



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 52.

An Act for inclofing Lands in *Scarning, Hoe, Worthing,*
and *Dillington,* in the County of *Norfolk.*

[6th May 1811.]

WHEREAS there are within the Parish of *Scarning,* and in the Parishes or Hamlets of *Hoe, Worthing,* and *Dillington,* in the County of *Norfolk,* divers Open Fields, Half Year or Shack Lands, Commonable Lands, Carr Grounds, Buscallies, Commons, and Waste Grounds: And whereas Sir *John Lombe* Baronet, is Lord of the several Manors of *Scarning Hall, Drayton Hall, Northen Hall, Scarning Parva, Guntons* and *Rougholme* on the Part of *Hoe, Hoe Harfords with Hoe Becks,* and *Safferys* otherwise *Sowters, Heymers* in *Hoe next East Dereham,* and *Swanton Morley with Worthing,* and in respect of the said Manors, or some of them, claims to be entitled to the Soil of the said Carr Grounds, Buscallies, Commons, and Waste Grounds, in the said Parishes or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington:* And whereas *John Hill* Esquire, is Lord of the Manor of *Gressenball* on the Part of *South Soken,* in the said County, which extends into the Parish of *Scarning* aforesaid, and claims to be entitled to the Soil of certain Common or Waste Land called *Podmore Common,* in *Scarning* aforesaid: And whereas *Thomas Truesdale Clarke* Esquire, is Lord of the Manor of *East Braddenham* and *Huntingfield Hall,* in the said County, and claims to be entitled to the Soil of certain Common or Waste Land called *Dalwaite,* otherwise *Daffy Green,* in *Scarning* aforesaid: And whereas the said Sir *John Lombe, Thomas Trues-*

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dale Clarke Esquire, *Daniel Jones* Esquire, *Christopher Andrews* *Girling* Esquire, the Reverend *Thomas Crow Munnings* Clerk, *John Stanbaw Watts Daniel*, and several other Persons respectively, are Owners and Proprietors of all the Messuages, Cottages, Lands, Grounds, and Tenements, within the said Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Carr Grounds, Buscallies, Open Fields, and Half Year or Shack Lands, lie intermixed and dispersed in small Parcels, and are inconveniently situated for the several Owners and Proprietors thereof, and the said Open Fields, Half Year or Shack Lands, Carr Grounds, Buscallies, Commons, Commonable Lands and Waste Grounds, or some Part thereof, are subject to certain Rights of Sheepwalk, Shackage, and Common, or other Rights and Interests, and, in their present State and Condition, yield but little Profit, and it would be advantageous to the several Persons interested in the Premises, if the said Rights of Sheepwalk, Shackage, and Common, and other Rights and Interests were extinguished, and if the said Lands and Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons entitled to and interested therein, according to their respective Estates, Rights, and Interests; but as such Extinguishment and Allotment cannot be effected without the Authority of Parliament: May it please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *William Unthank*, of *Heigham* in the County of the City of *Norwich*, *John Dugmore*, of *Swaffham* in the County of *Norfolk*, and *Edmund Cooper*, of *East Dereham* in the said County of *Norfolk*, Gentlemen, and their Successors to be elected in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for dividing and allotting the said Open Fields, Half Year or Shack Lands, Carr Grounds, Buscallies, Commons, Commonable Lands and Waste Grounds, and for carrying this Act into Execution, subject to such 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 that all Acts, Matters and Things, authorized or necessary to be done and executed by the said Commissioners, in pursuance of this Act and the said recited Act, may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect as if such Acts, Matters and Things, had been done and executed by all the Commissioners hereinbefore named, or to be appointed as hereinafter mentioned.

Commissioners appointed.

For appointing new Commissioners.

II. And be it further enacted, That if any of the Commissioners hereinbefore named, or to be appointed as hereinafter mentioned, shall die, or refuse to act, or shall become incapable of acting as a Commissioner or Commissioners in the Execution of this Act and the said recited Act, before all the Powers, Authorities and Trusts thereby vested in them shall be fully executed and performed, it shall and may be lawful for the remaining or surviving Commissioners or Commissioner, and they or he are and is hereby required, within Forty Days next after their or his Knowledge of such

such Death, Refusal, or Incapacity to act, by Writing under their or his Hands or Hand, to appoint any other Person or Persons (not being interested in the Premises) to be a Commissioner or Commissioners for the Purposes of the said recited Act and this Act, in the place and stead of such Commissioner or Commissioners so dying or refusing to act, or becoming incapable of acting 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 such and the like Powers and Authorities, in all Respects, for putting the said recited Act and this Act into Execution, as if he had been named and appointed a Commissioner in and by this Act.

III. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of the said recited Act and this Act, to be inserted in the *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if only One of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, then, and in such Case, and so often as the same shall happen, it shall be lawful for such Commissioner to adjourn such Meeting to such Time and Place, within such of the said Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing*, and *Dillington*, or within Eight Miles of either of them, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners: Provided always, That all Meetings of the said Commissioners in the Execution of this and the said recited Act, shall be held within Eight Miles of the said Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing*, and *Dillington*, or one of them.

Notice of
Commission-
ers Meetings.

One Com-
missioner may
adjourn.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners in pursuance of the said recited Act or of this Act, shall be so given by Advertisement to be inserted in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed or circulated in the said County of *Norfolk*.

Other No-
tices how to
be given.

