



ANNO QUINQUAGESIMO PRIMO

# GEORGI III. REGIS.

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## Cap. 22.

An Act for inclosing Lands in the Parish of *Barnham Broom*, and Parish or Hamlet of *Bickerstone*, in the County of *Norfolk*. [4th April 1811.]

WHEREAS there are within the Parish of *Barnham Broom*, and the Parish or Hamlet of *Bickerstone*, in the County of *Norfolk*, divers Inclosures and Fields of Arable Land, Meadows, and Pasture Grounds, and other Lands, Commons, and Waste Grounds: And whereas the Right Honourable John Lord *Wodehouse* is Lord of the Manor of *Barnham Broom*, and claims to be entitled to the Soil of all the Commons and Waste Grounds within the said Parish of *Barnham Broom*, and the said Parish or Hamlet of *Bickerstone*, and is also the Patron of the consolidated Rectories of *Barnham Broom* and *Bickerstone* aforesaid: And whereas the Mayor, Sheriffs, Citizens, and Commonalty of the City of *Norwich*, are Lords of the Manor of *Barnham Hawkins*, and claim to be entitled to the Soil of the Commons and Waste Grounds within the said Parish of *Barnham Broom*, or to some Part thereof: And whereas the said John Lord *Wodehouse*, the Right Honourable *Charles Frederick Powlett* Lord *Bayning*, the said Mayor, Sheriffs, Citizens, and Commonalty of the City of *Norwich*, the Reverend *Jeremiah Ives*, *Ann Howman*, *Thomas Henry Bayes*, and divers other Persons respectively are the Owners and Proprietors of all the Messuages, Cottages, Lands and Tenements, situate and lying within the said Parish of *Barnham Broom*, and the said Parish or Hamlet of *Bickerstone*: And whereas an Act was passed in the Forty-first Year of the Reign of His present

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Majesty,

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 Arable Lands, Meadows, Pastures, and other Lands, lie intermixed and dispersed in small Parcels, and are therefore inconvenient to the several Occupiers, and of less Value to the respective Proprietors thereof; and the said Commons and Waste Grounds in their present State yield but little Profit, and are incapable of much Improvement, and it would be beneficial to the several Persons interested, if the several Rights to which the same are now subject were extinguished, and if the said Commons and Waste Grounds, together with all such Arable Lands, Meadows, Pastures, and other Lands were divided, and specific Parts and Shares thereof allotted unto, and inclosed by the several Persons interested therein, according to their several and respective Estates, Rights, and Interests; but as such Extinguishment, Division, and Allotment cannot be effected without the Authority of Parliament: May it therefore please Your Majesty, That it may be enacted; and be it enacted by the 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, Elisba De Hague and John Grand, both of the City of Norwich, Gentlemen, and their Successors, to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners, for valuing, dividing, allotting, and inclosing the said Arable Lands, Meadows, Pastures, and other Lands, Commons, and Waste Grounds, in Barnham Broom and Bickerstone aforesaid, and for carrying this Act into Execution, subject to such of the Powers, Authorities, Directions, Regulations, Restrictions, and Provisions, contained in the said recited Act, as are not altered, varied, or otherwise provided for by this Act; and 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 good, 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-before named, or to be appointed as hereafter mentioned.*

Commissioners appointed.

Two Commissioners may act.

Election of new Commissioners.

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

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Public Newspaper then published or circulated in the County of *Norfolk* Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, no more than one Commissioner shall attend; then and in every such Case, it shall be lawful for the Commissioner so attending to adjourn any and every such Meeting from Time to Time, and 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 for carrying this Act into Execution shall be holden either in the said Parish of *Barnham Broom*, or within Eight Miles thereof.

Notice of Commissioners Meetings.

IV. And be it further enacted, That all other Notices necessary to be given by the said Commissioners in pursuance of this Act, or of the said recited Act for any Purpose whatever (except such Notices as are in and by this Act particularly directed to be given in any other Manner) shall be published and given by Advertisement to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Public Newspaper then published or circulated in the County of *Norfolk*, or by Writing to be affixed upon the principal Church Door of the Parish of *Barnham Broom*; 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 Notice shall relate, any Thing in the said recited Act contained to the contrary thereof, in anywise notwithstanding.

Other Notices how to be given.

V. 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, and Shares, which they or any of them shall claim to have in, to, or over 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 Allowances which shall be claimed for ploughing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Arable Lands, Meadows or Pasture Grounds, or any Part thereof, or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same; Provided always, that nothing herein contained shall extend, or be construed to extend, so as to enable the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners to settle Differences.

Commissioners not to determine Titles.

VI. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to them in pursuance of this Act, or the said recited Act, or upon the Hearing and Determination of any Dispute or Difference as aforesaid, see Cause to award any Costs, it shall be lawful for the said Commissioners; and they are hereby empowered upon Application made

Commissioners may assess Costs.

made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled, or against whom the said Commissioners shall have determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required by Warrant under their Hands and Seals directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the 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.

Power to try  
Rights by an  
Issue at Law  
at the Assizes.

VII. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotments shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided and allotted or any Part thereof, then and in every such Case it shall be lawful for such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, 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 within One Month next after such Determination shall be made and declared, 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; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights, thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court, in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be binding, final, and conclusive upon all Persons whomsoever, 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 if the said Court shall think proper; and after such Verdict or Verdicts shall be obtained and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioners touching

touching such Claim or Claims of the Rights or Interests in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, which shall not be objected to, or being objected to by the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be binding, final, and conclusive upon all Parties: Provided also, that if any of the Parties in any such Action to be brought as aforesaid, shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Death had happened.

If no Action the Commissioners Determination to be final.

Death of Parties not to stop Proceedings at Law.

