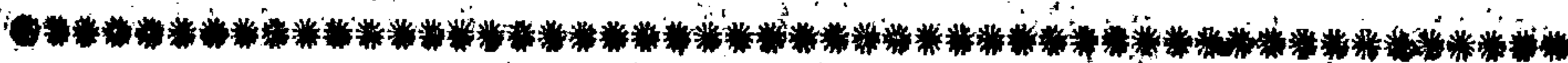




ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.



## Cap. 139.

An Act for allotting Lands in the Parishes of *Wells next the Sea, Warham All Saints, Warham, Saint Mary Magdalen, and Warham Saint Mary the Virgin, in the County of Norfolk.* [31st May 1811.]

**W**HEREAS there is within the Parish of *Wells next the Sea*, in the County of *Norfolk*, a certain large Tract of Common or Waste Ground, called *The Heath*, and a certain Parcel of Commonable Land situated near the Church in *Wells next the Sea* aforesaid, called *The Common Marsh, or The Church Marsh*, containing about Fourteen Acres; and there are also in the same Parish divers Inclosures and Parcels of Whole Year, Arable, Meadow and Pasture Land; and there are in the Parishes of *Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, in the said County of *Norfolk*, divers Whole Year, Arable, Meadow and Pasture Lands, and also sundry Pieces and Parcels of Half Year or Shack Land, and other Lands and Grounds, subject to Rights of Foldcourse, Sheepwalk and Shackage, and Common of Pasture or other Commonable Rights: And whereas *Thomas William Coke Esquire* is Lord of the several Manors of *Wells late the Dukes, Wells Normans, Warham Hales, and Warham Ducis*; *Osmund Clarke Esquire* is Lord of the Manor of *Wells next the Sea, late the Prior of Walsingham's*; and the Right Reverend *Henry Lord Bishop of Norwich* is Lord of the Manor of *Wells, late the Prior of Binham's*; and *Robert Harvey Esquire* is the Lessee of the last mentioned Manor; and the said *Thomas William Coke, Osmund Clarke*, and the said Lord Bishop of *Norwich* and his Lessee respectively,  
[Loc. & Per.] claim

claim to be entitled to the Soil of the Commons and Waste Grounds within the said respective Parishes: And whereas the Reverend *Valentine Hill* Clerk, is seised of or entitled to the Perpetual Advowson, Right of Patronage and Presentation of, in, and to the Rectory and Parish Church of *Wells next the Sea* aforesaid, and the said *Valentine Hill* is the present Rector and Incumbent of the said Rectory: And whereas the King's Most Excellent Majesty, in Right of His Crown, is seised of or entitled to the Perpetual Advowson, Right of Patronage and Presentation of, in, and to the Rectory of *Warham All Saints* aforesaid; and the Reverend *William Atkinson* is the present Rector and Incumbent of the said Rectory; and the said *Thomas William Coke* is seised of or entitled to the Perpetual Advowson, Right of Patronage and Presentation of, in, and to the Consolidated Rectories of *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* aforesaid, and the Reverend *Wenman Henry Langton*, Doctor in Divinity, is the present Rector and Incumbent of the last mentioned Rectories: And whereas the said *Thomas William Coke* and *Osmund Clarke*, and several other Persons, are respectively the Owners and Proprietors of all the Messuages, Lands and Tenements situated, lying and being within the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*: And whereas some Parts of the said Arable, Meadow and Pasture, and Half-year or Shack Lands, are intermixed and otherwise inconveniently situated for the respective Owners and Occupiers thereof, and the said Commons and Waste Grounds yield but little Profit, and are in their present State incapable of any considerable Improvement; and it would be very beneficial to the several Persons interested in the Premises, if all Rights of Foldcourse and Sheepwalk, Common of Pasture and Shackage, and other Commonable Rights in, over and upon the Lands and Grounds within the said Parishes respectively, were extinguished, upon a proper Compensation being made for the same, and if the said Arable, Meadow and Pasture Lands, Commons, Commonable Lands and Waste Grounds, were divided, and specific Parts or Shares thereof allotted to the several Persons entitled to and interested in the same, according to their respective Estates, Rights, and Interests: But such Extinguishment, Division, and Allotments, cannot be effectually made and established without the Aid and Authority of Parliament: 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*: 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 *John Dugmore*, of *Swaffham* in the County of *Norfolk*, Gentleman, and his Successor, to be elected in Manner herein-after mentioned, shall be, and he is hereby appointed a Commissioner for dividing and allotting the said Arable, Meadow and Pasture, and Half-year or Shack Lands, Commons, Commonable Lands and Waste Grounds, within the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*, and for carrying this Act and the said recited Act into Execution, subject to the Rules, Orders, and Directions herein contained, and also subject to the Powers and Provisions contained in the said recited

Commissioner.

recited Act, except where the same are altered, varied or otherwise provided for by this Act.

II. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend, to authorize or empower the said Commissioner or his Successor for the Time being, to embank, fence in, and inclose, or to cause or direct to be in any Manner embanked, fenced in, or inclosed, certain Lands within the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*, called respectively *The Salt Marshes* and *The Fresh Marshes*, or any Part thereof (save and except only as to the said Piece or Parcel of Commonable Land situated near the Church, in the Parish of *Wells next the Sea* aforesaid).

The Salt and Fresh Marshes in Wells and Warham not to be inclosed.

III. Provided also, and be it enacted, That nothing herein contained shall extend or be construed to extend, to authorize or empower the said Commissioner or his Successor for the Time being, to divide, allot, or inclose, a certain Parcel of Open and Waste Ground within the Town of *Wells next the Sea* aforesaid, called or known by the Name of *The Butlands*.

The Butlands in Wells not to be inclosed.

IV. And be it further enacted, That if the said *John Dugmore*, or any Commissioner to be appointed in Manner herein-after mentioned, shall die, refuse, or become incapable to act in the Execution of this and the said recited Act, before all the Powers and Authorities hereby and by the said recited Act vested in him or them shall be fully executed and performed, then and in every such Case it shall and may be lawful for the major Part in Value (according to the Land Tax Assessments) of the several Proprietors of Estates and Persons interested in the said intended Division and Allotments, who shall attend, by themselves, or their Agents or Attornies, at a Meeting to be held for that Purpose, at some Place within the said Parish of *Wells next the Sea* (of which Meeting Notice shall be given by Advertisement, signed by Three or more of the said Proprietors, or by the Clerk or Solicitor under the said Acts, and inserted in the Newspapers called *The Norfolk Chronicle* and *The Norwich Mercury*, or in some other Newspaper generally circulated within the said County of *Norfolk*, and to be affixed on the outer Doors of the Parish Churches within the said respective Parishes, Ten Days at the least before such Meeting shall be held), by any Instrument in Writing, signed by the major Part in Value of the said Proprietors, or Persons interested as aforesaid, or his, her, or their Attornies or Agents present at such Meeting, from Time to Time to appoint some other fit and proper Person (not being interested in the Premises) to be a Commissioner for the Purpose of carrying this and the said recited Act into Execution, in the Place of such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall take and subscribe the Oath or Affirmation prescribed in the said recited Act, and shall thereupon have the like Powers and Authorities in all Respects for carrying this and the said recited Act into Execution, and shall be subject to the same Rules, Orders, and Regulations, as if he had been appointed a Commissioner in and by this Act.