V. And be it further enacted, That the said Commissioners shall, with all convenient Speed, after the passing of this Act, cause Notice of their Intention to perambulate the Boundaries of the said Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing*, and *Dillington* respectively, to be inserted in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper, printed or circulated within the said County of *Norfolk*, Eight Days at least before the Time of such Perambulation; and after the Expiration of the Time to be specified in such Notice, they, the said Commissioners, are hereby authorized and required to perambulate, enquire into, set out, ascertain, fix and determine, the Boundaries of the said Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing*, and *Dillington* respectively; and a Description of such Boundaries shall, within Forty Days afterwards, be inserted in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed or circulated within the

For ascer-
taining
Boundaries.

Appeal to
Sessions
against
Boundaries.

faid County of *Norfolk*: Provided always, that if any of the Proprietors of Estates, or Inhabitants of the faid Parishes or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington*, or either of them, or of any Parish or Parishes adjoining to the Parishes or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington* aforefaid, or either of them, shall be difatisfied with the Determination of the faid Commissioners refpecting the faid Boundaries, fuch Proprietors or Inhabitants, or any of them, may appeal to the Juftices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Session of the Peace to be held within Four Calendar Months next after the aforefaid Publication of the faid Boundaries, on giving to the faid Commissioners Fourteen Days Notice in writing of fuch Appeal, and of the Matter thereof; and the Decifion of the faid Juftices therein fhall be final and conclufive.

For Short-
ening Boun-
dary Fences
against
adjoining
Parishes.

VI. And whereas it may fhorten the Boundary Fences between the Lands hereby directed to be divided and inclofed, and the Lands in any adjoining Parish or Parishes, if the faid Commissioners were empowered to caufe fuch Fences to be raifed, in fuch Direction as they fhall deem moft proper and convenient for fhortening and making the fame regular: be it therefore further enacted, That it fhall and may be lawful for the faid Commissioners, with the Consent in Writing, under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is fituate, and under the Hands of the major Part in Value of the Land Owners in any Parish or Parishes adjoining to the faid refpective Parishes or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington*, (fuch Value to be afcertained by the Rates or Affeffments made for the Relief of the Poor of fuch Parish or Parishes refpectively,) or under the Hand or Hands of the Owner or Owners of the Lands upon which fuch Fence or Fences fhall or may be intended to be made, to fet out, afcertain, and determine the Boundary Fences to be made between the Lands hereby directed to be divided and allotted, and the Lands lying in fuch adjoining Parish or Parishes, as they fhall judge proper for the Purpofes aforefaid; and after fuch Boundary fhall be fo fet out, afcertaind and determined, the fame fhall be inclofed and fenced by fuch Perfon or Perfons, in fuch Manner, and at fuch Time or Times, as the faid Commissioners fhall direct, and fhall for ever thereafter be deemed and taken to be the Boundaries between the faid Parishes or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington*, refpectively, and fuch adjoining Parish or Parishes refpectively; any Law, Ufage, or Custom, to the contrary notwithstanding.

Objections
to be deli-
vered to
Parties whofe
Claims are
objected to.

VII. And be it further enacted, That if any of the Parties interefted in the Premifes fhall have any Objection or Objections to any of the Accounts or Claims which fhall be delivered to the faid Commissioners, by virtue of the faid recited Act, or this Act, fuch Objection or Objections fhall be reduced into Writing, and Two Parts thereof fhall be figned by the Party or Parties making the fame, or by fome Perfon or Perfons, on his, her, or their Behalf, and one Part thereof fhall be delivered to the faid Commissioners, and the other Part thereof fhall be delivered to the Party or Parties whofe Claim or Account fhall be objected to, or to his, her or their Agent, or left at his, her or their laft or ufual Place of Abode, at fuch Time or Times as the faid Commissioners fhall appoint for that Purpose; and no Objection to any of the faid Accounts or Claims fhall
be

be afterwards received by the said Commissioners unless for some legal Disability, or special Cause to be allowed by them.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested in the said intended Division and Allotment, touching or concerning the respective Rights and Interests which they or any of them shall claim to have into, upon, or out of the Lands and Grounds hereby directed to be divided and allotted, or concerning any Underwood, Bushes, Thorns, Whins or Furze growing thereon, or concerning any Allowances claimed or to be claimed 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 relating to the said Division and Allotment, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear and determine the same; Provided, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

Commissioners to settle Disputes.

IX. And be it further enacted, That if any Person, having been summoned according to the Directions of the said recited Act to testify the Truth upon Oath, touching any Matter in difference between any of the Parties interested in the Premises or otherwise, relating to the Execution of the Powers given by the said recited Act and this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioners, to defray the Charges of his or her Attendance, shall not appear before the said Commissioners pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing, shall refuse to be sworn, or to be examined and give Evidence touching the Premises, the said Commissioners, upon due Proof thereof made before them upon Oath, shall, and they are hereby authorized, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum of Money, not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear and give Evidence, rendering the Overplus (if any) upon Demand, to the Person 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 Expences of obtaining this Act, and carrying the said recited Act and this Act into Execution.

Commissioners to summon Witnesses.

X. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Objection to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess and award such Costs as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Objection shall be thereby disallowed or over-ruled, or against whom the said Commissioners shall have determined as aforesaid; and in case the Person or

Commissioners to assess Costs.

[Loc. & Per.]

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Persons,

Persons, or Body or Bodies Politic, Corporate or Collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same upon Demand, it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs 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.

