



ANNO QUINQUAGESIMO SECUNDO

# GEORGI III. REGIS.

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## Cap. 34.

An Act for inclosing Lands in the Parish of *Caister*,  
next *Great Yarmouth*, in the County of *Norfolk*.

[20th March 1812.]

**W**HEREAS there are within the Parish of *Caister*, next *Great Yarmouth*, in the County of *Norfolk*, certain Commons and Waste Grounds: And whereas *Thomas Clowes* Esquire, is Lord of the several Manors of, *Caister Pastons*, and *Caister Bardolfes*, and is or claims to be entitled to the Soil of the said Commons and Waste Grounds: And whereas the said *Thomas Clowes*, *Daniel Durrant Scott* Esquire, *Edmund Knowles Lacon* Esquire, and other Persons, are the Owners of the Messuages, Cottages, Lands, and Tenements, within the said Parish of *Caister*: 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 Commons and Waste Grounds, in their present State and Condition, yield very little Profit to the several Persons interested therein, and it would be greatly advantageous to the several Persons interested in the said Commons and Waste Grounds, if the Rights of Common in, over, and upon the same, were extinguished, and if the said Commons and Waste Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons interested therein, according to their respective Rights and Interests in, over, or upon the same; but as these Objects cannot be obtained without the Authority of

[Loc. & Per.] 8 P Par- Act 41 G. 3.

Appointment  
of Commis-  
sioners.

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*, *Samuel Tolver*, of *Great Yarmouth*, in the same County, and *Robert Rising*, of *Horsey*, in the same County, Gentlemen, and their Successors, to be appointed in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Commons and Waste Grounds, and for carrying this Act into Execution, subject to such of the Powers, Authorities, Directions, Regulations, Restrictions, and Provisions, contained in the said recited Act, as are not altered, varied, or otherwise provided for by this Act; and all Acts, Matters, and Things, authorized or necessary to be done and executed by the said Commissioners, in pursuance of this Act and the said recited Act, may be done and executed by any Two of them, and the same shall be as good, valid, and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the Commissioners hereinbefore named, or to be appointed as hereinafter mentioned.

For appoint-  
ing new Com-  
missioners.

II. And be it further enacted, That if any of the Commissioners herein named or to be appointed, by virtue of this Act, shall, before the Execution of all the Powers and Authorities hereby vested in them, die, or become incapable of acting, or refuse or neglect to act in the Execution of this Act, then, and in every such Case, it shall and may be lawful to and for the surviving or remaining Commissioner or Commissioners, and he and they is and are hereby required, at any Time within Forty Days next after such Death or Incapacity, Refusal, or Neglect, shall be known to him or them, by Writing under his or their Hand or Hands, to appoint any other Person or Persons, (not being interested in the Premises,) to be a Commissioner or Commissioners, in the Room or Stead of such Commissioner or Commissioners so dying, or becoming incapable, or refusing or neglecting to act; and every Commissioner so to be appointed shall, after taking the Oath prescribed in that behalf, have the like Powers and Authorities for carrying this Act and the said recited Act into Execution, in all respects, as if he had been originally named and appointed a Commissioner in and by this Act.

Notice of  
Meetings.

III. And be it further enacted, That the said Commissioners shall cause, and they are hereby required to cause Notice in Writing of the Time and Place of their first and every other Meeting for the Execution of this Act, to be inserted in some Newspaper published in the City of *Norwich*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners, it shall happen that no more than one of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within the said Parish of *Caister*, 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, or the said recited Act, shall be held within the said Parish, or within Eight Miles of the same.

Other No-  
tices, how to  
be given.

IV. And be it further enacted, That all Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act, or the said

said recited Act, for any Purpose whatsoever (except such Notices as are in and by this Act authorized, or particularly directed to be given in any other Manner), shall be so made and given by Advertisement in the *Norfolk Chronicle* or *Norwich Mercury*, or in some Newspaper published in the said City of *Norwich*, and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Parties concerned respecting all the Matters and Things to which such Notices respectively shall relate; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

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, Allotment, and Inclosure, or touching or concerning the respective Rights and Interests, which they, or any of them, shall claim to have, of and in the Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners to settle Differences.  
But not to determine Titles.

VI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or this Act, or upon the Hearing and Determination of any Difference or Dispute as aforesaid, see Cause to award any Costs, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award, such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled, or against whom the said Commissioners shall have made any Determination as aforesaid; and in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then, and in such Case, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied, by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Commissioners to assess Costs.