VIII. Provided always, and be it enacted, That no such Difference, Suit, or Proceeding as aforesaid, nor any Difference, Suit, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act; but the Division and Allotments hereby directed to be made shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding; and the Allotment or Allotments to which any such Difference, Suit, or Proceeding shall relate, shall be taken by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate; who, upon the Determination of such Difference, Suit, or Proceeding shall become entitled to the same.

Trial not to suspend the Execution of the Act.

And the Allotment contested to be taken by the Party entitled.

IX. 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 Politic or Corporate, 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 of 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.

If Parties die before Actions brought.

X. Provided also, 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 of such Parties, except in Cases of Encroachments; but in case the said Commissioners 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.

Persons in Possession not to be molested without due Course of Law.

XI. And be it further enacted, That it shall be lawful for the said Commissioners, at any Time or Times before the Execution of their Award, to order and direct, by Notice under their Hands to be for that

For extinguishing or suspending Rights of Common be-

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Purpose

fore Award  
executed.

Purpose given and affixed to the principal Door of the Parish Church of *Barnham Broom* aforesaid, all and every or any Rights or Right whatever, in, over, or upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time and Times as shall be expressed in such Notice; and all and every such Rights and Right which the said Commissioners shall so order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Notice on the said Church Door, cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

Turves not to  
be cut after  
passing of  
this Act.

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

Application  
of Penalty.

For shorten-  
ing Boun-  
daries.

XIII. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Lands in any adjoining Parishes, it shall be lawful for the said Commissioners, with the Consent in Writing under the Hands of the Lords of the Manors, and of the Majority in Value (to be ascertained by the Assessments to the Poor Rates) of the Land Owners interested in any Commons or Waste Grounds adjoining to the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone*, or under the Hand of any Owner of any Land upon which such Fence shall be intended to be made, to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds hereby directed to be divided and allotted, and the Lands lying in such adjoining Parish or Parishes, as he shall judge proper, for the Purposes aforesaid; and after such Boundary Fences shall be so set out, ascertained, and determined, the same shall be fenced by such Persons, in such Manner, and at such Times, as the said Commissioners shall direct, and shall for ever thereafter be deemed and be taken to be the Boundary between the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone*, and such adjoining Parish or Parishes; any Law, Usage, or Custom to the contrary thereof notwithstanding.

XIV. And

XIV. And be it further enacted, That all Encroachments which shall have been made within Thirty Years last past upon the Commons and Waste Grounds by this Act directed to be divided and allotted, shall be deemed Part of the said Commons and Waste Grounds to be so divided and allotted; and that no such Encroachments which shall have been made more than Thirty Years shall be liable to the Claim of any other Person against the present Possessor, on the Ground of such Encroachments having heretofore been Part of the said Commons and Waste Grounds; and in case any Disputes shall arise touching any such Encroachments, or the Extent thereof, such Disputes shall be determined by the said Commissioners.

Encroachments within Thirty Years to be allotted. Beyond Thirty Years confirmed.

XV. Provided always, and be it enacted, That the Lands and Grounds comprized in any Encroachments which shall have been made within Thirty Years last past, shall (without regard to the Value of any Improvements since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled to any Allotment of sufficient Value by virtue of this Act; and in that Case the Value of such Encroachments shall, as Circumstances require, be deducted from, or deemed a Compensation for the Allotments to which such Person or Persons shall be entitled under this Act; but if the Person or Persons in Possession of such Encroachments shall not be entitled to any Allotments by virtue of this Act, or shall not be entitled to an Allotment equivalent to the Value of such Encroachments, then and in either of those Cases, the Whole, or the Surplus Quantity (as the Case may be) of such Encroachments, shall be sold by the said Commissioners, and conveyed by them in Fee Simple to any Person or Persons who shall become the Purchaser or Purchasers thereof, and the Money arising from such Sale or Sales shall be applied in the same Manner as is herein-after directed concerning the other Lands by this Act directed to be sold.

Encroachments to be allotted to Persons in Possession, or to be sold.

XVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice or diminish the Right of any Person or Persons whomsoever to any Encroachments upon the said Commons and Waste Lands which shall have been made within Thirty Years now last past, by virtue of any Licence, Consent, or Grant from the Lord or Lords of either of the Manors before mentioned, and which Licence, Consent, or Grant shall, before the passing of this Act, have been entered or enrolled in the Court Books of One of the aforesaid Manors; and that no Person or Persons who at the passing of this Act shall be in the Possession of any Encroachment heretofore made by virtue of any such Licence, Consent, or Grant as aforesaid, shall at any Time hereafter be liable to the lawful Suit, Claim, or Interruption of any other Person or Persons whoever, on the Ground of such Encroachment having heretofore been Part of the Commons and Waste Grounds: Provided always, that no Person or Persons possessing any Encroachment whatever shall, in respect thereof, be entitled to any Allotment or Allotments out of the Commons and Waste Grounds to be divided and allotted by virtue of this Act, if such Encroachment shall, at any Time within Sixty Years now last past, have been Part or Parcel of the said Commons and Waste Grounds.

Licensed Encroachments not prejudiced.

Possession confirmed;

but Right of Common disallowed.

XVII. And

Carriage  
Roads to be  
set out.