XI. 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 Objection which shall be delivered to the said Commissioners, in pursuance of the said recited Act or this Act, or touching or concerning any Property, Right or Interest, intended to be affected by such Determination, and shall, within One Calendar Month next after such Determination, cause Notice in Writing of such Dissatisfaction to be delivered to, or left at the usual Place of Abode of the said Commissioners, and of the Party or Parties in whose Favour such Determination shall have been made, or his, her or their Agent, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, giving such Notice as aforesaid, to proceed to a Trial at Law of the Matter so determined by the said Commissioners, at the then next Assizes to be held for the said County of *Norfolk*, unless such Assizes shall happen within Three Calendar Months next after the Determination of the said Commissioners, and in that Case, at the second Assizes to be held for the said County next after such Determination: and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, giving such Notice as aforesaid, shall, within Two Calendar Months next after such Determination, cause an Action to be brought in one of His Majesty's Courts of Record at *Westminster*, 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 or 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, and the Property, Right and Interest thereby insisted upon, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same); and the Verdict which shall be given upon the Trial of such Action shall be binding, final and conclusive, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, which it shall be lawful for the said Court to do, in case the said Court shall think proper; and that after such Verdict shall be obtained, and not set aside, the said Commissioners shall, and they are hereby required, to act in conformity thereto, and to allow or disallow the Claim, Property, Right or Interest thereby determined, according to the Event of such Trial or Trials: Provided always, That if

If no Action
brought, or

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no such Notice shall be given, or if any such Notice shall be given, and such Action at Law shall not 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 hereinbefore limited for that Purpose, then the Determination of the said Commissioners 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; and that no Difference, Suit or Proceeding, as aforesaid, nor any Difference or Dispute, 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 Allotment hereby directed to be made shall be proceeded in notwithstanding any such Difference, Suit or Proceeding.

not proceeded in, the Determination of the Commissioners to be final.

Trial not to suspend the Execution of the Powers of this Act.

XII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic 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.

In cases of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

XIII. 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 such Parties, except in Cases of Encroachments made within the Period of Twenty years, as hereinafter mentioned; 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, 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.

XIV. And be it further enacted, That all Encroachments which at any Time within Twenty Years now last past have been made upon the said Commons and Waste Grounds (save and except such Parts thereof as have been enclosed by virtue of any Licence in Writing, or Consent or Grant from the Lords of the aforesaid Manors, and duly enrolled in the Court Books of the said respective Manors) shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute.

Encroachments.

Dispute or Difference shall arise touching any such Encroachments, or the Extent thereof, such Dispute or Difference shall be determined by the said Commissioners.

Commissioners to stop up old Roads and Footpaths.

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

XV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to stop up and discontinue, or divert and turn, and to set out and appoint any public or private Roads, Tracks, Ways or Paths, in the said Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington*, and to make such Order or Orders as to them shall seem proper for that Purpose; subject nevertheless to the Provisions and Directions of the said recited Act with respect to the stopping up of any old or accustomed Road or Roads, and subject to an Appeal to the Quarter Sessions as therein mentioned: Provided always, That no public Highway or Road shall be shut up or discontinued until the Roads intended to be and remain public Highways shall be set out according to the Directions of the said recited Act, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle and Carriages: Provided also, That all private Roads, Ways and Footpaths, which shall be set out and appointed by the said Commissioners, shall be made, and for ever maintained and kept in repair by such Persons, and in such Manner, as the said Commissioners shall, by their Award, or any other Writing under their Hands, order, direct or appoint.

Allotments for watering Places, and Sand, and Gravel Pits.

XVI. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Surveyors of the Highways within the said respective Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington* respectively, and to their respective Successors, for ever, such Parts and Parcels of the Lands and Grounds hereby directed to be divided and allotted, not exceeding three Acres in each of the said Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington*, as shall, in the Judgment of the said Commissioners, be proper and sufficient as and for public Watering Places for Cattle, and for public Sand, Gravel, Stone, Clay, Marle and Chalk Pits, and the said Allotments shall for ever be exonerated and discharged from the Payment of all Parochial Taxes, Rates, Charges, Burthens, Assessments or Impositions whatsoever; and the said Allotments shall be enclosed and fenced in such Manner as the said Commissioners shall direct, and such Allotment and Allotments, when so set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said Parishes or Hamlets respectively, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the Lords or Ladies of the said Manors, and the Churchwardens and Overseers of the Poor, and the Surveyors of the Highways of and within the said Parishes or Hamlets respectively for the Time being, or the major Part of them shall order, direct and appoint, and not otherwise; and the Grass and Herbage of the said Allotment or Allotments shall be from time to time let by the respective Surveyors of the Highways within the said Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington*, at and for the best Rent that can be obtained for the same, and such Rent shall be applied towards the Repairs of the public Roads in the same Parishes or Hamlets respectively.

XVII. And

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, in the next Place to set out and allot unto the Lords of the several Manors herein before mentioned, and to the Lord or Lords, or Lady 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 within the said Parishes or Hamlets of *Scarning, Hoe,* and *Worthing* respectively, so much and such Parts of the Lands and Grounds situate in the same Parishes or Hamlets respectively, and hereby directed to be divided and allotted, not exceeding the average Value of One-sixteenth Part, nor less than the average Value of One-twentieth Part of the said Commons and Waste Grounds in the said respective Parishes or Hamlets, as the said Commissioners shall determine and declare to be a Compensation and full Satisfaction of and for the Right of such Lord or Lords, Lady or Ladies respectively, of, in, and to the Soil of the said Commons and Waste Grounds, according and in proportion to his, her, or their several Parts, Rights, and Interests therein.