For appointing a new Commissioner.

V. Provided always, and be it further enacted, That in case any Difficulty respecting a Point or Points of Law shall arise touching and concerning any

Commissioner may appoint Assessor.

any Matter or Thing, to be done by the said *John Dugmore*, or his Successor, to be appointed in Manner herein-before mentioned, by virtue and in Execution of this and the said recited Act, it shall be lawful for the said *John Dugmore* and his Successor, from Time to Time, when and as often as he shall think fit, by Writing under his Hand, to appoint some proper Person, being a Barrister at Law, to be his Assessor, for the Purpose of advising him respecting such Point or Points of Law, and to allow to such Assessor, out of the Monies to be raised and received by him under and by virtue of this and the said recited Act, such Compensation for his Journies, Attendance, and Trouble, in and about the same, as he the said *John Dugmore*, or his Successor, shall judge to be reasonable.

Notice of Meetings.

VI. And be it further enacted, That the said Commissioner shall, and he is hereby required, to cause Notice of the Time and Place of his First and every other Meeting for the Execution of this Act, to be inserted in the said Newspapers, called *The Norfolk Chronicle*, and *The Norwich Mercury*, or in one of them, or in some other Newspaper generally circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and it shall and may be lawful for the said Commissioner, and if he shall not attend at such Meeting, then for the Solicitor or Clerk to the said Commissioner, from Time to Time to adjourn such Meeting to such Time and Place within the said Parish of *Wells next the Sea*, or within Eight Miles thereof, as he shall think most convenient.

Other Notices how to be given.

VII. Provided always, That all other Notices necessary or requisite to be given by the said Commissioner in pursuance of this or the said recited Act, shall be given by Advertisement to be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper generally circulated within the said County of *Norfolk*.

Old Survey may be used.

VIII. And be it further enacted, That if any Map, Plan, Survey, and Admeasurement, of the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*, or any or either of them, shall be produced to the said Commissioner, and the same shall be in his Judgment and to his Satisfaction a just and true Map, Plan, Survey, and Admeasurement, and proper to be used for the Purpose of carrying this and the said recited Act into Execution, it shall be lawful for the said Commissioner to contract for and purchase the same, at or for such Sum of Money as he shall think reasonable, and such Purchase Money shall be considered as Part of the Costs, Charges, and Expences of executing this and the said recited Act, and shall be raised, levied, and paid accordingly; and after such Contract and Purchase, the said Commissioner, and the Surveyor to be appointed by him, are authorized and required to use any such Map, Plan, Survey, and Admeasurement, so contracted for and purchased as aforesaid, for the Purpose of carrying this and the said recited Act into Execution, without causing any new Map, Plan, Survey, and Admeasurement, to be made of the Lands and Tenements comprized therein.

For ascertaining Boundaries.

IX. And be it further enacted, That the said Commissioner shall, and he is hereby required, with all convenient Speed after the passing of this Act, to cause Notice of his Intention to perambulate the Boundaries of the said

said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin* respectively, to be inserted in the said *Norfolk Chronicle, or Norwich Mercury*, or in some other Newspaper generally circulated within the said County of *Norfolk*, Eight Days at least before the Time of such Perambulation; and at the Time specified in such Notice, he the said Commissioner is hereby authorized and required to perambulate, enquire into, ascertain, set out, determine, and fix the Boundaries of the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin* respectively; and after the said Boundaries shall be so ascertained, set out, determined, and fixed, the same shall and are hereby declared to be the Boundaries of the said several Parishes respectively; and the said Commissioner shall, within Forty Days after his ascertaining, and setting out the said Boundaries, cause a Description thereof to be inserted in the said *Norfolk Chronicle, or Norwich Mercury*, or in some other Newspaper generally circulated within the said County of *Norfolk*.

X. Provided always, That if any Person or Persons interested in the Determination of the said Commissioner respecting the said Boundaries, shall be dissatisfied with such Determination, such Person or Persons may appeal to the Justices of the Peace acting in and for the said County of *Norfolk*, at any General Quarter Session of the Peace to be held within Four Calendar Months next after the aforesaid Publication of the said Boundaries, the Party or Parties making such Appeal, giving Eight Days Notice in Writing of such Appeal, and of the Matter thereof, to the said Commissioner; and the Decision of the said Justices therein shall be final and conclusive, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Appeal to Sessions.

XI. And be it further enacted, That it shall be lawful for the said Commissioner (in case he shall deem it expedient or proper for the Purpose of shortening and making regular the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands lying in any adjoining Parish or Parishes), with the Consent in Writing under the Hand or Hands of the major Part in Value (according to the Land Tax Assessments), of the Land Owners in any Parish or Parishes adjoining to the Lands and Grounds hereby directed to be divided and allotted, and also under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in such adjoining Parish or Parishes, or under the Hands of the Owner or Owners of the Lands upon which such Fence or Fences shall or may be intended to be made, to set out, determine, and fix the Boundary between the Lands hereby directed to be divided and allotted, and the Lands in such adjoining Parish, or Parishes, in such Manner as he shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out and fixed as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioner shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, and such adjoining Parish or Parishes respectively; any Law, Usage, or Custom to the contrary notwithstanding.

For shortening Boundary Fences.

Objections to be delivered to the Parties whose Claims are objected to.

XII. And be it further enacted, That if any Person or Persons, or Body Politic, Corporate, or Collegiate, interested or claiming to be interested in the Premises, shall have any Objection or Objections to any Account or Claim delivered to the said Commissioner by virtue of this or the said recited Act, the Particulars of such Objection or Objections shall be reduced into Writing, and Two Parts thereof signed by the Party or Parties making the same, or by some Person or Persons on his, her, or their Behalf, and One Part thereof shall be delivered to the said Commissioner, and the other Part thereof shall be delivered to the Party or Parties to whose Claim or Account such Objection or Objections shall be made, or to his, her, or their Agent, or shall be left at the last or usual Place of Abode of such Party or Parties, or his, her, or their Agent, within such Time or Times as shall be appointed by the said Commissioner for that Purpose; and no such Objection shall afterwards be received, unless for some legal Disability, or special Cause to be allowed by the said Commissioner.

Respecting Encroachments.

XIII. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Heath, Commons, Commonable Lands, and Waste Grounds, shall be deemed Part thereof, and shall be divided and allotted accordingly, save and except in such Cases only where Encroachments have been made thereon with the Consent of the Lord or Lords, Lady or Ladies of any Manor or Manors, within the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, or any or either of them, and entered in the Court Books, or upon the Rolls of such Manor or Manors respectively; and in case any Dispute or Difference shall arise respecting any such Encroachments, or the Extent thereof, such Dispute or Difference shall be heard and determined by the said Commissioner.

Commissioner to settle Differences.