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the First Place, before they shall proceed to make any of the Divisions and Allotments directed by this Act, to set out and appoint all and every the Public Carriage Roads and Highways in, through, and over the said Lands and Grounds hereby directed to be divided and allotted, and to divert, turn, or stop up any of the present Roads in, through, or over any Part of the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone*, as the said Commissioners shall judge necessary, so as the Roads and Highways to be set out and appointed by the said Commissioners shall be and remain Thirty Feet wide at the least, and be set out in such Directions as shall, upon the Whole, appear to them most commodious to the Public; and the said Commissioners are further required to ascertain the same by Marks and Bounds, and to prepare and sign a Map, in which such intended Roads shall be accurately laid down and described, and to cause the same, when so signed, to be deposited with their Clerk, for the Inspection of all Persons concerned; and as soon as may be afterwards, the said Commissioners shall give Notice in One of the public Newspapers then published or circulated in the County of *Norfolk*, and also in and by Writing to be affixed upon the Principal Door of the Parish Church of *Barnham Broom* aforesaid, of their having so set out such Roads, and deposited such Maps as aforesaid, and also of the general Lines of such intended Carriage Roads; and shall also appoint in and by the same Notice, a Meeting to be held by the said Commissioners at some convenient Place in *Barnham Broom* aforesaid; or within Eight Miles thereof, and not sooner than Fourteen Days from the Date and Publication of such Notice; and if any Person who may be injured or aggrieved by the setting out of such Roads shall attend at such Meeting, and object to the setting out of the same, then such Commissioners, together with any Justice or Justices of the Peace acting in and for the Division in which the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone* is situate, and not being interested in the said Division and Allotment, shall hear and determine such Objection, and the Objections of any other such Person, to any Alteration that the said Commissioners, with any such Justice or Justices, may in consequence propose to make; and the said Commissioners, together with such Justice or Justices as aforesaid, shall and they are hereby required, according to the best of their Judgement upon the Whole, to order and finally direct how such Carriage Roads shall be set out, and either to confirm the said Map or make such Alteration therein as the Case may require; and all Roads, Ways, and Paths in, through, and over the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone*, or any Part thereof, which shall not be set out or finally ordered, and directed as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly: Provided also, that none of the present Roads within the said Parish of *Barnham Broom*, and the said Parish or Hamlet of *Bickerstone*, shall be shut up and discontinued, until the Roads which shall be intended to remain or be the public Roads in future, shall be set out in the Manner by this Act directed, and until the same shall be properly formed, and made safe and convenient for Horses, Carts, and Carriages.

All Roads  
not set out  
shall be al-  
lotted.

Present Roads  
not to be  
stopt till new  
Roads made.

Allotments to  
Trustees for  
Poor Inhabi-

XVIII. And be it further enacted, That the said Commissioners shall, after setting out the several Public Roads and Ways, assign, set out, and allot unto the



the Lord of the Manor of *Barnham Broom*, and to the Rector of the Rectory of *Barnham Broom*, and to the Churchwardens and Overseers of the Poor of the Parish of *Barnham Broom* for the Time being, and to their Successors for ever, as Trustees for the Poor Inhabitants of the said Parish of *Barnham Broom*, legally settled therein, such Part or Parts of the said Commons and Waste Grounds as the said Commissioners shall think most proper, and judge reasonable for the Purposes herein-after mentioned; and such Allotment or Allotments shall, on the Execution of the Award of the said Commissioners, be vested in the Lord of the said Manor, and the Rector of the said Rectory, and the Churchwardens and Overseers of the Poor of the said Parish of *Barnham Broom* for the Time being, for ever, as Trustees of the said poor Inhabitants of the said Parish of *Barnham Broom*, legally settled therein, to the Intent that the said Trustees for the Time being shall permit and suffer the poor Inhabitants of the said Parish of *Barnham Broom*, who shall be legally settled therein, to cut, take, and use Turf, Peat, and Fuel (if any there be), on such Part or Parts of the said Allotment or Allotments, in such Quantities, and at such Time or Times in each and every Year, and under such Regulations and Restrictions, as the said Trustees for the Time being, or the major Part of them, shall direct or appoint, and not otherwise; and the said Trustees for the Time being, or the major Part of them, are also hereby empowered from Time to Time, by Writing under their Hands and Seals, to lease or demise the Whole or such Part or Parts of the said Allotment or Allotments which shall not produce Turf, Peat, or Fuel, as they from Time to Time shall think proper, to any Person or Persons whomsoever, for any Term of Years not exceeding Twenty-one Years, to commence in Possession and not in Reversion, so that in every such Lease there be reserved and made payable to the said Trustees for the Time being, or the major Part of them, by Two equal Half-yearly Payments in every Year, the best and most improved yearly Rent or Rents that can be obtained for the same, without taking any Income, Fine, Premium, or Foregift, in Consideration of granting any such Lease, and so as in every such Lease there be contained proper and fair Covenants on the Part of the Lessee for the Usage and Management of the Land thereby demised, and for leaving the same in a proper State and Condition at the Expiration of every such Lease; and so as in every such Lease there be contained a Power of Re-entry for Non-performance of the Covenants therein contained, and for the Non-payment of the Rent thereby reserved within a reasonable Time, to be therein limited, after the same shall happen to become due, together with all other usual Covenants, Stipulations, and Provisions, between Lessors and Lessees, and such Security for the Performance of the same, as the said Trustees, or the major Part of them, shall think most proper to be inserted therein; and the Rents and Profits arising from the said Allotment or Allotments, so let and demised; shall from Time to Time be laid out in the Purchase of Fuel, and such Fuel shall be distributed amongst such poor Inhabitants as aforesaid of the said Parish of *Barnham Broom*, who shall be legally settled therein, in such Proportions and Quantities, in such Manner, at such Times in every Year, and according to such Rules and Orders, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise; and the Remainder of such Allotment which shall not be so appropriated for taking Turf, Peat, and Fuel as aforesaid, nor shall be so let and demised as aforesaid, shall be used and enjoyed solely and exclusively by such poor Inhabitants of the said Parish of *Barnham Broom*, who shall be legally

tants, legally settled.

Power to cut Turf and Fuel.

Power to lease.

Rents to be laid out in Purchase of Fuel.