Allotments to Lords of Manors for Right of Soil in Scarning, Hoe and Worthing.

XVIII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto the said Sir *John Lombe*, as Lord of the said Manors of *Scarning Hall, Drayton Hall, Northen Hall, Scarning Parva, Guntons,* and *Rougholme* on the Part of *Hoe*, or some, or One of them, so much and such Parts of the said Commons and Waste Grounds, situate, lying and being in *Dillington* aforesaid, upon that Part of the said Commons and Waste Grounds which is called or commonly known by the name of *Stunton Heath*, and adjoining the Boundary Line dividing the said Hamlet of *Dillington*, from the said Parish or Hamlet of *Hoe*, as shall in the Judgment of the said Commissioners be deemed to be equal in Value to the average Value of Six Acres of the said Commons and Waste Grounds, situate, lying and being in *Dillington* aforesaid, as and for a Compensation and full Satisfaction of and for the Right of the said Sir *John Lombe*, as such Lord as aforesaid, of, in, and to the Soil of the said Commons and Waste Grounds situate, lying and being in the said Hamlet of *Dillington*, and also of and for the Right of the said Sir *John Lombe*, as such Lord as aforesaid, of, in, and to the Soil of the said Carr Grounds, or *Buscallies*, situate within the said Hamlet of *Dillington*.

Allotment to Sir John Lombe, for Right of Soil in Dillington.

XIX. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Manor of *Hoe Harfords with Hoe Becks,* and *Safferys* otherwise *Sowters*, and the Vicar, Churchwardens and Overseers of the Poor of the Parish or Hamlet of *Hoe* aforesaid for the Time being, such Part or Parts of the Lands and Grounds, situate in *Hoe* aforesaid, to be divided and allotted by virtue of this and the said recited Act, as the said Commissioners shall think proper, not exceeding Thirty Acres, and the last-mentioned Allotment or Allotments shall be vested in the Lord or Lords, Lady or Ladies of the last-mentioned Manor, and the Vicar, Churchwardens and Overseers of the Poor of the Parish or Hamlet of *Hoe* aforesaid for the time being, as Trustees for the Poor Inhabitants of the same Parish or Hamlet, forever, and shall be ploughed, sown, tilled, cultivated, improved, let, demised

Allotment for the Poor of Hoe.

Lords of
Manors and
Vicars to act
by Proxy.

or otherwise held, used, managed or disposed of, and the Produce, Rents, and Profits thereof, shall be received and applied by the Trustees of the same Allotment or Allotments respectively for the Time being, or the major Part of them, for the Use and Benefit of such Poor Inhabitants of the said Parish or Hamlet of *Hoe*, who shall be legally settled therein, and shall not respectively occupy Lands or Tenements of more than the yearly Value of Five Pounds, in such Manner, and under such Rules and Regulations as the said Trustees for the time being, or the major Part of them, shall appoint and prescribe and not otherwise: Provided always, That it shall and may be lawful for the Lord or Lords, Lady or Ladies of the said Manor of *Hoe Harfords with Hoe Becks*, and *Safferys*, otherwise *Sowters*, and the Vicar of the Parish or Hamlet of *Hoe* aforesaid, to act in the Execution of the Trusts, Powers, and Authorities, hereby reposed and vested in them respectively, by his, her, or their respective Agents or Proxies, to be appointed by Writing under his, her, or their Hand or respective Hands, such Agents or Proxies respectively producing their Appointment or respective Appointments at the Time of their respectively acting by virtue thereof.

Allotment of
the Residue.

XX. And be it further enacted, That the said Commissioners shall assign, set out, and allot the Residue and Remainder of the Open Fields, Half Year or Shack Lands, Carr Grounds, Buscallies, Commons, Commonable Lands and Waste Grounds, within the said Parishes or Hamlets of *Scarning, Hoe, Worthing*, and *Dillington* respectively, unto and amongst all and every Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, having any Right or Interest in, to, over, or upon the same, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be equal 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 therein.

For fencing
the Public
and the
Rectors and
Vicar's
Allotments.

XXI. And be it further enacted, That the Allotments which shall be made to the Surveyors of the Highways within the said respective Parishes or Hamlets of *Scarning, Hoe, Worthing*, and *Dillington*, and to the Trustees for the Poor of the said Parish or Hamlet of *Hoe*, and to the Rectors and Vicar of *Scarning, Hoe*, and *Worthing* respectively, in right of their said Rectories and Vicarage respectively, shall be inclosed and fenced on the Outside of such Allotments respectively, and such Fences shall be afterwards maintained and kept in repair in such Manner as the said Commissioners shall by their Award, or any Writing under their Hands, direct or appoint.

Right to
Tythes, not
to be affected.

XXII. Provided always, That nothing in the said recited Act or this Act contained shall prejudice, lessen, defeat, or in anywise affect the Right, Title, or Interest, of the said Rectors and Vicar for the time being, or either of them, in or to any Tythes, Mortuaries, Easter Offerings, and Surplice Fees, arising or renewing out of or payable in respect of any Lands, or Tenements within the Parishes or Hamlets of *Scarning, Hoe, Worthing* and *Dillington* aforesaid; but that such Tythes, Mortuaries, Easter Offerings, and Surplice Fees, shall be payable and paid at all Times hereafter, in the same Manner as if this Act had not been passed.

