



ANNO QUINQUAGESIMO SECUNDO

# GEORGI III. REGIS.

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## Cap. 33.

An Act for inclosing Lands in the Parish of *Barford*,  
in the County of *Norfolk*. [20th March 1812.]

**W**HEREAS there are within the Parish of *Barford*, in the County of *Norfolk*, divers Open Fields, Commons, Commonable Lands and Waste Grounds: And whereas Sir *George Jerningham* Baronet, is Lord of the Manor of *Costessy*, on the Part of *Barford* and *Wramplingham*, and *Charlotte Atkyns* Widow, is Lady of the Manor of *Barford Hall* with *Soame Hall*, and the said Sir *George Jerningham* and *Charlotte Atkyns*, respectively, are or claim to be entitled to the Soil of the Commons and Waste Grounds in the said Parish of *Barford*: And whereas the Right Honourable *John Lord Wodehouse*, the said *Charlotte Atkyns*, Sir *John Lombe* Baronet, *John Leeder*, and several other Persons, respectively, are Owners and Proprietors of all the Messuages, Cottages, Lands, Grounds, and Tenements within the said Parish of *Barford*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Open Fields lie intermixed, and dispersed in small Parcels, and are inconveniently situated for the several Owners and Proprietors thereof; and the said Commons, Commonable Lands, and Waste Grounds, 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 several Rights to which the same are subject were extinguished, and if the

[*Loc. & Per.*]

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said

Commission-  
ers appointed

said Commons, Commonable Lands and Waste Grounds, together with the said Open Fields, 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, 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 *Joseph Sewell* of *Catton*, in the County of *Norfolk*, *William Unthank* of *Heigham*, in the County of the City of *Norwich*, and *Joseph Muskett* of *Easton*, in the said County of *Norfolk*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing and allotting the said Open Fields, 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 herein-before named or to be appointed as herein-after mentioned.

For appoint-  
ing new Com-  
missioners.

II. And be it further enacted, That if any of the Commissioners herein-before named, or to be appointed as herein-after 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 reposed 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 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 Purpose of this and the said recited 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 this and the said recited Act into Execution as if he had been named and appointed a Commissioner in and by this Act.

Notice of  
Commission-  
ers' Meetings.

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 and the said recited 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

shall be present at the Time and Place 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 the said Parish of *Barford*, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners; and that all Meetings of the said Commissioners in the Execution of this Act or the said recited Act shall be held within the said Parish of *Barford*, or within Eight Miles thereof.

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 Newspaper then published or circulated in the County of *Norfolk*, or by Writing to be affixed upon the principal Door of the Parish Church of *Barford*; and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Persons concerned, respecting all the Matters and Things to which such Notice shall relate.

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 plowing, 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 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

Commissioners to  
summon  
Witnesses.

or

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.

Commis-  
sioners may  
assess Costs.

VII. 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 to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made; by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled, or against whom the said Commissioners shall have 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.

VIII. 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

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 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, 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.

IX. Provided always, and be it further 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, 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.

X. 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

If Parties die before Actions brought.

[Loc. & Per.]

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Names

Names of such Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

XI. 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.

For extinguishing or suspending Rights of Common before the Award.

XII. 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 Purpose given and affixed to the principal Door of the Parish Church of *Barford* afore said, 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 afore said, 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.

XIII. 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 afore said shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

Application of Penalty.

For ascertaining Boundaries.

XIV. 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 Parish of *Barford* to be inserted in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed and 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, inquire into, set out, ascertain, fix, and determine the Boundaries of the said Parish of *Barford*, and a Description of the said Boundaries shall, within Forty Days after the same shall be so set out, ascertained, fixed, and determined, be inserted in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed or circulated within the said County of *Norfolk*: Provided always, that if any of the Proprietors of Estates, or Inhabitants of the said Parish of *Barford*, or of any Parish or Parishes adjoining to the Parish of *Barford* aforesaid, shall be dissatisfied with the Determination of the said Commissioners respecting the said Boundaries, such Proprietors or Inhabitants, or any of them, may appeal to the Justices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Sessions of the Peace to be held within Four Calendar Months next after the aforesaid Publication of the said Boundaries, on giving to the said Commissioners Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof, and the Decision of the said Justices therein shall be final and conclusive.