Residue of Allotment (if any) for Common.

[*Loc. & Per.*]

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settled

Application  
of Overplus  
Rents of  
Poor's Al-  
lotments.

Certain Truf-  
tees for Poor  
may act by  
Proxy.

Allotment for  
public Gravel  
Pits, &c.

Allotment for  
Right of  
Soil.

settled therein, as a Common of Pasture for all Geese Stock and Cattle which shall really and *bona fide* be the Property of such poor Inhabitants, in such Manner, and at such Time or Times, and according to such Rules and Regulations, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise: Provided always, that in case the Rents and Profits of such Allotment or Allotments shall at any Time or Times be more than sufficient to answer the Purpose for which the same is or are hereby directed to be set out, then and in every such Case the said Trustees for the Time being, or the major Part of them, shall, and they are hereby required to apply and dispose of the Overplus of such Rents and Profits for the Relief of the Poor, for whose Benefit such Allotment or Allotments shall be so set out, in such Manner as the said respective Trustees, or the major Part of them, shall think proper: Provided also, that it shall be lawful for the Lord of the said Manor before mentioned, and the Rector of the said Rectory for the Time being respectively, to act in the Execution of the Trusts hereby reposed in them as aforesaid, by their respective Agents or Proxies, such Agents or Proxies respectively to be appointed by Writing under the Hands of the said Lord and Rector respectively, and producing their respective Appointments at the Time of their acting by virtue thereof, if required so to do; but no Person shall act as Agent or Proxy for more than One Trustee at the same Time.

XIX. And be it further enacted, That the said Commissioners shall in the next Place, assign, set out and allot, unto the Surveyors of the Highways within the said Parish of *Barnham Broom*, such Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall think necessary and most convenient for the public watering Places for Cattle, and for public Sand, Gravel, Stone, 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 Parish, and their Tenants, for the Time being, in such Manner and under such Rules and Regulations as the said Commissioners shall by their said Award direct or appoint, and not otherwise.

XX. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out, and allot unto the respective Lords of the several Manors herein-before mentioned, or to either of them, in Exclusion of the other, and to the Lords or Ladies of any other Manor or Manors, or to such of them as shall in the Judgment of the said Commissioners be entitled to the Soil of the said Commons and Waste Grounds in *Barnham Broom* and *Bickerstone* aforesaid, so much and such Part or Parts of the said Commons and Waste Grounds as shall in the Judgment of the said Commissioners be equal in Value to One Eighteenth Part thereof, as a Compensation and full Satisfaction of and for the Right or Rights of such Lord or Lords, Lady or Ladies respectively, of, in, and to the Soil of the same Commons and Waste Grounds, according to the sole Right of any such Lord or Lady, or in Proportion to the several Parts, Shares, Rights, and Interests, of the said Lords and Ladies respectively therein, and over and besides any Allotment or Allotments which might otherwise be made to such Lord or Lady, in Satisfaction of and for any Common of Pasture or other Right of Pasturage upon the said Lands and Grounds hereby directed to be divided

and

and allotted in respect of any Messuages, Lands, and Tenements belonging to such Lord or Lady respectively, in Right whereof any such Common of Pasture or other Right of Pasturage hath been heretofore used and enjoyed.

XXI. And be it further enacted, That the said Commissioners shall in the next Place, mark and set out, such convenient Part or Parts of the said Commons and Waste Grounds; as will in their Judgment by the Sale thereof produce a Sum of Money sufficient to defray and discharge the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of carrying the same into Execution; and the said Commissioners shall, and they are hereby required to sell the Lands and Grounds so marked and set out in such Allotment or Allotments as to them shall seem right and proper, to any Person or Persons for the best Price or Prices that can be gotten for the same by Private Contract, or by public Auction or Auctions to be holden for that Purpose, of which Auction (if any) Three Weeks previous Notice shall be given; and the Person or Persons so purchasing the same, shall immediately pay (by Way of Deposit) into the Hands of the said Commissioners, or such Person and Persons as they shall direct and appoint, One Tenth Part of his, her, or their Purchase Money, and shall pay the Remainder thereof within Three Calendar Months next after, or at such other Time as the said Commissioners shall appoint, and in Default thereof, the Money so deposited shall be forfeited, and shall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the Whole of such Purchase Money shall not have been so paid, or for which there shall be no Bidding at such Auction, may be again put up to Sale by public Auction, and sold in Manner aforesaid, for the best Price or Prices that can be gotten for the same, or may be sold by the said Commissioners by private Contract, for any Sum or Sums not less than the remaining Nine Tenths of the Price or respective Prices for which the same was or were respectively before sold; and upon the Receipt of the whole Purchase Money for any Allotment or Allotments which shall be so sold as aforesaid, the said Commissioners shall and they are hereby authorized and required to grant and convey by Indenture of Grant or of Bargain and Sale, or by some other Instrument in Writing under their Hands and Seals all the Fee Simple and Inheritance of such Allotment or Allotments to such Person or Persons, and for such Use and Uses as the respective Purchaser or Purchasers thereof shall appoint; and immediately after the Execution of such Indenture of Grant, or of Bargain and Sale, or of such other Instrument in Writing as aforesaid, all and every Allotment or Allotments therein described to be thereby granted and conveyed, shall be absolutely discharged of and from all other Rights thereon or therein, and be thenceforth held in Severalty by, and vested in Fee Simple in the Purchaser or Purchasers thereof respectively, as his, her, or their private or absolute Property, and shall be allotted accordingly by the said Commissioners in their Award to be made under the Authority of this Act, and of the said recited Act; and the Receipt and Receipts of the said Commissioners shall be a full and sufficient Discharge for all and every Sum and Sums of Money so to be paid to the said Commissioners as aforesaid; and such Purchase Money when so received by the said Commissioners shall be by them applied in defraying such Costs, Charges, and Expences as aforesaid, and the Overplus of such Purchase Money (if any) after defraying such Costs, Charges and Expences shall

Land to be  
ment of Ex-  
pences.