XIV. 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 respective Rights, Interests, Shares or Proportions, which they or any of them shall claim to have, of and in the Lands and Grounds hereby directed to be divided and allotted, or concerning any Timber, Wood, Underwood, Bushes, Thorns, Whins, or Furze, growing thereon, or concerning any Allowance claimed, or to be made for ploughing, sowing Turnips, or Corn, laying down with Grass Seeds, manuring or improving the said Lands and Grounds, or any Part thereof, or touching or concerning any other Matter or Thing whatsoever relating to the said Division and Allotments, it shall be lawful for the said Commissioner, and he is hereby required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Not to determine Titles.

Commissioner may assess Costs.

XV. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Objection to be delivered to him in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to

settle, assess, and award such Costs as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, whose Claim or Objection shall be thereby disallowed or over-ruled, or against whom the said Commissioner shall have determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioner, and he is hereby required, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) on 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.

XVI. 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 Commissioner concerning any Claim of or for any Rights of Soil, Sheepwalk, or Common, or other Commonable Rights or Interests in, over, or upon the Lands and Grounds within the said Parishes of *Wells next the Sea*, *Warham all Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*, or any or either of them, or concerning any Objection or Objections made to such Claim or Claims, then and in every such Case it shall be lawful for the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, so dissatisfied, to have the Matter of any such Claim or Objection tried at Law at the next or at the Second Assizes to be held 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 such Determination of the said Commissioner, shall cause an Action or Actions to be brought in One of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, 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 Commissioner shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is or are hereby required forthwith to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Declaration or Declarations, and plead and proceed to Issue thereon, whereby such Claim or Claims, Objection or Objections, and the Rights or Interests thereby insisted upon, may be tried and determined at the said First or Second Assizes, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, final and conclusive, 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 said Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained,

Parties may  
try their  
Rights by an  
Issue at Law.

and:

If no Action brought, or not proceeded in, Determination of Commissioner to be final.

If Parties die, Proceedings not to abate.

Provision in case of Death of Parties before Action brought.

Right of Possession not to be determined by Commissioner.

To prevent Turves, &c. being cut without Leave of the Commissioner.

and not set aside by the Court, the said Commissioner shall and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims, Objection or Objections, Right or Interest thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action shall be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner shall be final, binding, and conclusive, to all Intents and Purposes whatsoever: Provided also, that if any of the Parties in any such Action to be commenced as aforesaid, shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

XVII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politick, 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 Solicitor or Clerk to the said Commissioner 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.

XVIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any of such Parties, (except in Cases of Encroachments made within the Period of Twenty Years, as herein-before mentioned); but in case the Opinion of the said Commissioner shall be against the Rights of the Person or Persons so in Possession, he shall forbear to make any Determination thereon, until the Possession shall have been given up by, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

XIX. And be it further enacted, That it shall not be lawful for any Person, from and after the passing of this Act, to cut, dig, pare, grave, flay, or carry away any Turves, Turf, Flags, Whins, or Furze, in, upon, or from the said Heath, Commons, Commonable Lands and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, without the Licence in Writing of the said Commissioner first had and obtained for that Purpose, (which Licence the said Commissioner is hereby empowered to



to grant, under such Regulations and Restrictions as he 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 Turves, Turf, Flags, Whins or Furze, in, upon, or from the said Heath, Commons, Commonable Lands and Waste Grounds, or any Part thereof, without such Licence, or having obtained such Licence shall act contrary thereto, the said Commissioner or any Justice of the Peace acting in and for the said County, upon due Proof thereof made before the said Commissioner or Justice upon Oath, (which Oath the said Commissioner and Justice, or either of them, are and is hereby empowered to administer), shall and he is hereby required, by Warrant under his Hand and Seal 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 so offending in the Premises, rendering the Overplus (if any) on Demand; to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining this Act, and executing this and the said recited Act.

XX. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized, at any Time before the Execution of the Award to be made by him in pursuance of this and the said recited Act, by Notice in Writing under his Hand, to be affixed upon the principal outer Doors of the Churches within the said Parishes of *Wells next the Sea*, *Warham all Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* respectively, to order and direct all or any Rights of Sheepwalk, or of Common of Pasture, or other Commonable Rights whatsoever, in, over, and upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time or Times as shall be expressed in such Notice or Notices; and that all such Rights as the said Commissioner shall by such Notice order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time specified in such Notice, cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

For extinguishing or suspending Rights of Common before the Execution of the Award.

XXI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby required, upon Application in Writing made to him for that Purpose, to ascertain, order, and direct what Sum or Sums of Money shall be paid by any Person or Persons to whom any of the Lands and Grounds hereby directed to be divided and allotted shall be set out and awarded, or by his, her, or their Tenant or Tenants respectively, to any other Person or Persons, by way of Recompence and Satisfaction for the Benefit and Advantage accruing to the Person or Persons to whom such Lands and Grounds shall be allotted, or to his, her or their Tenant or Tenants respectively, by reason of any ploughing, manuring, claying, under-draining or improving of the same; and also what Sum or Sums of Money shall be paid by any Person or Persons interested in the said Division and Allotments, or his, her, or their Tenant or Tenants, to any other Person or Persons interested therein, or to his, her, or their Tenant or Tenants respectively, by way of Recompence and Satisfaction

Commissioner may make Satisfaction for improving and over-cropping Lands.

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for

for any Loss or Disadvantage which he, she, or they may sustain by reason of any over-cropping, over-sowing, or Usage of the said Lands and Grounds, or any Part thereof, contrary to the usual Course of Husbandry practised in the said County of *Norfolk*; and in case any Person who shall be directed to pay any such Sum or Sums of Money, shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioner, and he is hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by the same Ways and Means as the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act, can or may be raised and levied.

Commissioner  
to direct  
Course of  
Husbandry.

XXII. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, no Part of the Meadow or Pasture Lands hereby directed to be divided and allotted, shall be ploughed or converted into Tillage, without the Consent of the said Commissioner first had and obtained in Writing for that Purpose; and that all the Lands hereby directed to be divided and allotted, shall during that Time be used and managed in such Manner, and shall be subject to such Directions and Regulations as the said Commissioner shall from Time to Time, by Writing under his Hand, to be affixed upon the principal outer Doors of the Churches within the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* respectively, appoint, as well with regard to the stocking as to the ploughing, folding, manuring, tilling, sowing and laying down the same with Grass Seeds, and also as to the cutting of Thorns and Bushes thereon; and that it shall be lawful for the said Commissioner to order and direct such Sum or Sums of Money in respect thereof, to be paid by any Person interested in the said Lands and Grounds, or any Part thereof, or by his or her Tenants, to any other Person interested therein, or his or her Tenants, as the said Commissioner shall think reasonable; and in case any Person who shall be directed to pay any such Sum of Money shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioner, and he is 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 this Act, and executing this and the said recited Act, can or may be raised and levied; and if any Person shall act contrary to any such Directions and Regulations of the said Commissioner, he shall for every Offence forfeit and pay to the said Commissioner such Sum of Money not exceeding Five Pounds for every Acre of the said Lands and Grounds which shall be used or managed contrary to the said Directions and Regulations, as the said Commissioner or any Justice of the Peace acting in and for the said County shall order and direct, such Penalties or Forfeitures to be recovered, levied, and applied in the same Manner, and by the same Ways and Means, as any other Penalty or Forfeiture is by this Act directed to be recovered, levied, and applied.