XV. And be it further enacted, That in order to shorten the Boundary For  
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 Shortening  
for the said Commissioners, with the Consent in Writing under the Hands Boundaries.  
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 *Barford*, 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 they 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 *Barford* and such adjoining Parish or Parishes, any Law, Usage, or Custom to the contrary thereof notwithstanding.

XVI. 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 Encroach-  
ments within  
Thirty Years  
to be allot-  
table:  
Beyond  
Thirty Years  
confirmed.  
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 Dispute shall arise touching any such Encroachments, or the Extent thereof, such Disputes shall be determined by the said Commissioners.

XVII. Provided always, and be it further enacted, That the Lands and Grounds comprised in any Encroachments which shall have been made within Thirty Years last past shall, (without regard to the Value of any Encroach-  
ments to be  
allotted to  
Improve-

Persons in Possession, or to be sold.

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 Allotment 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.

Licensed Encroachments not prejudiced.

XVIII. 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 inrolled 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 whomsoever 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.

Possession confirmed.

But Right of Common disallowed.

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

XIX. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection or Objections to any of the Accounts or Claims which shall be delivered to the said Commissioners by virtue of the said recited Act or this Act, such Objection or Objections shall be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Person or Persons on his, her, or their behalf; and One Part thereof shall be delivered to the said Commissioners, and the other Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her, or their Agent, or left at his, her, or their last or usual Place of Abode, at such Time or Times as the said Commissioners shall appoint for that Purpose; and no Objection to any of the said Accounts or Claims shall be afterwards received by the said Commissioners, unless for some legal Disability or special Cause to be allowed by them.

Commissioners may

XX. 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



and discontinue, or divert, and turn, and to set out and appoint any public Roads, Tracks, Ways, or Paths in the Parish of *Barford* aforesaid, 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 mentioned in the said recited Act: 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 forever 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.

stop up old  
Roads and  
Footpaths.

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

XXI. 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 Parish of *Barford* aforesaid, 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 Parish, and to make 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; but 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 in Writing 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.

Commis-  
sioners to  
make Drains,  
&c.

XXII. 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 *Barford*, 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 public Watering-places for Cattle, and for public Sand, Gravel, Stone, Clay, Chalk, and Marle-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 Award direct or appoint, and not otherwise.

Allotment  
for public  
Gravel Pits,  
&c.

XXIII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto the Lord and Lady 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 said Commissioners be

Allotment  
for Right of  
Soil.

[*Loc. & Per.*]

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entitled

entitled to the Soil of the said Commons and Waste Grounds in *Barford* 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 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.

Allotment  
to the Value  
of half an  
Acre to each  
Commonable  
Messuage.

XXIV. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto the several Owners of Messuages or Cottages within the said Parish of *Barford* which shall have been erected Forty Years, (except Messuages or Cottages built upon the Commons and Waste Grounds within Sixty Years now last past,) such Part and Parts of the Lands and Grounds hereby directed to be divided and allotted as the said Commissioners shall in their Judgment deem and consider to be equal in Value, *per Annum*, to the Annual Average Value of Half an Acre of the said Commons and Waste Grounds, to and for each and every such Common-right Messuage or Cottage respectively, over and above the Allotments which the Owners of such Messuages and Cottages respectively may in respect thereof be otherwise entitled.

Land to be  
sold for Pay-  
ment of  
Expences.

XXV. And be it further enacted, That the said Commissioners shall 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 and the said recited Act 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 and the said recited 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

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 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 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 seised 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 seised 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 said Commissioners shall and they are hereby required to make reasonable Compensation to the Lords or Ladies of the several Manors interested therein (either by Increase of any Allotment to be made to them under the

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

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 or Ladies 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 according to Rights.

XXVI. And be it further enacted, That after the aforesaid several Allotments shall have been made and set out according to the Directions herein-before 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 declared and limited.