Compen-  
sation to Lords  
for Fruits of  
Tenure from  
the Land sold.

shall be equally distributed amongst the several Persons interested in the said Lands and Grounds by this Act directed to be divided and allotted in Proportion to their several and respective Rights and Interests therein, and shall be paid and disposed of in Manner following; *videlicet*, where any Person or Persons shall be seized of, or entitled in Fee Simple to his, her or their several Allotments, then he, she or they shall be entitled to, and shall be forthwith paid his, her or their proportionate Share of the aforesaid Overplus Monies; but in case any such Person or Persons shall not be seized or entitled in Fee Simple to his, her or their respective Allotments, then his, her or their proportionate Share or Shares of the aforesaid Overplus Monies shall be applied and disposed of by the said Commissioners in like Manner (according to the Amount of such Shares respectively) as are directed by the said recited Act, whenever any Sum of Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon; and which Sum of Money when paid, ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments, to be settled to the same Uses: Provided always, that the Purchaser of such Lot or Lots to be sold as aforesaid, shall be subject to the Performance of all Orders, Regulations and Directions which shall be made by the said Commissioners, and inserted in their Award, for inclosing, fencing and draining such Lands, and for maintaining and keeping the Drains and Fences thereto belonging in good Repair: Provided always, that the Commissioners shall, and they are hereby required to make reasonable Compensation to the Lords of the several Manors interested therein, (either by Increase of any Allotment to be made to them under the Authority of this Act, or by Deduction from their respective Proportions of Expence in the Execution of this Act, or in such other Manner as the said Commissioners shall judge expedient) for the several Losses which such Lords respectively may and shall sustain in the Fruits of Tenure on account of the Land so sold, being all sold and conveyed as Freehold, when a Part thereof if left to the general Division and Allotment, under the other Provisions contained in this Act would be allotted in respect of Copyhold Estates, and in consequence thereof be declared of Copyhold Tenure, and liable to Fines, Suits and Services accordingly.

Allotment of  
Residue ac-  
cording to  
Rights.

XXII. And be it further enacted, That after the aforesaid several Allotments shall have been made and set out according to the Directions hereinbefore contained, the said Commissioners shall then divide, assign, set out and allot all the Residue and Remainder of the Lands and Grounds by this Act directed to be divided and allotted unto, and amongst all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate having any Rights or Interests in, to, over or upon the said Lands and Grounds (except to the Owner or Owners of the Soil of the said Commons and Waste Grounds in respect thereof only) in such 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 or them respectively for his, her or their respective Rights and Interests in, to, over or upon the same Lands and Grounds.

Rights of  
Common in  
respect of  
Houses and  
Lands in

XXIII. And be it also enacted, That all Owners of Messuages or Cottages now standing in *Barnham Broom*, which have been erected and used as a Messuage or Cottage for the Space of Forty Years (except Messuages or Cottages built upon the Commons and Waste Grounds within

within Sixty Years now last past), and also all Owners of Messuages or Cottages now standing in the said Parish which have been erected within the Space of Forty Years upon the Scite, or in lieu of some other Messuage or Cottage which had been before that Time standing; and also all Owners of Arable Lands, Meadows and Pasture Grounds in the said Parish of *Barnham Broom*, which have not within Sixty Years last past been Part or Parcel of the said Commons and Waste Grounds, shall on their preferring their respective Claims in the Manner prescribed by the said recited Act in that Behalf, have and be allowed a Right or Rights of Common over or upon all the Commons and Waste Grounds within the said Parish of *Barnham Broom* (but not over the Commons and Waste Grounds in the said Parish or Hamlet of *Bickerstone*) in Proportion to the Annual Value of such Messuages, Cottages, Arable Lands, Meadows and Pasture Grounds respectively: Provided always, that no Owner of Land only in the said Parish of *Barnham Broom*, who is not also the Owner of any Messuage or Cottage in the said Parish of *Barnham Broom*, shall be allowed any Right of Common without Proof.

*Barnham Broom* declared and limited.

XXIV. And it is also hereby enacted, That all Owners of Arable Lands, Meadows, and Pasture Grounds lying in the said Parish or Hamlet of *Bickerstone*, shall on their preferring their respective Claims in the Manner prescribed by the said recited Act in that Behalf have and be allowed a Right or Rights of Common, over or upon all the Commons and Waste Grounds within the said Parish or Hamlet of *Bickerstone* (but not over the other Commons and Waste Grounds hereinbefore directed to be allotted), in Proportion to the Annual Value of such Arable Lands, Meadows, and Pasture Grounds respectively.

Rights of Common in *Bickerstone* declared.

XXV. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted, shall be inclosed, hedged, ditched, and fenced by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, (save and except the Rector of the said Rectory for the Time being in respect of any Allotment to be made to him in Right of the said Rectory, and the Trustees for the Poor, and also the Surveyors of the Highways in *Barnham Broom* and *Bickerstone* aforesaid, for and in respect of the several Allotments hereby directed to be made to them respectively as aforesaid), within such Time and in such Manner, and under and subject to such Regulations and Restrictions, as the said Commissioners shall by Writing under their Hands, or in and by their said Award, order, direct, and appoint, and the Hedges, Ditches, and Fences which shall be made pursuant thereto, shall at all Times thereafter be maintained and kept in Repair and cleansed by such Persons and Body, or Bodies Politic, Corporate, or Collegiate, as the said Commissioners shall in and by such Writing under their Hands, or by their said Award direct; provided always, that convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act for the Space of Twelve Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages into and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced in, made up, and inclosed.