Old Roads to  
be continued  
till new Roads  
are made.

XXIII. And be it further enacted, That none of the present publick Highways or Roads within the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* respectively, shall be shut up or discontinued until the Roads intended to be and remain publick Highways within the same Parishes respectively

tively shall be set out and properly formed, and made safe and convenient for the Passage of Horses, Cattle, and Carriages, according to the Directions of the said recited Act: Provided nevertheless, that such of the present publick Highways and Roads as shall be set out by the said Commissioner under or by virtue of the said recited Act and this Act, and directed to be and remain publick Roads, shall be put into good Repair by the same Ways and Means, and in the same Manner as if this and the said recited Act had not passed.

XXIV. And be it further enacted, That the said Commissioner shall assign, set out, and allot, unto the Surveyors of the Highways within the said Parishes of *Wells next the Sea*, *Warham all Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* respectively, for the Time being, such Parts of the Lands and Grounds within the same Parishes respectively hereby directed to be divided and allotted, as shall in the Judgement of the said Commissioner be proper and necessary for publick Watering Places for Cattle, and for publick Sand, Gravel, Clay, Stone, Marl, and Chalk Pits, to 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 Lord or Lords, Lady or Ladies of the said several Manors, the Rectors of the said several Rectories, and the Surveyors of the Highways for the Time being within the said several Parishes respectively, or the major Part of them, shall from Time to Time direct and appoint.

Allotments  
for publick  
Watering  
Places, and  
Sand and  
Gravel Pits.

XXV. And be it further enacted, That the said Commissioner shall assign, set out, and allot unto the Lords or Ladies of the several Manors within the said Parish of *Wells next the Sea*, and to the Rector, Churchwardens, and Overseers of the Poor of the same Parish for the Time being, and to their respective Successors for ever, as Trustees for the Poor of the same Parish, either together or in Two or more separate Allotments, so much and such Part or Parts of the said Tract of Land called *The Heath*, in *Wells next the Sea* aforesaid, for supplying the Poor of the same Parish with Fuel, as in the Judgement of the said Commissioner shall be reasonable and proper for that Purpose, and such Allotment or Allotments respectively, when so set out, shall be vested in the Lords or Ladies of such Manors, and in the Rector, Churchwardens, and Overseers of the Poor of the said Parish of *Wells next the Sea* for the Time being, for ever, upon the Trusts and for the Purposes herein-after mentioned; and such Allotment or Allotments, or any Part or Parts thereof, shall be inclosed, ditched, and fenced, and such Ditches and Fences shall be maintained and kept in Repair in such Manner and by such Person or Persons as the said Commissioner shall in and by his said Award direct and appoint; and the same, or any Part or Parts thereof, shall be ploughed and sown with Whin or Furze Seeds, at such Time or Times as the said Commissioner or the said Trustees, or the major Part of them, shall by Writing under his or their Hand or Hands order and direct; and the Whins or Furze coming, growing, and arising upon and from such Lands and Grounds as shall be so allotted for Fuel as aforesaid, shall be cut, taken, and used by such poor Inhabitants legally settled in the said Parish of *Wells next the Sea* aforesaid, who shall not occupy any Lands or Tenements within the same Parish of more than the yearly Value of Three Pounds, in such Quantities, in such Manner, at such

Allotments  
for Fuel for  
the Poor at  
Wells next  
the Sea.

such Time or Times in each and every Year, and under and subject to such Rules, Orders, and Regulations, as the said Trustees for the Time being, or the major Part of them, shall from Time to Time direct and appoint; or otherwise it shall and may be lawful for the said Trustees, or the major Part of them, for the Time being, if they in their Discretion shall deem it proper, to hold, use, and manage, or otherwise, by Writing under their Hands, to let and demise the said respective Allotment or Allotments, or any Part or Parts thereof, to any Person or Persons whomsoever, from Year to Year, or for any Term of Years not exceeding Twenty-one Years, in Possession and not in Reversion, or by Way of future Interest, for the best and most improved yearly Rent or Rents which can reasonably be had for the same, and under such Stipulations and Restrictions as to the ploughing, sowing, tilling, and using the same, as to the said Trustees or the major Part of them shall seem meet; and the Rents, Issues, and Profits thereof shall be from Time to Time taken and received by the said Trustees, or the major Part of them for the Time being, and applied and disposed of by them in the Purchase of Coals or other Articles for Fuel, which shall be given and distributed unto and amongst such poor Inhabitants, legally settled in the said Parish of *Wells next the Sea*, who shall not occupy any Lands or Tenements within the same Parish of more than the yearly Value of Three Pounds, at such Times, and in such Proportions, Manner, and Form, as the said Trustees for the Time being, or the major Part of them, shall from Time to Time direct and appoint, and not otherwise.

Surveyors and  
Poors Allot-  
ments to be  
free of paro-  
chial Charges.

XXVI. And be it further enacted, That the Allotments herein-before authorized and directed to be made to the Surveyors of the Highways, and the Trustees for the Poor of the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* respectively, shall, from and after the setting out of the same, be for ever thereafter freed, exonerated, and discharged of and from the Payment of all Parochial Taxes, Rates, Charges, Assessments, and Impositions whatsoever.

Lords of Ma-  
nors and Rec-  
tors may act  
by Proxy.

XXVII. And be it further enacted, That it shall and may be lawful for the said Lords or Ladies respectively of the said several Manors, and the Rectors of the said several Parishes respectively, to act in the Execution of the Trusts hereby reposed in them by his, her, or their Agents or Proxies respectively, such Agents or Proxies being appointed by Writing under the Hands of the Lords or Ladies of the aforesaid Manors, and the said Rectors respectively, and producing his or their Appointment or Appointments at the Time of his or their acting by virtue thereof.

Allotment for  
Right of Soil.

XXVIII. And be it further enacted, That the said Commissioner shall assign, set out, and allot unto the respective Lords and Ladies of the several Manors herein-before mentioned, or unto any other Person or Persons being Lord or Lords, Lady or Ladies of any Manor or Manors within the said several Parishes of *Wells next the Sea*, *Warham all Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*, or any or either of them, or to such of them as in the Judgement of the said Commissioner shall be entitled to the Soil of the said Heath, Commons, and Waste Grounds herein directed to be divided and allotted, or any Part thereof, such Part or Parts of the Lands and Grounds hereby directed to be divided  
and

and allotted, as in the Judgement of the said Commissioner shall be equal in Value to One-eighteenth Part of the said Heath, Commons, and Waste Grounds hereby directed to be divided and allotted, according and in Proportion to the several Parts, Shares, Rights, and Interests therein of such Lords and Ladies respectively; and such Allotment or Allotments shall be a full Compensation and Satisfaction to such Lords or Ladies respectively, for his, her, and their Right of, in, and to the Soil of the said Heath, Commons, and Waste Grounds.