VII. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Allotment, Division,

Power to try Rights by an Issue at Law.

Division, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds hereby directed to be divided and allotted, or of any Right of Common, or of any other Right or Interest in, over, or upon the same Commons and Waste Grounds, or any Part thereof; it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, 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 cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within One Calendar Month after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall name, and he, she, or they, is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file common 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 final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, in case the said Court shall think proper; and that after such Verdict or Verdicts shall be obtained, the same not being set aside by the Court, the said Commissioners shall act in conformity thereto, and allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

Determina-  
tion of the  
Commission-  
ers not over-  
ruled by the  
Event of an  
Action to be  
final.

VIII. Provided always, and be it further enacted, That the Determination of the said Commissioners, touching the Right to the Soil of the said Commons and Waste Grounds, and the other Rights and Interests in, over, or upon the same, which shall not be over-ruled by the Event of any such Trial as aforesaid, shall be final and conclusive upon all Parties.

Proceedings  
not to abate  
by the Death  
of any of the  
Parties.

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

Trial not to  
suspend the  
Execution of  
the Act.

X. Provided always, and be it enacted, That no such Difference, Suit, or Proceeding as aforesaid, nor any Difference, Suit, or Proceeding touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioners in the Execution of this Act; but the Division and Allotments hereby directed to be made, shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding, and the Allotment or Allotments, to which any such Difference, Suit, or

Proceeding shall relate, shall be taken by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who, upon the Determination of such Difference, Suit, or Proceeding, shall become entitled to the same.

The Allotment contested to be taken by the Party entitled.

XI. 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, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons, so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk 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 to 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.

Provision in case of Death of Parties before Action brought.

XII. 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.

Rights of Persons not to be determined by the Commissioners contrary to their Possessions.

XIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of the Award directed to be made by the said recited Act, by Notice in Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Caister* aforesaid, to order and direct all or any Part of the Rights of Common, or any other Rights whatsoever, in, over, and upon the said Commons and Waste Grounds, hereby directed to be divided and allotted, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time or Times as shall be expressed in such Notice; and that all such Rights of Common, and all such other Rights as the said Commissioners shall, by such Notice, order and direct to be extinguished, or the Exercise thereof to be suspended, as aforesaid, shall, from the Time of affixing such Notice, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

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

No Turf, Flags, Whins, or Furze, to be cut without Leave of the Commissioners.

XIV. And be it further enacted, That if any Person or Persons shall, after the Passing of this Act, cut, dig, pare, grave, flay, or carry away, any Reeds, Rushes, Fodder, Turf, Flags, Whins or Furze, in, upon, or from the said Commons and Waste Grounds, hereby directed to be divided and allotted, or any Part thereof, without or contrary to the Licence of the said Commissioners first had and obtained, in Writing, for that Purpose (which Licence the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions, as they shall think proper to insert therein); then, and in every such Case, the said Commissioners, upon due Proof thereof made before them, upon Oath, shall, 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 every Person so offending in the Premises, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid, shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

Encroachments made within Twenty Years to be deemed Part of the Lands to be divided.

XV. And be it further enacted, That all Encroachments which at any Time, within Twenty Years before the Passing of this Act, have been made upon the said Commons and Waste Grounds hereby directed to be divided and allotted, shall be deemed Part thereof, and shall be divided and allotted accordingly (save and except in those Cases only where Encroachments have been made with the Consent of the Lord of the said Manors, and entered in the Court-Books thereof); and in case any Dispute shall arise, touching any such Encroachment or Encroachments, or the Extent thereof, such Dispute shall be determined by the said Commissioners.

Commissioners may stop old Roads with Consent of Justices.

XVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace for the said County of *Norfolk*, acting in and for the Division in which the Road or Roads, Footpath or Footpaths, hereinafter mentioned, shall be situate, (and not interested in the Repair of such Road or Roads, Footpath or Footpaths,) to stop up, divert, or turn, and to direct to be discontinued, any public Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands and Grounds in the said Parish of *Caister*, which to the said Commissioners shall appear useless or unnecessary: Provided always, That such Order so to be made shall be subject to an Appeal to the Quarter Sessions, in the like Manner, and under the same Forms and Restrictions, as if the same had been originally made by such Justices as aforesaid: Provided also, That none of the present Roads or public Highways, in, over, or upon the Commons and Waste Grounds, hereby directed to be divided and allotted, shall be shut up or discontinued, until the several Roads intended to be and remain public Highways, over and upon the said Commons and Waste Grounds, shall be set out according to the Directions of the said recited Act, and until the same Road shall be properly formed, and made safe and convenient for Horses, Cattle, and Carriages.