For fencing Allotments.

For leaving Gaps.

XXVI. And be it further enacted, That the Lands and Grounds which shall be set out and allotted unto and for the Rector of *Barnham Broom*

[*Loc. & Per.*]

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Allotments to Rector and Trustees for Poor, &c. to for

be ring-  
fenced by the  
Commission-  
ers.

for the Time being in Respect of his Glebes, and to the several Persons hereinbefore mentioned as Trustees for the Poor, and to the Surveyors of the Highways as aforesaid, shall be inclosed and ring-fenced on the outward Boundaries thereof respectively, as the said Commissioners shall direct at the Expence of all the other Proprietors entitled to Allotments by virtue of this Act, and the said Fences shall be thereafter maintained and supported by such Persons, and in such Manner as the said Commissioners shall in and by their said Award order and direct.

Common  
Rights: sold  
may be al-  
lotted to  
Purchasers.

XXVII. And be it further enacted, That if any Owner or Owners of any Lands or Grounds in the said Parish of *Barnham Broom*, or the said Parish or Hamlet of *Bickerstone*, hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioners, sell to any other Person or Persons whomsoever, all or any Part of such Owner or Owners Right, Interest, and Property in, over, or upon the said Lands and Grounds hereby directed to be divided and allotted, or in, or to any Allotment which shall be set out or intended to be made by the said Commissioners in full, or in Part Satisfaction of any such Right, Interest, and Property as aforesaid, and shall at least One Calendar Month before the Execution of the Award deposit with the said Commissioners or their Clerk a Writing, stating such Sale, and signed by the respective Parties thereto, or a Copy thereof, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser, or his or her Heirs, or Assigns, for or in Respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall 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 to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same, in case any such Sale had not been made, or such Right, Interest, or Property had remained in such Vendor at the Time of making such Allotment as aforesaid; provided further, that every such Sale, if relating to any Messuage, Cottage, or Land, or to any Right, Interest or Property appurtenant to, or claimed in Respect of any Messuage, Cottage, or Land holden by Copy of Court Roll, of any Manor, shall to give it compleat Effect as aforesaid, be first enrolled or entered in the Court Books, or on the Rolls of such Manor; and when so enrolled, or entered, or delivered to the Steward for Enrolment or Entry shall have the Effect of a Surrender to the Use of such Vendee or Purchaser, and his or her Heirs and Assigns, according to the Custom of the Manor; but nothing herein contained shall extend to prejudice, defeat, or diminish the Right of the Lord of the Manor to such Fines and customary Payments as might be otherwise due or payable to him upon any change of the Tenant.

Lords Fines,  
&c. not to be  
prejudiced.

Separate Al-  
lotments to  
be made for  
Lands held  
by different  
Titles;

XXVIII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act, shall hold their said respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates, and under each of such Titles respectively, and shall accordingly in

in their said Award set out and distinguish distinct and separate Allotments for such respective Lands or other Hereditaments; and where from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit to discriminate, as herein-before is required, such different Titles, different Estates, and different Tenures, and Request shall be made to the said Commissioners, within Twelve Calendar Months after the making of the said Award by any Person or Persons interested, by Writing under his, her, or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do any Thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other Respect to proceed and act as if the said Award had not been made; and when and as soon as the said Commissioners shall have obtained what they shall think sufficient Information, they are hereby authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and separate Allotments, in the same Manner as if such Discrimination had been contained in the said Award; and every such separate Instrument shall have the same Effect as if it was contained in the said Award; and the same supplemental Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall in the Opinion of the said Commissioners most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such Supplemental Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners to supply such Omission as aforesaid, his, her, or their Heirs, Executors, or Administrators.

and if omitted  
may be supplied after  
Award executed.

XXIX. And be it further enacted, That all Lands and Grounds which shall be allotted to any Person or Persons whatever, Body or Bodies Politic, Corporate, or Collegiate, by virtue of this Act, and of the said recited Act, for or in respect of any Houses, Buildings, Lands, or Grounds in *Barnham Broom* and *Bickerstone* aforesaid, which are Copyhold or Leasehold, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to or upon any such Copyhold or Leasehold Premises, shall, from and for ever after the Execution of the Award by the said recited Act directed to be made by the said Commissioners, be deemed and taken to be Copyhold or Leasehold respectively, according to the Tenure of the Lands for or in respect of which they were allotted, and shall be held accordingly, by and under the same Tenure, Rents, Payments, Fines, Customs, and Services, as the Copyhold and Leasehold Houses, Buildings, Lands, or Grounds respectively, for or in respect whereof such Allotments shall be made are now holden; and the Person or Persons to whom any such Copyhold Lands or 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 Lady, or to the Steward of the said Manor or Manors respectively (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees

Allotments to  
be of the  
same Tenure  
as original  
Estate.

Admissions to  
Copyholds.

to

Copyholds  
and Lease-  
holds to be  
described in  
the Award  
and Map.

Remainder to  
be Freehold;

and subject to  
former Pay-  
ments.