XXIX. And be it further enacted, That the said Commissioner shall assign, set out, and allot unto the said *Thomas William Coke*, and to all and every other Person or Persons entitled to any Right or Rights of Sheepwalk, Foldcourse, Shackage, and Feed for Sheep, in, over, and upon any of the Lands and Grounds in the said respective Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, so much and such Parts and Parcels of the Lands and Grounds hereby directed to be divided and allotted, as shall in the Judgment of the said Commissioner be equal in Value to, and contain a full Recompence and Satisfaction for his, her, or their several and respective Right or Rights of Sheepwalk, Foldcourse, Shackage, and Feed for Sheep, in, over, and upon the Lands and Grounds in the said respective Parishes, or any Part or Parts thereof.

Allotment for  
Right of  
Sheepwalk.

XXX. And be it further enacted, That after the several Allotments herein-before mentioned shall have been set out in the Manner herein-before directed, the said Commissioner shall assign, set out, and allot all the Residue and Remainder of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst the several Owners and Proprietors thereof, and all and every Person and 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 Commissioner shall adjudge and determine to be proportionate to the Value of, and a full Compensation and Satisfaction to him, her, or them respectively, for his, her, or their respective Parts and Shares of such Lands and Grounds, and his, her, or their respective Rights and Interests therein (save and except as to the said Rights of Soil and of Sheepwalk, for which Compensation is herein-before provided and directed to be made).

Allotment of  
the Residue.

XXXI. And be it further enacted, That the Allotments herein-before directed to be made to the Surveyors of the Highways and Trustees for the Poor, and to the Rectors of the said several Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, in Right of their said Rectories respectively, shall be inclosed and fenced on the Outside thereof in such Manner as the said Commissioner shall direct, and the Expences thereof shall be paid by and out of the Monies to be raised and levied by the said Commissioner for defraying the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act; and such Fences when raised shall be maintained and kept in Repair by the said Surveyors, Trustees, and Rectors respectively for the Time being, in such Manner as the said Commissioner shall in and by his said Award, or any Writing under his Hand, direct and appoint.

For fencing  
Allotments to  
the Rectors,  
Surveyors,  
and Trustees  
for the Poor.

[Loc. & Per.]

33 A

XXXII. Pro-

If any Person  
sell his Com-  
mon Right,  
the Allotment  
to be made to  
the Purchaser.

XXXII. Provided always, That if any Person (except the said Rectors in respect of their said Rectories respectively) hath sold, or shall at any Time before the Execution of the said Award sell his or her Property, Right, or Interest in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby required, upon Notice in Writing delivered to him of any such Sale, to make an Allotment of Land to the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for or in respect of such Property, Right or Interest so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, 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 as the Vendor in such Sale might, could, or ought to have held and enjoyed the same, in case such Sale had not been made, or such Property, Right, or Interest had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Separate Al-  
lotments to  
be made for  
Estates held  
under differ-  
ent Titles.

XXXIII. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, or Tenements, within the said Parishes of *Wells next the Sea, Warham all Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin* respectively, shall hold the same by different Tenures for different Estates, in different Rights or under different Titles, the said Commissioner shall, upon the Request in Writing of any such Proprietor or Proprietors, ascertain and distinguish the Messuages, Lands, and Tenements held by each of such Tenures for each of such Estates, and under each of such Rights or Titles respectively, and shall accordingly in his said Award assign and set out distinct and several Allotments by distinct and several Descriptions, for such Messuages, Lands, or Tenements respectively, and shall in his said Award also declare in Right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioner, from Want of necessary Information, or any other Cause, shall have omitted to ascertain and distinguish such different Rights or Titles, Estates or Tenures, in his said Award, it shall be lawful for the said Commissioner, and he is hereby required, at any Time within Twelve Calendar Months after the Execution of his said Award, upon the Request in Writing of any Person or Persons interested in the Premises, to do all proper and necessary Acts for enabling him to ascertain and distinguish the same, in like Manner as he might or could have done if his said Award had not been executed; and when the said Commissioner shall have obtained sufficient Information in his Judgement for the Purposes aforesaid, he is hereby authorized and required, by any Deed or Instrument in Writing under his Hand and Seal, to ascertain and distinguish such Tenures, Estates, Rights, and Titles respectively, and to make distinct and several Allotments, in the same Manner as he is hereby required to do by his said Award; and every such Deed or Instrument shall have the same Force and Effect as if the Contents thereof had been inserted in the said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, or to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question, shall in the Opinion of the said Commissioner at the Time of such Delivery belong; and all the Charges and Expences occasioned in making such Ascertainment and Distinction, and of preparing and executing any such  
Deed

Deed or Instrument, or in anywise relating thereto, shall be paid by the Person or Persons making such Request as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person, and at such Time and Place as the said Commissioner shall direct and appoint; and in case the said Charges and Expences shall not be paid upon Demand thereof made, then the same shall and may be raised and levied in such Manner, and by such Ways and Means, as the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act, can or may be raised and levied.

XXXIV. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights and Interests of the several Persons entitled to and interested in the Lands and Grounds hereby directed to be divided and allotted, he shall cause the several Allotments proposed to be made by him, in lieu and in respect thereof, to be distinctly laid down and delineated upon a Map or Plan, and shall give Notice, in Manner aforesaid, of some convenient Time and Place when and where the several Persons interested therein may inspect and examine the said Map or Plan; and if any Person shall have any Objection or Objections to the proposed Allotments, he or she shall sign and deliver to the said Commissioner a Statement thereof in Writing, at or before such Meeting as shall be appointed by him for that Purpose; and the said Commissioner shall thereupon take the same into Consideration, and determine the Matter thereof.

Allotments to be marked on Plan, and shewn to Proprietors.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioner to assign, set out, allot, and award any Messuages, Cottages, Buildings, Lands, Tenements, or Hereditaments whatsoever, within the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, or either of them, in lieu of or in Exchange for any other Messuages, Cottages, Tenements, Buildings, Lands, or Hereditaments within the said Parishes, or either of them, or within any adjoining Parish, Township, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared, in the Award of the said Commissioner, and be made with the Consent of the Proprietor or Proprietors of the Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be so exchanged, whether such 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 in Fee Tail General or Special, or for Life, 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 Proprietor or Proprietors, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Idiots, 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 Exchange and Exchanges so made shall be good, valid, and effectual in 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,

Power to make Exchanges.

Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Lord Bishop of the Diocese in which such Messuages, Buildings, Lands, Tenements, or Hereditaments shall be situated, and of the Patron of such Church, Chapel, or other Ecclesiastical Benefice: Provided also, that all the Costs, Charges, and Expences incurred in and about any such Exchanges, shall be borne and paid by the Party or Parties making the same, in such Manner and in such Proportions as the said Commissioner shall by his said Award order and direct, and may be raised and levied in the same Manner as the Costs and Charges of obtaining this Act, and of executing this and the said recited Act, can or may be raised and levied.