XXIII. And

XXIII. And be it further enacted, That all the Lands which shall be allotted by virtue of the said recited Act or this Act to any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, for or in lieu of any Lands, or in respect of any Buildings or Lands holden of any Manor or Manors by Copy of Court Roll, or in respect of any Leasehold Buildings or Lands, or for or in respect of any Right of Common of Pasture, or other Right or Interest, appendant or appurtenant to any such Copyhold or Leasehold Buildings or Lands, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenure, and subject to such Rents, Payments, Fines and Services, as the Copyhold or Leasehold Buildings or Lands respectively, in respect whereof such Allotments shall be made, are now held, and that all and every Person and Persons to whom such Copyhold Premises shall be allotted as aforesaid, shall, within Six Calendar Months next after the Execution of the said Award, or at the First General Court to be held for the said Manors respectively next after the Expiration thereof, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge, (save and except for the Stamp Duties, and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Steward or Stewards of the said Manor or Manors as the said Commissioners shall by their said Award, or any Writing under their Hands, order and direct to be paid on such Admissions respectively,) but in case the Person or Persons to whom such Copyhold Premises shall be allotted, shall not have been admitted to the Copyhold Hereditaments in respect whereof such Allotment or Allotments shall be made, or shall alienate the same, or shall die without having been admitted to the Lands allotted in respect of such Copyhold Hereditaments, then the customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Lands so allotted as last aforesaid; and after every such First Admission, the Copyhold Premises so to be allotted as last aforesaid, shall at all Times be held under and subject to the same Tenure, Fines, Payments and Services, as the Copyhold Buildings or Lands in respect whereof such Premises were allotted, are now held under and subject to, and the said Commissioners shall by their said Award determine, describe and abut the Lands and Grounds hereby directed to be divided and allotted respectively, which are to be and remain Copyhold or Leasehold, and all other Lands in the Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington* aforesaid, which are hereby directed to be divided and allotted, (except what shall be so ascertained by the said Commissioners to be Copyhold or Leasehold,) shall be deemed, taken, and enjoyed as Freehold, subject nevertheless to such Free Rents and Services as are now due or payable out of the Premises for or in lieu or in respect whereof the same shall be allotted as aforesaid.

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

XXIV. And be it further enacted, that it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever, within the Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington* aforesaid, or either of them, in lieu of, and in Exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments, within the same Parishes respectively, or within any adjoining Parish, Hamlet, Township, or Place; provided that

For allowing Exchanges to be made.

that all such Exchanges shall be ascertained, specified, and declared in the said Award, and be made with the Consent of the Proprietor or Proprietors of the Premises which shall be so exchanged, whether such 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 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 or Feoffees, for charitable, parochial, 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, Femes 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 Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively;) and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in 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 Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Lord Bishop of the Diocese in which such Messuages, Buildings, Lands, Tenements and Hereditaments, shall be situate, and of the Patron of such Ecclesiastical Benefice: 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.

Tenants to give up exchanged Lands, having Satisfaction for the same.

XXV. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or extended Rent now subsisting, of any inclosed Lands which shall be exchanged by virtue of this Act, shall immediately after the Execution of the Award, or within such further Time, not exceeding One Year afterwards, as the said Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose, deliver up the full and peaceable Possession of such exchanged Lands to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, but the Tenants or Occupiers of such allotted or exchanged Lands shall receive from the respective Owners and Proprietors thereof, such Satisfaction as the said Commissioners shall ascertain, order, direct or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof, it shall and may be lawful for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act, can or may be raised and levied: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington* respectively, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Lands shall be taken in Exchange,

change, which Lands shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

XXVI. And be it further enacted, That all and every Lease and Leases at rack or extended Rent now subsisting, of any Messuages, Lands, or Tenements, within the said Parishes or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington* respectively, shall, as far as such Lease or Leases affect or concern any Allotment or Allotments to be made of any Part of the said Commons or Waste Grounds in respect of such Messuages, Lands or Tenements, comprized in such Lease or Leases, be, and the same is and are hereby declared to be null and void as to such Allotment and Allotments, and such Allotment and Allotments shall be made and assigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees, and such Allotment and Allotments shall be freed and discharged from all Right and Interest which may or otherwise might be claimed in or to the same by virtue of such Lease or Leases, and the Person or Persons to whom the Messuages, Lands, or Tenements comprized in such Lease or Leases shall belong as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same under such Lease or Leases as the said Commissioners shall by writing under their Hands direct, for the Right of Common or other Rights or Interests in, over or upon the said Commons or Waste Lands, or any Part thereof, appendant or appurtenant to such Messuages, Lands or Tenements, and which shall be extinguished by this Act; and if any Person or Persons shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto, within Ten Days after Demand made thereof, then, and in such Case, it shall be lawful to and for the said Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means, as the Costs, Charges and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Leases void
as to Allot-
ments of
Common.

XXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will, 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, Lands, Tenements or Hereditaments in the Parishes or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington* aforesaid respectively, or any adjoining Parish or Parishes, which shall be allotted or exchanged by virtue of the said recited Act or this Act, but that each and every Proprietor shall stand and be seised of the Premises to be allotted to 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, Debts, Charges, Rents and Incumbrances, and no other, as the Messuages, Lands, Tenements or Hereditaments 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 Allotments or Exchanges shall be made would have been subject to, charged with, or affected by, in case this Act had not been passed.

Wills and
Settlements
not to be
affected.

No Turf,
Flags,
Whins, or
Furze to be
cut without
Leave of the
Commis-
sioners.