For allowing  
Exchanges to  
be made.

to the respective Stewards of the said Manors as the said Commissioners in and by their said Award shall think proper to order and direct); but in case any Person or Persons to whom any such Copyhold Lands and Grounds shall be allotted as aforesaid shall not have been before admitted to the same, or to the ancient Copyhold Lands and Tenements in respect whereof such Allotments shall be made, then the customary Fines, Fees, and other Payments shall be due and payable on the Admission of the Person or Persons who shall have become entitled to such last-mentioned Copyhold Allotments, and at all Times after every such first Admission, the Copyhold Lands and Grounds last-mentioned shall be held under and subject to the same Tenure, Fines, Rents, and other Payments and Services respectively, as the present Copyhold Houses, Buildings, Lands, and Grounds, in respect whereof such new Allotments shall be made are now respectively holden and are subject to; and the said Commissioners shall and they are hereby required to determine, describe, and abut in and by their said Award, and in and by the Map or Plan to be thereto annexed, all the Messuages, Buildings, Lands, and Tenements in the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone* which are to remain or become Copyhold or Leasehold; and all other Lands and Tenements in the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone* (except such as shall be so ascertained by the said Commissioners in their said Award to be Copyhold or Leasehold as aforesaid), shall from thenceforth be deemed, taken, and enjoyed as Freehold Messuages, Buildings, Lands, and Tenements respectively, subject nevertheless to such Free Rents and Services, and other Payments, as are now payable out of or for the said respective Messuages, Buildings, Lands, and Tenements in respect whereof the same shall be so allotted.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Barnham Broom* and the said Parish or Hamlet of *Bickerstone*, in lieu of and in Exchange for any other Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Barnham Broom*, and the said Parish or Hamlet of *Bickerstone*, or within any adjoining Parish, Hamlet, or Township; 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 Person or Persons claiming before the said Commissioners to be the Owner or Owners, Proprietor or Proprietors of the Buildings, Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Person or Persons so claiming to be such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Persons, so claiming to be such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other  
consenting



consenting Parties respectively; and all and every such Exchange or 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 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 Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided also, that all Costs, Charges, and Expences attending the making of any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions, as the said Commissioners shall by their said Award order and direct.

XXXI. And be it further enacted, That all and every Lease and Leases, Agreement or Agreements, at Rack or extended Rent now subsisting, of any Messuages, Lands, Tenements, or Hereditaments situate within the said Parish of *Barnham Broom*, or the said Parish or Hamlet of *Bickerstone*, or of any Messuages, Lands, Tenements, or Hereditaments held therewith, or which shall be exchanged by virtue hereof, shall at such Time, and in such Cases as the said Commissioners shall direct, be, and the same is and are hereby declared to be null and void, and the respective Lessees or Tenants of the Premises comprized in such Leases or Agreements respectively, shall be entitled to, and shall receive from the respective Owners and Proprietors, Lessor or Lessors of such Premises, such Sum or Sums of Money as the said Commissioners shall, by Writing under their Hands declare to be a reasonable Compensation and Satisfaction for the Loss or Losses which such Lessees or Tenants respectively shall sustain on Account of the Determination of the same; and if any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall refuse or neglect to make such Compensation to the Person or Persons entitled thereto on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized 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 Surplus Costs, Charges, and Expences of obtaining and executing this Act or any Part thereof, can or may be raised and levied in case the Lands and Grounds by this Act directed to be sold for the raising of Money to defray such Costs, Charges, and Expences, shall not, upon the Sale thereof, have raised Money sufficient for that Purpose: Provided always, that if there shall be any Lease at Rack Rent of any Lands or Tenements, Part of which shall lie and be situated in the said Parish of *Barnham Broom*, or the said Parish or Hamlet of *Bickerstone*, and Part in any adjoining Parish, all and every such Lease and Leases at Rack Rent, may be vacated in Manner aforesaid; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last mentioned Land shall not be vacated.

Leases void as to Allotments or Exchanges.

XXXII. Provided always, and be it enacted, That nothing in this Act contained shall extend to revoke, make void, alter, or annul any Will (whether ambulatory or in actual Operation by the Death of the Party), or any Settlement, or to prejudice any Person or Persons, having any Right or claim of Dower, Jointure, Portion, Debt, Rent or Incumbrance, out of, upon, or affecting any of the Messuages, Buildings, Lands, and Grounds,

Wills and Settlements not to be affected.

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to be divided and allotted, or exchanged by virtue of this Act, or the said recited Act, or any Part or Parts thereof respectively; but that every Proprietor shall stand and be seised of the several Messuages, Buildings, Lands, and Grounds, to be allotted or given in Exchange to him or her by virtue of this Act, and the said recited Act, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, and Grounds, whereof such Proprietor was seised or possessed at or immediately before the Execution of the Award to be made by the said Commissioners, or for which such Allotments or Exchanges shall have been made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Commissioners to direct the Course of Husbandry.

XXXIII. 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 any Writing under their Hands, appoint with regard to the stocking, ploughing, 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, her, or their Tenant or Tenants, as the said Commissioners shall think reasonable, not exceeding Five Pounds *per* Acre; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money upon any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required 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 Surplus Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied, in case the Land directed by this Act to be sold for the raising of Money to defray such Costs, Charges, and Expences, shall not upon the Sale thereof have raised Money sufficient for that Purpose.

Sheep not to be kept in new Inclosures for Seven Years.

XXXIV. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Inclosures to be made in pursuance of this Act, during the Space of Seven Years from the Execution of the said Award, unless the Persons respectively keeping the same shall at their own Expence effectually guard their Neighbour's Quicksets adjoining to such Inclosures respectively, from any Damage or Injury to be done to such Quicksets by any such Sheep or Lambs.

For defraying the Surplus Expences of the Act.

XXXV. And be it further enacted, That all the Costs, Charges, and Expences of inclosing the several Lands and Grounds which shall be allotted by virtue of this Act to the said Rector in respect of the said consolidated Rectories, to the said Trustees for the Poor of the said Parish of *Barnham Broom*, and to the Surveyors of the Highways within the said Parish of *Barnham Broom*, and the Costs, Charges, and Expences incident to and attending the obtaining of this Act, and all other Expences of carrying this Act into Execution (so far as the Money to arise by the Sale of the Land

Lands hereby directed to be sold shall not be sufficient to defray the same), shall be paid and borne by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Purchaser and Purchasers of the Land hereby directed to be sold as aforesaid, and save and except the Rector of the said consolidated Rectories for the Time being, in respect of any Allotment which shall be made to him in respect of the said Rectories, and also save and except the said Trustees for the Poor and the Surveyors of the Highways within the said Parish of *Barnham Broom* for the Time being, for and in respect of the Allotments hereby directed to be made to the said Rector, Trustees, and Surveyors as aforesaid,) which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place, and to such Person or Persons as the said Commissioners shall appoint, either before or after the Execution of their said Award.