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

XXXVI. And be it further enacted, That all the Lands and Grounds which shall be allotted by virtue of this or the said recited Act, for or in respect of any Messuages, Buildings, Lands, or Tenements held of any Manor or Manors by Verge or Copy of Court Roll, or for or in respect of any Leasehold Messuages, Buildings, Lands, or Tenements, or for or in respect of any Rights of Sheepwalk, Common, or other Right or Interest appurtenant or appendant to such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be held by and under the same Tenure, and subject to the same Rents, Fines, Payments, Customs, and Services, as the Copyhold or Leasehold Messuages, Buildings, Lands, or Tenements respectively, for which, or in respect whereof such Allotments shall be made, are now held; and that all and every Person and Persons to whom such Copyhold Lands and Grounds 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 such 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 Commissioner shall by his said Award order and direct to be paid on such Admissions respectively); but in case any Person or Persons to whom such Copyhold Lands and Grounds shall be allotted, shall not have been admitted to the Copyhold Messuages, Buildings, Lands, or Tenements, in lieu or in respect whereof such Allotment or Allotments shall be made, or shall die without having been admitted to the said Copyhold Allotment or Allotments, then the customary Fines and other Payments shall be due and payable on the first Admission of the Person or Persons entitled to such Lands so allotted as last aforesaid; and after every such first Admission, the said Copyhold Lands and Grounds so to be allotted as aforesaid, shall be held by all and every Person and Persons entitled thereto, under and subject to the same Tenure, Fines, Payments, Customs, and Services, as the Copyhold Messuages, Buildings, Lands, or Tenements, in lieu or in respect whereof such Lands and Grounds were allotted, are now held under and subject to; and the said Commissioner is hereby required by his said Award to ascertain, determine, describe, and abut all the Messuages, Buildings, Lands, and Grounds, within the said Parishes of *Wells next the Sea*, *Warbam All Saints*, *Warbam Saint Mary Magdalen*, and *Warbam Saint Mary the Virgin*, which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this or the said recited Act, which shall not be so ascertained by the said Commissioner to be Copyhold or Leasehold, shall be deemed,



taken and enjoyed as Freehold, subject nevertheless to such free Rents, Payments and Services, as are now due and payable out of the respective Messuages, Buildings, Lands and Tenements, for or in lieu or in respect whereof the same shall be allotted as aforesaid.

XXXVII. Provided always, That nothing in this Act contained shall extend, or be construed to extend to revoke, make void, alter, or annul any Will, Settlement, or Surrender, 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 Messuages, Buildings, Lands, or Tenements, in the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin* respectively, or in any adjoining Parish or Parishes, which shall be allotted or exchanged by virtue of this or the said recited Act; but that each and every Proprietor shall stand and be seised of the 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, Deeds, Settlements, Surrenders, Charges, Debts, and Incumbrances, and no other, as the Messuages, Buildings, Lands, and Tenements, whereof such Proprietor or Proprietors was or were seised or possessed at or immediately before the Execution of the said Award, or for which, or in respect whereof such Lands and Grounds shall be allotted or exchanged, 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 no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act (whereon any new Fence shall be raised) during the Space of Seven Years next after the Execution of the said Award, unless the Person keeping the same shall first at his or her own Expence, make and maintain a sufficient Fence to guard and protect the new Fences of such Allotments from being hurt or damaged by such Sheep or Lambs, (whether such Fences be made or planted by the Owner or Occupier of such Allotment or Allotments, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and in case any Person or Persons shall keep any Sheep or Lambs in any such Allotment or Allotments without raising and maintaining such Fences as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Allotments, to enter upon the Allotment or Allotments where such Sheep or Lambs shall be kept; and to take, drive away, and impound the same.

Fences to be made where Sheep are kept in new Inclosures.

XXXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to determine or make void any Lease or Agreement for a Lease at Rack or Extended Rent now subsisting, or which respects all or any Part of the Messuages, Buildings, Lands, or Tenements, within the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, or any or either of them, either alone or jointly with any other Messuages, Lands, or Tenements, in any adjoining Parishes or Places save and except as to a certain Lease granted by the said *Thomas William Coke* to *Edward Waller*, as herein-after mentioned; and save and except only so far as the same Leases or Agreements respect any Lands and Grounds within the said Parishes of *Wells next the Sea, Warham All Saints,*

Leases and Agreements at Rack Rent not to be void.

[Loc. & Per.]

33 B

Warham

*Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin, or any or either of them, which shall be allotted to or exchanged with any other Person or Persons than the Proprietor or Proprietors thereof at the Time of making such Allotments; but the Tenant or Tenants under such Leases or Agreements respectively, shall within such Time as shall be appointed for that Purpose by the said Commissioner, relinquish and give up the Possession of all such Lands and Grounds in his, her, or their Occupation, as shall be allotted to or exchanged with any other Person or Persons than the former Proprietor or Proprietors thereof, to the Person or Persons to or with whom the same shall be so allotted or exchanged; and such Tenant or Tenants shall also accept and take all such Lands and Grounds as shall be allotted to or exchanged with his, her, or their Landlord or Landlords, for or in lieu, or in respect of all or any of the Lands and Grounds then held or occupied by him, her or them, under such Leases or Agreements respectively, and hold and occupy the same for and during the then Residue of the Term or Terms of Years granted or agreed to be granted by the said Leases or Agreements, subject to the same Covenants, Agreements, Stipulations, Provisoos, and Conditions, as are mentioned in such Leases or Agreements respectively, or to such further or other Covenants or Agreements, in regard to any Allotment or Allotments of the said Heath, Commons, Commonable Lands, and Waste Grounds, which may be made in respect of any of the said Messuages, Buildings, Lands or Tenements, as the said Commissioner shall by his said Award, or by any Writing or Writings under his Hand direct and appoint; and the said Commissioner shall ascertain, order, and direct, what Sum or Sums of Money shall be paid by any such Tenant or Tenants, to his, her or their Landlord or Landlords, by way of Increase of Rent, for any Addition which may be made in the Quantity, or Benefit, or Advantage in the Quality of the Lands and Grounds set out and allotted for, or in lieu, or in respect of the Lands held or occupied by such Tenant or Tenants respectively, immediately before the making of such Allotments, or any Part thereof, and also what Sum or Sums of Money shall be paid by such Landlord or Landlords respectively to his, her, or their Tenant or Tenants, by way of Compensation and Satisfaction for any Loss or Disadvantage which such Tenant or Tenants may sustain, by reason of any Diminution in the Quantity, or Deterioration in the Quality of the Lands and Grounds allotted for, or in lieu, or in respect of the Lands then held or occupied by him, her, or them, or any Part thereof; such increased Rents to be paid in the same Manner, and recoverable by the like Ways and Means, as the original Rents payable under such Leases or Agreements respectively are thereby reserved and made payable, and as the same are thereby and by Law recoverable; and the Sum or Sums to be paid by such Landlord or Landlords as aforesaid, to be raised, levied, and recovered, for the Use of the Person or Persons entitled thereto, by the same Ways and Means as the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act, can or may be raised, levied, and recovered.*

Save only as  
to a certain  
Lease granted  
to Edward  
Waller.