XXVII. And be it also enacted, That all Owners of Messuages or Cottages now standing in *Barford*, which have been erected and used as Messuages or Cottages for the Space of Forty Years (except Messuages or Cottages built upon the Commons and Waste Grounds 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 Site 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 *Barford*, 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 *Barford*, 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 *Barford*, who is not also the Owner of any Messuage or Cottage in the said Parish of *Barford*, shall be allowed any Right of Common without Proof.

For fencing Allotments.

XXVIII. 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 Rectory of *Barford* for the Time being, in respect of any Allotment to be made to him in Right of the said Rectory, and also the Surveyors of the Highways in *Barford* 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,

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 leaving Gaps.

XXIX. And be it further enacted, That the Lands and Grounds which shall be set out and allotted unto and for the Rector of *Barford* for the Time being, in respect of his Glebes, 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 Award order and direct.

Allotments to Rector and Surveyors of the Highways to be ring-fenced by the Commissioners.

XXX. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors, in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice, in Manner aforesaid, of some convenient Time and Place, when and where the said Proprietors may be informed of such proposed Allotments, and see the Scheme thereof set out and delineated upon a Map or Plan thereof to be produced for their Inspection; and, as some Proprietors may upon Inspection of such Map be dissatisfied with the proposed Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or some other Time and Place to be appointed for that Purpose, receive Statements in Writing of the Objections against such Allotments, and shall forthwith, or as soon after as conveniently can be, determine the same, and their Determination as to such Allotments shall be final and conclusive: Provided always, that it shall be lawful for any Person or Persons, who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, mortgage, limit, convey and assure the same, for all or any Part of his, her, or their Estate or Interest therein, or Right thereto, at any Time before the Execution of the Award of the said Commissioners; and every such Gift, Grant, Bargain, Sale, Demise, Mortgage, Limitation, Conveyance and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also it shall be lawful for any of the Owners of any Common Rights upon the Lands and Grounds hereby directed to be divided and allotted to sell and dispose of the same, or of the Allotment, or Allotments to be made, and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of

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

Proprietors may sell or mortgage their Allotments before the Execution of the Award, and their Rights of Common separate from their other Property.

[*Loc. & Per.*]

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which

which they, he, or she, are or is entitled thereto in the same Manner as they, he, or she might have done at any Time after the Execution of the said Award.

Separate Allotments to be made for Lands held by different Titles.

XXXI. 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 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 or shall erroneously describe 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 or such Error corrected, 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 or correcting such Error, 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 or correct any distinct and separate Allotments in the same Manner as if such Discrimination or correct Description 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 Error corrected, 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 or correct such Error as aforesaid, his, her, or their Heirs, Executors, or Administrators.

And if omitted may be supplied after Award executed.

Allotments to be of the same Tenure as original Estates.

XXXII. 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 *Barford* 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 such Copyhold or Leasehold Premises, shall from and for ever after the Execution of the Award by the said recited Act, directed

rected 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 or 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 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 Allotment 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, Lands, and Tenements in the said Parish of *Barford*, which are to remain or become Copyhold or Leasehold, and all other Messuages, Lands, and Tenements in the said Parish of *Barford*, (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.

Admissions to Copyholds.

Copyholds or Leaseholds to be described in the Award and Map.

Remainder to be Freehold.

And subject to former Payments.

XXXIII. 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 Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Parish of *Barford*, in lieu of and in exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments within the said Parish of *Barford*, 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,

For allowing Exchanges to be made.

or

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 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 Beneficè, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Buildings, 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.

Tenants to  
give up ex-  
changed  
Lands having  
Satisfaction  
therefore.

XXXIV. 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 Open Fields which shall be allotted by virtue of this Act, or of any old inclosed Lands which shall be exchanged by virtue of this Act, shall immediately after the signing of the Award of the said Commissioners, or within such further Time, not exceeding One Year from the signing of the said Award, 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 allotted or 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 to and for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Surplus, 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 Parish of *Barford*, and Part in any adjoining Manor or 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, which Lands shall be under Lease, and wholly situate in an adjoining Manor or Parish, the Lease of such last-mentioned Lands shall not be vacated.