XXVIII. 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 Turf, Flags, Whins or Furze in, upon or from the said Commons and Waste Grounds or any Part thereof, without the Licence of the said Commissioners first had and 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;) and if any Person shall cut, dig, pare, grave, flay or carry away any Turf, Flags, Whins or Furze, in, upon or from the said Commons and Waste Grounds, or any Part thereof, without such Licence as aforesaid, or, having obtained such Licence, shall act in any Manner contrary to the same, the said Commissioners, or any Justice of the Peace acting in and for the said County, upon due Proof thereof made before the said Commissioners or Justice upon Oath, (which Oath either of the said Commissioners or such Justice is hereby empowered to administer,) shall by their or his Warrant directed to any Person whomsoever, cause any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person offending in the Premises, rendering the Overplus, (if any,) upon Demand, to the Person 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 carrying the said recited Act and this Act into Execution.

For extin-
guishing or
suspending
Rights of
Sheepwalk
and Common
before the
Award.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, at any Time before the Execution of the Award to be made by them in pursuance of the said recited Act and this Act, by any Writing under their Hands to be affixed upon the Doors of the respective Parish Churches of *Scarning*, *Hoe*, *Worthing*, and *East Dereham* aforesaid, to order and direct all or any Rights of Sheepwalk, Shackage or Common, in, over and upon the said Open Fields, Half Year or Shack Lands, Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Doors respectively, or any other Time to be appointed by the said Commissioners in or by such Writing, cease, determine and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage or Custom to the contrary notwithstanding.

Commission-
ers to make
Drains, &c.

XXX. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks or Watercourses, within the Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing*, and *Dillington* aforesaid respectively, to be cleansed, opened, scoured, widened, deepened, or enlarged, and to stop up and discontinue any Ditches, Fences, Drains, Brooks, or Watercourses, which may appear to the said Commissioners to be unnecessary, and also to cause any new Ditches, Fences, Bridges, Banks, Sluices, Tunnels, Drains, Brooks or Watercourses, to be made within the same Parishes or Hamlets respectively, and to make such

such Orders for maintaining such Ditches, Fences, Bridges, Drains, Brooks or Watercourses in repair, as they shall think proper; provided that no such Works shall be made upon any inclosed Land without the previous Consent of the Owner or Owners thereof, and that no Rivulet, Brook or Watercourse, shall be diverted or turned from its present Course, in, through, from, or over any inclosed Land, without the Consent of the Owner or Owners of the Land from which, and into which, any such Rivulet, Brook or Watercourse, shall be diverted or turned, and carried or conveyed.

XXXI. Provided always, and be it further enacted, That if any Person (except the Rectors and Vicar of the aforesaid Parishes or Hamlets respectively for the time being, in respect of their Rectories and Vicarage respectively) hath sold, or shall at any Time before the Execution of the said Award sell, his or her Right, Interest and Property into, over or upon the Lands 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 Commissioners, and they are hereby authorized and required, upon receiving Notice of any such Sale, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs or Assigns, for and 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 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 Right, Interest or Property, had been vested in such Vendor at the Time of making such Allotment as aforesaid.

If any Person sells his Common Right, the Allotment is to be made to the Purchaser.

XXXII. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands or Tenements, within the Parishes or Hamlets of *Scarning, Hoe, Worthing, and Dillington* aforesaid, respectively, shall hold the same by different Tenures, or for different Estates, or in different Rights, or under different Titles, the said Commissioners shall, upon the Request 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 their said Award, assign, set out, and allot distinct and several Allotments, by distinct and several Descriptions for such respective Messuages, Lands or Tenements, and shall declare in right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioners, for want of necessary Information, or from any other Cause, shall not discriminate and distinguish such different Rights or Titles, different Estates, and different Tenures, in their Award, it shall be lawful for them, at any Time within Twelve Calendar Months afterwards, upon the Request in writing of any Person or Persons interested, to do or cause to be done all proper and necessary Acts for the Purposes of enabling them to make such Discrimination and Distinction as aforesaid, in the same Manner as they might or could have done by their said Award; and when and so soon as the said Commissioners shall have obtained sufficient Information for the Purpose, by any Deed or Instrument in writing under their Hands and Seals, to ascertain

Separate Allotments to be made for Estates held under different Titles.

tain and distinguish the Difference of such Tenures, Estates, Rights and Titles respectively, and shall make distinct and several Allotments, in the same Manner as they are hereby authorized to do by their said Award, and every such Deed or Instrument shall have the same Force and Effect as if the same was contained in the said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, 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, properly belong for the time being; and all the Costs, Charges and Expences which shall be occasioned by the Proceeding of the said Commissioners in making such Discrimination, Distinction, and Allotment or Allotments, and of preparing and executing any such Deed or Instrument, or in anywise relating thereto, shall be ascertained and settled by the said Commissioners, and shall be paid by the Person or Persons who shall make 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 Commissioners shall by Writing under their Hands appoint; and in case such Costs, Charges and Expences shall not be so paid, it shall be lawful for the said Commissioners, and they are hereby required to raise and levy the same by such Ways and Means, as the Costs, Charges and Expences of obtaining this Act, and executing the said recited Act and this Act, can or may be raised and levied.

Allotments to be marked upon a Plan, and shewn to the Proprietors.