XL. And whereas by a certain Indenture of Lease, bearing Date on or about the Twelfth Day of *October*, in the Year One thousand eight hundred and four, the said *Thomas William Goke* did grant and demise to the said *Edward Waller*, his Executors and Administrators, a certain Messuage, Farm, and Lands, situated in the Parish of *Holkham*, in the said County of *Norfolk*, and Parishes adjoining thereto; and also all that the said Right of *Sheepwalk*,

Sheepwalk, Foldcourse, Shackage and Feed for Sheep, of him the said *Thomas William Coke*, in, over, and upon the said Tract of Common called *The Heath*, in *Wells next the Sea* aforesaid, containing about Two hundred and forty-one Acres more or less, and such Right of Sheepwalk, Shackage, and Feed for Sheep, is hereby intended to be extinguished; be it therefore enacted, That upon and from the Execution of the said Award, or from such other Time as the said Commissioner shall in and by his said Award, or by any Writing under his Hand, direct and appoint, the said Indenture of Lease, so far only as the same respects the said Right of Sheepwalk, Foldcourse and Shackage for Sheep, and the Grant and Demise thereof contained in the same Indenture, shall cease and be void, and the said *Thomas William Coke*, his Heirs and Assigns, shall and will from thenceforth abate and allow, during the Remainder of the Term of Years granted by such Indenture, unto the said *Edward Waller*, his Executors or Administrators, out of the yearly Rent reserved and made payable by the same Indenture, such annual Sum of Money in lieu of, and in Compensation for the said Right of Sheepwalk, Foldcourse, Shackage and Feed for Sheep, as the said Commissioner shall deem reasonable and proper, and by his said Award, or by any Writing under his Hand, order and direct to be abated and allowed out of the said yearly Rent reserved by the said Indenture; and in all other Respects the said Indenture, and the Grant and Demise thereby made, and all the Covenants, Stipulations, Matters and Things therein contained, shall remain, continue, and be in full Force and Effect as if this Act had not been made.

XLI. And be it further enacted, That the Award to be made by the said Commissioner, according to the Directions of the said recited Act, shall be executed and published within the Space of Three Years from the passing of this Act, and that within Six Calendar Months after the same shall be so executed and published, the said Commissioner shall cause the same to be inrolled by or with the Clerk of the Peace for the County of *Norfolk*, to the End that Recourse may be had thereto, and that the same may be inspected and perused at all reasonable Times by any Person or Persons interested in the Premises, for such Inspection and Perusal, whereof the Sum of One Shilling and no more shall be paid; and after the said Inrolment, the said Award, together with a proper Map or Plan of the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* thereto annexed, shall be delivered to the said *Thomas William Coke*, or the Lord or Lady for the Time being of the said several Manors of *Wells late the Dukes*, *Wells Normans*, *Warham Hales* and *Warham Ducis*; and a true Copy or Extract of the said Award, so far as the same relates to or concerns the said Parish of *Wells next the Sea*, together with a proper Map or Plan of the same Parish thereto annexed, signed by the said Commissioner, shall be made and delivered to the Churchwardens of the said Parish of *Wells next the Sea*, and shall be deposited in a Chest to be provided by them in the Parish Church of *Wells next the Sea* aforesaid, with Two Locks and Two Keys, (One of which Keys shall be kept by the Rector of the Rectory of *Wells next the Sea* aforesaid,) there to be preserved and kept, to the End that all and every Person and Persons interested in the Premises may from Time to Time and at all reasonable Times have Recourse thereto, for the Purpose of inspecting the same, and taking Copies or Extracts of the same, or any Part thereof; and the said Clerk of the Peace and his Deputy for the Time being is and are hereby

Award to be inrolled and delivered, and Copy deposited in Wells Church.

required,

required, upon the Request of any Person or Persons interested or claiming to be interested in the Premises, to make and deliver to such Person or Persons requiring the same, a true Copy of the said Award, or any Part or Parts thereof, and to sign and certify the same to be a true Copy or Copies thereof, for which Copy and Copies no more shall be paid than Fourpence *per* Sheet, each Sheet containing Seventy-two Words; and the said Award, and the said Copy of so much thereof as relates to or concerns the said Parish of *Wells next the Sea*, signed by the said Commissioner as aforesaid, and such Copies or Extracts thereof as shall be made and attested by the said Clerk of the Peace or his Deputy in Manner aforesaid, to be true Copies or Extracts of the said Award, shall at all Times thereafter be admitted and allowed in all Courts whatsoever, as legal Evidence of the Matters and Things contained in such Copies or Extracts respectively; and the said Award, and the several Allotments, Partitions, Orders, Directions, Regulations, Matters and Things therein contained, shall, from and after the Execution thereof, be, and the same is and are hereby declared to be binding, final and conclusive, upon all and every Person and Persons interested in the Premises, and all Rights of Sheepwalk, and Common of Pasture and Shackage, and other Commonable Rights and Interests whatsoever, in, over and upon all the Lands and Grounds within the said several Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* respectively, shall, from and after the Execution of the said Award, cease, determine, and be for ever extinguished, and the said Lands and Grounds shall for ever thereafter be held and enjoyed in Severalty by the several Owners and Proprietors thereof.

Extract of  
Award to be  
made for His  
Majesty.

XLII. And be it further enacted, That the said Commissioner shall and he is hereby required to make an Extract on Parchment under his Hand of so much of the said Award as shall relate to the Allotment or Allotments made to the Rector of the Rectory of *Warham All Saints* aforesaid, in respect of his said Rectory, and a Map or Plan of such Allotment or Allotments, and transmit the same within One Calendar Month after the Execution of his said Award to the Commissioner of His Majesty's Woods, Forests, and Land Revenue, or to the Surveyor General of His Majesty's Land Revenue for the Time being, to be by them or him filed and kept amongst the Muniments of their or his Office.

XLIII. Provided always, and be it further enacted, That no Lease or Leases shall be made by virtue of the said recited Act, of any of the Lands and Grounds hereby directed to be divided and allotted, and which shall have been allotted to the Rector of *Warham All Saints* aforesaid for the Time being, in Right of the said Rectory, without the Consent of the King's Most Excellent Majesty, as Patron of the said Rectory, shall have been first had and obtained thereto.

Directions for  
defraying the  
Expences of  
this Act.

