees, and shall be freed and discharged from all Right and Interest which may or otherwise might be claimed in or to the same, by virtue of such Leases or Agreements; and the Person or Persons to whom the Messuages, Lands or Tenements comprized in such Leases or Agreements shall belong, as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same, under such Leases or Agreements as the said Commissioners shall, by Writing under their Hands direct, for the Right of Common, or any other Right or Interest, 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, or the said recited Act; and if any Person or Persons shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto, on Demand, then and in such Case 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, or any Part thereof, can be raised or levied.

Tenants to give up allotted Lands, receiving Compensation.

XXXII. And be it further enacted, That every Tenant and Occupier, under any Lease or Agreement for any Term of Years at Rack or extended Rent, or otherwise, of any Lands, Tenements or Hereditaments, which shall be allotted by virtue of this Act, shall, immediately after

after the signing of the Award of the said Commissioners, or within such further Time as the said Commissioners shall appoint, deliver up the full and peaceable Possession of such allotted Lands, Tenements or Hereditaments to the Person or Persons to whom the same shall be allotted; but the Tenants or Occupiers of such allotted Lands, Tenements or Hereditaments, shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof, it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs and Charges of obtaining and executing this Act can or may be raised and levied.

XXXIII. 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 or Collegiate, (except the said Rector of the said Rectory for the Time being, in respect of any Allotments to be made to him in Right of the said Rectory, and except the Surveyors of the Highways within the said Parishes of *Great Plumstead* and *Postwick*, and the Trustees for the Poor of the same Parishes, for or in respect of the Allotments hereby directed to be made to them as aforesaid), within such Time and in such Manner as the said Commissioners shall, in and by their said Award, order, direct and appoint; and 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, Body or Bodies Politick, Corporate or Collegiate, as the said Commissioners shall by their said Award order and direct.

For fencing Allotments.

XXXIV. And be it further enacted, That if any Sheep shall be kept upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, during the Term of Seven Years, to be computed from the Date of the said Award, the Owner or Owners, Occupier or Occupiers, for the Time being, of the Allotment or Allotments upon which Sheep shall be kept as aforesaid, shall, during so long Time as any Sheep shall be kept thereon, effectually guard the Fences belonging or adjoining to such Allotment or Allotments, with Hurdles proper for such Purpose; and in Case any Person or Persons shall keep Sheep in any such Allotment or Allotments, without effectually guarding such Fences as aforesaid, it shall and may be lawful for the Owner or Occupier of any adjoining Allotment to enter into the Allotment wherein any such Sheep shall be kept as aforesaid; and to take, drive away and impound the same as often as the Case shall happen.

Fences of Lands upon which Sheep shall be kept to be guarded with Hurdles.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Messuages, Buildings, Lands, Tenements or Hereditaments whatsoever, within the said Parishes of *Great Plumstead* and *Postwick*, or either of them, in lieu of and in Exchange for any other Messuages, Buildings, Lands, Tenements or Hereditaments whatsoever, within the said Parishes, or either of them,

Exchanges may be made.

or

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 Messuages, Buildings, 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 Owner or Owners, Proprietor or Proprietors as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Femes Covert, Lunaticks, 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 or Seals of the Body or Bodies Politick, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever; Provided, nevertheless, that no Exchange shall be made of any Messuages, Buildings, Lands, Tenements or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Messuages, Buildings, Lands, Tenements or Hereditaments so to be exchanged shall lie and be situate: Provided also, that all the Costs, Charges, and Expences attending the making of any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall, by their said Award, order and direct.

Expences of Exchanges and Partitions how to be paid.

Allotments shall be of the same Tenure, as the Lands for which the same shall be allotted

XXXVI. And be it further enacted, That all the Lands and Grounds which shall be allotted to any Person or Persons by virtue of this Act, or the said recited Act, for or in respect of any Messuages, Buildings, Lands and 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 appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold, and shall be held as such, by and under the same Tenure, Rents, Payments, Fines, Customs and Services, as the Copyhold or Leasehold Messuages, Buildings, Lands or Tenements respectively, for or in respect whereof such Allotments shall be made are now held; and that all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid, shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Line or other Charge to the Lord or Lords, Lady or Ladies, or to the Seward or Stewards of the said Manor or Manors, (except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admittances

Admittances respectively, and such reasonable Fees to the respective Steward or Stewards of the said Manor or Manors, as the said Commissioners shall, by their said Award, order and direct); but in Case any Person or Persons to whom such Lands and Premises shall be allotted shall die without Admittance within the said Six Calendar Months, then the customary Fines and other Payments shall be due, and payable on the Admittance of the Person or Persons then entitled to such Lands and Premises; and after every such first Admittance as aforesaid, the Copyhold Premises so to be allotted as aforesaid, shall at all Times be held under the same Tenure, Fines and other Payments as the Copyhold Messuages, Cottages, Lands or Tenements, in respect whereof such Lands and Premises shall be allotted, are now held under and subject to; and the said Commissioners shall, by their said Award, and by the Map or Plan, if any, to be thereto annexed, determine, describe and abut the Lands and Grounds respectively, which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this Act, and the said recited Act, (except what shall be ascertained by the said Commissioners to be Copyhold or Leasehold), shall be from thenceforth deemed, taken and enjoyed as Freehold Lands and Grounds, subject, nevertheless, to such Free Rents and Services as are now payable thereout.