XXXIII. And be it further enacted, That the said Commissioners, when and so soon as they shall have ascertained the Rights and Interests of the several Parties entitled to and interested in the Lands hereby directed to be divided and allotted, shall cause the several Allotments proposed to be made by them, to be distinctly laid down and delineated upon a Map or Plan, which shall be produced at a convenient Time and Place to be appointed by the said Commissioners, and published in the said Newspapers, or one of them, for the Inspection and Examination of the several Parties interested in the said Allotments; and in case any Objection or Objections shall be made to the proposed Allotments, the Party or Parties making the same shall sign and deliver a Statement thereof in writing to the said Commissioners, at such Time and Place as they shall appoint, and the said Commissioners shall immediately, or within a convenient Time afterwards, take the same into their Consideration, and determine the Matter thereof; and the Determination of the said Commissioners therein shall be final, binding and conclusive.

Power for certain Persons to sell their Allotments.

XXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by any of 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, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees or Attornies respectively, or by any of the said Proprietors of the Lands hereby directed to be divided and allotted, or any Part thereof, who are or shall be Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingency, (save and except the said Rectors for the time being,) to sell any Part of the Allotment or Allotments to be made by virtue of this Act, to such incapacitated Proprietor
or

or Proprietors, or other Person or Persons by whom or on whose Behalf any such Application shall be made as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the respective Shares and Proportions of the Costs, Charges and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, which shall be charged upon or payable by such incapacitated Proprietors or other Person or Persons respectively, and of fencing, inclosing, and subdividing his, her or their Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners, in such and the like Manner, and subject to such and the like Rules and Regulations, as are mentioned and prescribed in and by the said recited Act, in 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, shall be conveyed by the said Commissioners, at the Expence of such Purchaser or Purchasers, unto and to the Use of, or in Trust for such Purchaser or Purchasers, and his, her or their Heirs respectively, or as he, she or they shall appoint, and shall be inclosed and held by such Purchaser or Purchasers respectively in severalty, and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the said Purchase Money, which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges and Expences; and if any Surplus shall remain in the Hands of the said Commissioners, the same shall be applied and disposed of by them in Manner directed by the said recited Act with respect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchase or Exchange of any Lands, Tenements or Hereditaments, to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements and Hereditaments, as therein mentioned: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the Person or Persons, Part of whose Allotment or Allotments shall be 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: Provided always, that in all Cases where any Lands shall be sold for Payment of Expences as aforesaid, it shall not be lawful for the Proprietor or Person whose Lands shall be so sold, to charge the same by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

XXXV. And be it further enacted, That in case any Lands hereby directed to be divided and allotted, upon which any Underwood, Bushes, Whins, Furze or Shrubs, Gates, Gateposts, Stiles, Posts, Pales or Rails, shall be growing or standing, shall by virtue of this Act be allotted to any Person or Persons, other than such Person or Persons as was or were the Owner or Owners thereof, at or immediately before the making such Allotments respectively, then, and in every such Case, it shall and may be lawful for the Owner or Owners of such Underwood, Bushes, Whins, Furze or Shrubs, Gates, Gateposts, Stiles, Posts, Pales or Rails, at all seasonable Times within the Space of Twelve calendar Months after the Execution of the said Award, or within any shorter Space of Time, to

Former Proprietors may enter upon Allotments and take away Trees, &c.

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be appointed by the said Commissioners by Writing under their Hands, to enter into and upon such Lands and Grounds whereon such Underwood, Bushes, Whins, Furze or Shrubs; Gates, Gateposts, Stiles, Posts, Pales or Rails, shall be so standing or growing, and to fell, cut down, stub up, and with Workmen, Servants, Cattle and Carriages, or otherwise, to take and carry away the same to and for his, her and their own Use and Benefit, under such Regulations and Restrictions as the said Commissioners shall direct or appoint.

No Sheep to be kept in the new Inclosures for Seven Years.

XXXVI. Provided always, 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 young Fences belonging to such Allotments respectively from being hurt or damaged by such Sheep or Lambs (whether such Fences be made or set by the Owner or Occupier of such Allotment or Allotments, or by the Owner or Occupiers of the Allotment or Allotments adjoining thereto); and in case any Person shall turn or keep any Sheep or Lambs in any such Allotment or Allotments without raising or keeping up such Fences as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Allotments to enter thereon, and to take, drive away, and impound the same Sheep or Lambs.

Directions for charging Copyhold Lands with Expences.

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

For defraying the Expences of obtaining, and executing this Act.

XXXVIII. And be it further enacted, That all the Costs and Charges 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 or Hamlets of *Scarning, Hoe, Worthing,* and *Dillington* respectively, and of dividing and allotting the Lands and Grounds hereby, or by the said recited Act authorized or directed to be divided and allotted, and of inclosing and fencing the Allotments hereinbefore directed or authorized to be made for publick and charitable Purposes, and of forming and making the publick Roads and Ways which shall be set out and appointed to be first formed and made in pursuance of the said recited