XLIV. And be it further enacted, That all the Costs, Charges and Expences incident to, and attending the obtaining and passing this Act; and of surveying, admeasuring, planning, and valuing the Messuages, Lands and Tenements within the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*, and of dividing and allotting the Lands and Grounds hereby or by the said recited Act authorized, directed or intended to be divided and allotted,

and the Costs, Charges and Expences of inclosing and fencing the Allotments which shall by virtue of this Act be made to the Rectors of the said Rectories of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin* respectively, in Right of their respective Rectories, and of inclosing and fencing the Allotments which shall be made to the Surveyors of the Highways, and Trustees for the Poor of the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin* respectively, and of forming and making the public Roads and Ways which shall be set out by the said Commissioner, and which are by this and the said recited Act directed to be first formed and made, and of preparing, inrolling and copying the said Award, and all the Charges and Expences of the said Commissioner, his Assistants and Servants, and other Persons employed by him in and about the Premises, and all other Expences of carrying this and the said recited Act into Execution, whether the same shall be incurred before or after the Execution of the said Award, shall be borne, defrayed and paid by the several Person and Persons, Body and Bodies Politic, Corporate and Collegiate, to whom any Allotment or Allotments shall be made by virtue of this or the said recited Act, (save and except the Surveyors of the Highways, and Trustees for the Poor in the said Parishes of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin*, for the Time being, in respect of any Allotment or Allotments which shall be made to them respectively, and also save and except the Rectors of the said Rectories of *Wells next the Sea, Warham All Saints, Warham Saint Mary Magdalen, and Warham Saint Mary the Virgin* respectively, in respect of any Allotments which shall be made to them in Right of their said Rectories respectively), in such Shares and Proportions as the said Commissioner shall in and by his said Award or by any Writing under his Hand, direct, order and appoint.

XLV. And be it further enacted, That when and so often as it shall be necessary to charge any Messuages, Cottages, Lands or Tenements, which shall be allotted or exchanged by virtue of this or the said recited Act, and which shall be ascertained and declared by the said Commissioner to be 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 passing this Act, and executing this and the said recited Act, then and in every such Case the said Copyhold Messuages, Cottages, Lands or Tenements, shall be surrendered to the Use of the Person or Persons who shall advance or lend such Sum or Sums of Money, and his, her or their Heirs and Assigns, according to the Custom of the Manor or Manors whereof the same shall be held, by way of Mortgage for securing such Sum or Sums of Money, and Interest for the same, instead of being mortgaged, surrendered or demised 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.

Directions for charging Copyhold Lands with Expences.

XI.VI. And be it further enacted, That it shall be lawful for the said Commissioner, on Application in Writing made to him by the Husbands, Guardians, Trustees, Committees or Attornies of or for any of the said Proprietors or Persons interested in the Premises, being under Coverture, Minors, Idiots, Lunatics, beyond the Seas, or under any other Disability,

Power for certain Persons to sell Part of their Allotments for defraying Expences.

or by any of the said Proprietors or Persons interested, being Tenant or Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency or otherwise (except the said Reciters for the Time being), to sell and dispose of any Part or Parts of the Allotment or Allotments which shall be made by virtue of this Act, to such incapacitated Persons, for the Purpose of defraying his, her or their Share or Proportion of the Costs, Charges and Expences of obtaining and passing this Act, and of carrying this and the said recited Act into Execution, and also the Expences of inclosing, fencing and subdividing his, her or their Allotment or Allotments, and of making and completing such Sale or Sales; and such Sale or Sales shall be made by the said Commissioner in the same Manner, and subject to the same Rules and Regulations as are mentioned and prescribed in and by the said recited Act, with respect to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting and inclosing any Lands and Grounds; and each and every Allotment for which the full Purchase Money shall be paid to the said Commissioner, shall be conveyed by such Commissioner by Lease and Release, or Bargain and Sale, or both or either of the said Assurances, as the Case may require, at the Expence of the said Purchaser or Purchasers, unto and to the Use of, or in Trust, for him, her or them, and his, her or their Heirs and Assigns respectively, or as he, she or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in Fee Simple in Severalty, and discharged of all Commonable and other Rights thereon, and the Receipt of the said Commissioner shall be a good and sufficient Discharge to such Purchaser or Purchasers for the Money therein expressed to be received by him, and the said Purchase Money shall be applied by the said Commissioner in or towards defraying such last mentioned Costs, Charges and Expences, and such Purchaser or Purchasers shall not be liable to see to the Application, or be answerable for any Misapplication or Nonapplication thereof; and if any Surplus of the said Purchase Money shall remain, after answering the Purposes aforesaid, the same shall be applied and disposed of by the said Commissioner in like Manner as is provided and directed by the said recited Act, with respect to the Surplus of any Sum of Money paid for the Purchase or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, which ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses: Provided nevertheless, that it shall not be lawful to raise by such Sale or Sales any further or greater Sum of Money than the Person or Persons (Part of whose Allotment or Allotments shall be so sold as aforesaid) would have been empowered or authorized to borrow or charge upon his, her or their Estate or Estates, under or by virtue of the said recited Act.

Not to deduct Land, and borrow Money also.

XLVII. Provided always, and be it further enacted, That in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons, towards Payment of Expences as aforesaid, it shall not be lawful for the said Commissioner to deduct from any Allotment to be made to any Proprietor or Proprietors, any further or greater Quantity of Land than would be equal in Value to the Sum of Money that such Proprietor or Proprietors is or are by this or the said recited Act empowered to borrow and charge on his, her or their Lands, Tenements or Hereditaments; nor shall it be lawful for the Proprietor or  
 Person

Person from whose Allotment Land shall be deducted as aforesaid, to charge his, her or their Lands, Tenements or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

XLVIII. And be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any of his Meetings to be held in pursuance of this and the said recited Act.

Proprietors and Agents to pay their own Expences.

XLIX. And be it further enacted, That if any of the Proprietors or Persons interested in the Premises, or any other Person or Persons, hath advanced or shall advance and pay any Money in discharge of the Fees or other Expences of obtaining this Act, or of executing this and the said recited Act, the Money so advanced shall be repaid and satisfied by the Direction of the said Commissioner, together with lawful Interest for the same.

Money advanced to be repaid with Interest.

L. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the passing thereof), the said Commissioner shall and he is hereby required, to make a true and just Statement or Account of all Sums of Money by him received or expended, or due to him for his 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 him referred to and laid before One or more of His Majesty's Justices of the Peace for the said County of *Norfolk* (not interested in the Premises); to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept at the Office of the Clerk of the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Commissioner to lay his Accounts before Two Justices.

LI. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done by the said Commissioner in pursuance of this or the said recited Act (other than and except as to such Orders and Determinations of the said Commissioner as are herein and by the said recited Act 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 Session of the Peace which shall be held for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Session are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs 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) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such

Appeal to the Sessions.

Warrant,

Warrant, Distress and Sale; and the Determination of the said Justices shall be final, binding and conclusive to and upon all Parties concerned, and shall not be removed or removable 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 sufficient Foundation, then the said Justices may award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Right to  
Tythes not to  
be prejudiced.

LII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen or defeat the Right, Title or Interest of the Rectors of the said Rectories of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin* respectively for the Time being, in or to any Tythes arising or renewing out of or payable in respect of any Lands or Tenements within the said Parishes of *Wells next the Sea*, *Warham All Saints*, *Warham Saint Mary Magdalen*, and *Warham Saint Mary the Virgin*, or any or either of them.

General  
Saving.

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

Printed Copy  
to be admit-  
ted in Evi-  
dence.

LIV. 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.

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Printers to the King's most Excellent Majesty. 1811.