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

Wills and Settlements not to be affected.

XXXVIII. And be it further enacted, That the Costs, Charges and Expences of inclosing the Lands and Grounds which shall, by virtue of this Act, be allotted to the Rector of the said Rectory of *Postwick*, in respect of the said Rectory, and to the Surveyors of the Highways within the said Parishes of *Great Plumstead* and *Postwick*, and to the Trustees for the Poor of the said Parishes, and all the Costs, Charges and Expences, incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing and allotting the Lands and Grounds hereby directed to be divided, allotted and inclosed, and of preparing and enrolling the said Award, and of making Copies thereof, and all the Charges and Expences of the said Commissioners, their Assistants and Servants, and all other necessary Charges and Expences of the several Persons to be employed by the said

For paying Expences, &c.

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, and all other Expences of carrying this Act and the said recited 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 and of the said recited Act, (except the said Rector of the said Rectory of *Postwick* for the Time being, for and in respect of the Allotments which shall be made to him in Right of the said Rectory; and also except the Surveyors of the Highways within the said Parishes of *Great Plumstead* and *Postwick*, and the Trustees of the Poor of the same Parishes respectively for the Time being, for or in respect of the Allotments hereby directed to be made to them as aforesaid), in such Parts, Shares and Proportions, at such Time and Place, to such Person or Persons, and in such Manner and Form as the said Commissioners shall direct or appoint, and shall and may be recovered in Manner directed by the said recited Act.

Lessees of
Dean and
Chapter to
pay their
Proportion of
Expences.

XXXIX. Provided always, and be it enacted, That the Lessee of the said Dean and Chapter for the Time being shall bear and defray the Proportions of the Costs, Charges and Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, which shall be payable in respect of the Allotment or Allotments to be made for the Lands and Tenements demised to him by the said Dean and Chapter.

Directions
for charging
Copyhold
Lands.

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

Money ad-
vanced to be
repaid with
Interest.

XLI. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any other Person or Persons shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and executing this Act, and the said recited Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same: Provided also, that the several Proprietors, their Attornies, or Agents, attending the said Commissioners at any of their Meetings to be holden in pursuance of this Act, shall pay their own Expences.

Proprietors
to pay their
own Ex-
pences.

XLII. And

XLII. And be it further enacted, That the several Commissioners acting from Time to Time in the Execution of this Act, and the said recited Act, shall make out an Account, containing a true Statement of all Sums of Money by them received or expended, or due to them for their own Trouble or Expences; and that such Accounts shall, at least, once in every Year, from the Date of passing this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by some Justice of the Peace acting for the said County of *Norfolk*; and the Amount or Balance thereof shall be by such Justice stated in the Book of Accounts by the said recited Act required to be kept in the Office of the Clerk of the Commissioners as therein mentioned; and that no Charge or Items in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Justice.

Commissioners' Accounts to be examined yearly.

XLIII. And be it further enacted, That within the Time which is by the said recited Act limited for the inrolment of the Award, thereby directed to be made by the said Commissioners, a true Copy of the said Award written upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, with a Map or Plan thereto annexed, shall be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto, by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall from and after the Delivery of such Copy thereof, so signed and attested as aforesaid, to the said Clerk of the Peace, be deemed and taken to be 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 a 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: Provided also, that the said Commissioners shall execute two Parts of the Award directed to be made by the said recited Act, and that One Part thereof shall be deposited and kept in the Parish Church of *Great Plumstead* aforesaid, and the other Part thereof shall be delivered to the said *Neil Earl of Rosebery*, his Heirs or Assigns.

For inrolling and depositing the Award.

XLIV. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself or themselves aggrieved by any Thing done in pursuance of this or the said recited Act, (other than and except such Orders and Determinations of the said Commissioners as are herein and therein declared to be final and conclusive, and except in such cases where an Issue at Law shall be tried as hereinbefore 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

Allowing an Appeal.

Fourteen

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 or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party, or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at Westminster or elsewhere: but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

General Saving.

XLV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politic, Corporate or Collegiate, his, her and their Heirs, Successors, Executors and Administrators, all such Right, Title and Interest (other than and except such as is, and are meant and intended to be barred, destroyed and extinguished by this Act or by the said recited Act,) as they, every or any of them, could or ought to have had and enjoyed, of, in, to or in respect of the Lands and Grounds hereby directed to be divided, allotted and inclosed, in case this Act had not been made.

Allowing this Act to be given in evidence when printed.

XLVI. 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. 1810.