XXXVI. And be it further enacted, That in case the Money which shall be raised by the Sale of Land as aforesaid shall not be sufficient to defray the Costs, Charges, and Expences of obtaining and carrying this Act into Execution, that then it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands and Grounds which shall be allotted or exchanged by virtue of the said recited Act and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors, being Tenants in Tail or for Life or Lives, or Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall by their said Award, or by Writing under their Hands, either before or after the Execution of such Award, adjudge necessary to pay and defray his, her, or their Share of the Costs, Charges, and Expences of obtaining this Act, and of carrying the same into Execution, and of ditching, draining, and fencing his, her, or their respective Allotments, and of being re-admitted to the Copyhold Parts thereof, so that the Sum or Sums of Money so to be charged shall not exceed the Sum of Five Pounds for every Acre of the Lands and Grounds which shall be so allotted or exchanged, and to grant, mortgage, surrender, lease or demise, or otherwise subject the Lands, Tenements and Hereditaments so to be charged to such Person or Persons who shall advance and lend the same respectively, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years, or in case any Person in Possession who shall or may be liable to, and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay and discharge such Sum or Sums of Money, then it shall be lawful for the said Commissioners by any Deed or Writing under their Hands and Seals, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, surrender, lease or demise, or otherwise subject such Lands and Grounds to such Person or Persons respectively, paying and discharging such Sum or Sums of Money, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of

Tenants for Life, &c. may charge Estate with Expences.

Such Sum or Sums of Money so advanced, paid and discharged by him, her or them, with lawful Interest for the same, to commence on the Termination of his, her or their Right in the Premises; so that every such Grant, Mortgage, Surrender, Lease or Demise, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed of, or entitled to any such Lands and Grounds shall be liable to pay any further or larger Arrear of Interest than for Twelve Calendar Months preceding the Time when the Title to such Possession should have commenced; and that every such Charge, Grant, Mortgage, Surrender, Lease, or Demise, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

How to charge Expences upon Copyhold.

XXXVII. Provided always, 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 this Act or of the said recited Act, and which shall be or become Copyhold, with any Sum or Sums of Money by way of Mortgage, for defraying any Share or Shares of such Costs, Charges, and Expences as last aforesaid, then and in such Case, such Copyhold Premises shall be surrendered to the Use of the Person or Persons who shall advance and lend such Sum or Sums of Money, his, her, or their Heirs or 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, 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 this Act or the said recited Act.

Money advanced to be repaid with Interest.

XXXVIII. And be it further enacted, That if any Person or Persons whomsoever shall advance and pay any Money in Discharge of the Fees or other Expences of preparing, obtaining, and executing this Act, the Money so advanced and paid shall be repaid and satisfied to him, her, or them, by the Direction of the said Commissioners, together with lawful Interest for the same: Provided always, that the said several Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Proprietors and Agents to pay their own Expences.

Commissioners to lay Accounts before a Justice once a Year.

XXXIX. And be it further enacted, That once in every Year, during the Execution of this Act, (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any one of His Majesty's Justices of the Peace for the said County of *Norfolk*, not interested in the said Division and Allotment, to be by him examined and balanced, and such Balance shall be by such Justice stated in the Book of Accounts, to be kept in the Office of the Clerk to the said Commissioners, and no Charge or Item in such Accounts shall

be

be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

XL. And be it further enacted, That the Award by the said recited Act directed to be made by the said Commissioners, and such Map or Plan of the said Parish of *Barnham Broom*, and the said Parish or Hamlet of *Bickerstone*, as shall be annexed thereto, shall be deemed and taken to be effectually enrolled, according to the Directions of the said recited Act, if the said Award engrossed upon Parchment, and with such Map or Plan annexed thereto, shall, within the Time mentioned in the said recited Act for enrolling such Award, be deposited with the Clerk of the Peace for the said County of *Norfolk*, who shall be paid on the Delivery thereof to him the Sum of Three Guineas, and no more; and the said Clerk shall and he is hereby required to deposit and keep the same with the Records of the said County.

Enrolment  
of Award.

XLI. And it is also hereby enacted, That a true Copy of the said Award, engrossed upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, with such a Map or Plan annexed thereto, shall, within Twelve Calendar Months after such Award shall be so signed and sealed, be deposited and kept in the Parish Church of *Barnham Broom* aforesaid.

Deposit  
of Award.

XLII. And it is hereby further enacted, That the said Copy of the said Award, or any other Copy of the said Award, or of any Part thereof signed by the said Clerk of the Peace, or by the said Commissioners, and by him or them attested to be a true Copy, shall at all Times be admitted and allowed in all Courts whatever as legal Evidence.

Attested  
Copy thereof  
shall be Evi-  
dence.

XLIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, or the said recited Act, (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act directed to be final or conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein before mentioned), then and in every such Case, he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners, and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices in such Session (not interested in the Premises) are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein 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 or required to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any other Writ or Process whatever, into any of His Majesty's Courts of Record at *Westminster*

Appeal to  
General  
Quarter Ses-  
sions.

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or elsewhere; but in case such Appeal shall appear to the said Justices frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner last aforesaid.

General  
Saving.

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

Public Act.

XLV. 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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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1811.