XXXV. And



XXXV. And be it further enacted, That all and every Lease and Leafes at Rack or extended Rent now subsisting of any Messuages, Lands, or Tenements within the said Parish of *Barford*, shall, so far as such Lease or Leafes affect or concern any Allotment or Allotments to be made of any Part of the said Commons and Waste Grounds, in respect of any such Messuages, Lands, or Tenements comprised in such Lease or Leafes, 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 Leafes; and the Person or Persons to whom the Messuages, Lands, or Tenements comprised in such Lease or Leafes shall belong as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same under such Lease or Leafes as the said Commissioners shall by Writing under their Hands direct, for the Right of Common, or any other Rights or Interests in, over, or upon the said Commons and Waste Grounds, or any Part thereof appendant or appurtenant to such Messuages, Lands, or Tenements, and which shall be extinguished by this Act; 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 and may be lawful to and for the said Commissioners and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Surplus, Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Leafes void  
as to Allot-  
ments of  
Common:

XXXVI. Provided always, and be it further 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 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.

Wills and  
Settlements  
not to be  
affected.

XXXVII. 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, Gate-posts, 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

Former Pro-  
prietors may  
enter upon  
Allotments,  
and take  
away Trees,  
&c.

[*Loc. & Per.*]

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Owner

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, Gate-posts, 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 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, Gate-posts, 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 and appoint.

Commissioners to direct the Course of Husbandry.

XXXVIII. And be it further enacted, That from and after the passing of this Act until the Execution of the said Award, all the Arable Land 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.

XXXIX. 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 Neighbours Quicksets adjoining to such Inclosures respectively from any Damage or Injury to be done to such Quicksets by any such Sheep or Lambs.

Commissioners to be paid for their Trouble and Expences.

XL. And be it further enacted, That each of the Commissioners acting from Time to Time in the Execution of this Act shall be paid the Sum of Four Guineas for each and every Day he shall be employed in travelling to, returning from, and attending at the Meetings to be held for the Execution of this Act, or the said recited Act, in Satisfaction of the  
Expence

Expence and Trouble to be incurred by him in the Execution of the Powers hereby or by the said recited Act given.

XLI. 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 Rectory, and to the Surveyors of the Highways within the said Parish of *Barford*, and the Costs, Charges, and Expences incident to and attending the obtaining of this Act, and all other Expences of carrying this and the said recited Act into Execution (so far as the Money to arise by the Sale of the 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 Rectory for the Time being, in respect of any Allotment which shall be made to him in respect of the said Rectory, and the Surveyors of the Highways within the said Parish of *Barford* for the Time being, for and in respect of the Allotments hereby directed to be made to the said Rector 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.

For defraying  
the Surplus  
Expences of  
the Act.

XLII. And be it further enacted, That in case the Money which shall be raised by the Sale of Lands as aforesaid shall not be sufficient to defray the Costs, Charges, and Expences of obtaining and carrying this Act and the said recited 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 and the said recited Act 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

Tenants for  
Life, &c. may  
charge Estate  
with Ex-  
pences.

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 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 shall 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.

XLIII. 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.

XLIV. 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.

XLV. 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

received and expended, or due to them for their own Trouble and Expences in the Execution of this and the said recited Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before *Samuel Heyhoe Le Neve Gilman* of *Hingham*, in the said County of *Norfolk*, Gentleman, or in case of his Death or Incapacity, 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 the said *Samuel Heyhoe Le Neve Gilman*, or by such Justice, as the Case may be, examined and balanced, and such Balance shall be by the said *Samuel Heyhoe Le Neve Gilman*, or by such Justice as the Case may be, 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 the said *Samuel Heyhoe Le Neve Gilman*, or in case of his Death or Incapacity by such Justice as aforesaid.

XLVI. 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 *Barford* as shall be annexed thereto, shall be deemed and taken to be effectually inrolled 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 inrolling 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.

Inrolment of Award.

XLVII. And be it 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 *Barford* aforesaid; and 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.

Deposit of Award.

Attested Copy thereof shall be Evidence.

XLVIII. 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,

Appeal to General Quarter Sessions.

[*Loc. & Per.*]

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and

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, or 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 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.

XLIX. 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, Titles, 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.

L. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom, and a Copy thereof so printed by any of them, shall be admitted as Evidence thereof by all Judges, Justices, and others.

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Printers to the King's most Excellent Majesty. 1812.