recited Act and this Act, and of inclosing and fencing on the Outside thereof the Allotments to be made to the Rectors and Vicar of the said respective Parishes or Hamlets of *Scarning*, *Hoe* and *Worthing*, for and in respect of their said Rectories and Vicarage, and of preparing and enrolling the Award of the said Commissioners and the Copy thereof, and all the Charges and Expences of the said Commissioners, and their Assistants and Servants, and all other necessary Charges and Expences of the several Persons employed by them in and about the Premises, either before or after the Execution of the said Award, and all other Expences of carrying this and the said recited Act into Execution, shall be borne and paid by the several Person and Persons, and Body or Bodies Politick, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue of the said recited Act and this Act, in such Shares and Proportions, and at such Time or Times, either before or after the Execution of the said Award, and at such Place, and to such Person or Persons as the said Commissioners shall in and by their Award, or by any Writing or Writings under their Hands, order, direct and appoint; (save and except the several Persons to whom an Allotment is hereinbefore directed to be made, in trust for the Poor of the Parish or Hamlet of *Hoe* aforesaid, in respect of the same Allotment; and also save and except the said Rectors and Vicar of the said Parishes or Hamlets of *Scarning*, *Hoe* and *Worthing* respectively, for or in respect of any Allotment or Allotments which shall be made to them in right of their said Rectories and Vicarage respectively; and also save and except the Surveyors of the Highways within the said Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing* and *Dillington* respectively, for the time being, for or in respect of the Allotment or Allotments hereby directed to be made to them as aforesaid; and also save and except such Person or Persons whose real Property shall not in the Judgment of the said Commissioners exceed the annual Value of Seven Pounds, or whose personal Property shall not in the Judgment of the said Commissioners exceed the Sum of One hundred and forty Pounds at the Time of making and executing the said Award;) and in case any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, shall refuse or neglect to pay his, her or their Proportion of such Costs, Charges and Expences as aforesaid, within the Time, and at the Place, and to such Person or Persons as the said Commissioners shall in Manner aforesaid direct and appoint, then, and in such Case, the said Commissioners shall cause the same to be levied and recovered in the Manner directed by the said recited Act.

XXXIX. Provided always, and be it further enacted, That the Lessee of the Dean and Chapter of the Cathedral Church of the holy and undivided Trinity in *Norwich*, shall bear and defray the Proportion of the Costs, Charges and Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, which shall be payable in respect of the Allotments to be made for the Messuages, Lands, Tenements or Hereditaments demised to him by the said Dean and Chapter, or for any Rights of Common appendant or appurtenant thereto.

Lessee of the Dean and Chapter of Norwich to defray Proportion of Expences of obtaining and executing this Act.

XL. Provided always, That the said 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 held in pursuance of the said recited Act or this Act.

Proprietors and their Agents, to pay their own Expences.

XLI. Provided

Money advanced to be repaid with Interest.

XLI. Provided always, That if any Person or Persons hath advanced, or shall advance any Money in discharge of the Fees or other Expences of obtaining this Act, or of executing the said recited Act or this Act, the Money so advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Commissioners to lay their Accounts before a Justice once in every Year.

XLII. And be it further enacted, That once at least in every Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof,) the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Monies by them received and expended, or due to them for their own Trouble and Expences in the Execution of the said recited Act and this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any one or more of His Majesty's Justices of the Peace for the said County of *Norfolk*, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

Directions as to the Award.

XLIII. And be it further enacted, That the said Award, with a proper Map or Plan of each of the said Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing* and *Dillington*, thereto annexed, shall, within Twelve Calendar Months after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises; for the Reception whereof the Fee of Two Guineas shall be paid, and no more, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award, shall from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions, and within the Meaning of the said recited Act; and a Copy of the said Award, fairly transcribed in a Book, and signed and attested by the said Commissioners, to be a true Copy of the said Award, with a proper Map or Plan of each of the said Parishes or Hamlets of *Scarning*, *Hoe*, *Worthing* and *Dillington*, shall be deposited in such of the Parish Churches of *Scarning*, *Hoe*, *Worthing* and *East Dereham*, as the said Commissioners shall in and by their Award appoint, and there kept in a Box to be provided for that Purpose: and the said Award and Copy thereof, and any other Copy of the said Award, or any Part or any Parts thereof, attested by the said Commissioners, or by the said Clerk of the Peace or his Deputy, (for every Sheet of which Copy containing Seventy-two Words Four Pence and no more shall be paid,) shall from time to time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatsoever; and the several Allotments, Partitions, Orders, Directions, Provisions, Matters, and Things, contained in the said Award, shall be binding and conclusive upon all and every the Parties interested in the Premises; and all Com-
monable

monable Rights and Interests whatsoever, in, over or upon the Lands and Grounds hereby directed to be divided and allotted, shall, from and after the Execution of the said Award, cease, determine, and be for ever extinguished, and the same Lands shall for ever thereafter be held and enjoyed by the several and respective Owners and Proprietors thereof in fevralty.

XLIV. And be it further enacted, That if any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, shall think himself, herself or themselves aggrieved by any thing done or omitted to be done in pursuance of the said recited Act, or of this Act, (other than and except as to the said Claims, Matters and Things, which shall be ascertained, settled, tried or determined, by the Verdict of a Jury, under the Power and Authority herein-before contained, or where, by any of the Provisions or Clauses of the said recited Act or this Act, the Determinations, Orders, Acts or Proceedings of the said Commissioners are declared or directed to be final and conclusive,) 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 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 Commissioners, or either of them, and to the Party or Parties concerned, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in 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 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*, 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 shall award such Costs to be paid by the Appellant or Appellants, as to the said Justices, in their Discretion, shall seem reasonable, and to be levied in manner aforesaid.

Appeal to
the Sessions.

XLV. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politick, Corporate or Collegiate, and his, her and their Heirs, Successors, Executors and Administrators, (except the several Persons, and Body or Bodies Politick, Corporate or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said recited Act, or this Act, for and in respect of such Rights or Interests as are hereby meant and intended to be barred, destroyed and extinguished, and all Persons respectively claiming under them or in remainder after them,) all such Right, Estate, Title and Interest, as they, every or

General
Saving.

[*Loc. & Per.*]

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any

any of them could or ought to have had and enjoyed, of, in, to, or in respect of the Lands hereby directed to be divided and allotted, in case this Act had not been passed.

Act to be
printed by
the King's
Printer.

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

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