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

Commissioners to make Ditches, &c.

XVII. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks, or Water-courses,

courses, within the Parish of *Caister* aforesaid, to be cleansed, opened, scoured, widened, deepened, or enlarged, and also to cause any new Ditches, Fences, Bridges, Drains, Brooks, or Watercourses, to be made within the same Parish, and to make such Orders for maintaining such Ditches, Fences, Drains, Brooks, or Watercourses, in Repair, as they shall think proper: Provided, That no such Works shall be made upon any inclosed Lands, without the previous Consent of the Owner or Owners thereof testified by Writing under his, her, or their Hands; and that no such Brook or Watercourse shall be diverted or turned, without the Consent, in Writing, of the Owner or Owners of any inclosed Land from which any such Brook or Watercourse shall be diverted or turned, or into which the same shall be intended to be carried or conveyed.

XVIII. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Surveyors of the Highways in the said Parish of *Caister*, such Parts of the Commons and Waste Grounds hereby directed to be divided and allotted, as the said Commissioners shall think necessary, as and for public Watering-places for Cattle, and as and for public Sand, Gravel, Clay, Chalk, and Marl Pits; and the same Allotment or Allotments, when so set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said 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.

XIX. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out, and allot, unto and for the Lord of the Manors hereinbefore mentioned, or unto the Lord or Lords, Lady or Ladies, of any other Manor or Manors, being Owner or Owners of the Soil of the said Commons and Waste Grounds; such Part of the same as in the Judgment of the said Commissioners shall be equal in Value to One-eighteenth Part of the Value of the said Commons and Waste Grounds; which Allotment or Allotments shall be a full Recompence and Compensation to such Lord or Lords, Lady or Ladies, for his, her, or their Right or Rights, in and to the Soil of the said Commons and Waste Grounds.

XX. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out, and allot, unto the Lord of the Manors, the Rector of the Rectory of *Caister*, and the Churchwardens and Overseers of the Poor of the said Parish of *Caister*, so much of the said Commons and Waste Grounds as, in the Judgment of the said Commissioners, shall be equal in Value to Twenty Acres of the average Value of said Commons and Waste Grounds; and the same Allotment or Allotments shall, on the Execution of the Award of the said Commissioners, be vested in the Lord of the said Manors, the Rector of the said Rectory, and the Churchwardens and Overseers of the Poor of the said Parish of *Caister* for the Time being, for ever, as Trustees for the Poor of the same Parish; and the said Trustees, or the major Part of them, are hereby empowered, from Time to Time, by Writing under their Hands and Seals, to lease and demise such Allotment or Allotments, or so much thereof as they shall think proper, to any Person or Persons whomsoever, for any Term of Years, not exceeding Twenty-one Years; to commence in Possession, and not in Reversion, so as in every such Lease there be reserved

and

and made payable to the said Trustees, or the major Part of them, by Two equal half-yearly Payments in every Year, the most improved yearly Rent or Rents that can be obtained for the Land thereby demised, without taking any Income, Fine, Premium, or Foregift, in Consideration of granting such Lease or Leases; and that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations as the said Trustees, or the major Part of them, shall think proper to be inserted therein; and the Rents and Profits arising from such Allotment or Allotments, or from so much thereof as shall be demised as aforesaid, shall, from Time to Time, be laid out in purchasing Fuel, and such Fuel shall be distributed among the poor Inhabitants of the said Parish of *Caister*, who shall be legally settled therein; and shall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, in such Proportions and Quantities, and at such Times, in every Year, and according to such Rules and Orders as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise; and so much of the last-mentioned Allotment or Allotments, as shall not be leased or demised as aforesaid, shall be held, used, and appropriated by the said Trustees, for the Purpose of cutting Fuel and Fodder, which Fuel and Fodder shall be distributed amongst such poor Inhabitants of the said Parish of *Caister* as are hereinbefore mentioned, in such Shares and Proportions, and according and subject to such Rules, Orders, and Regulations, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise.

Directions  
for the Ap-  
plication of  
the overplus  
Rents.

XXI. Provided always, That in case the Rents and Profits of the last-mentioned Allotment or Allotments, or of the Part or Parts thereof, which shall be demised or leased as aforesaid, shall, at any Time or Times, in the Opinion of the major Part of the said Trustees, be more than sufficient to answer the Purpose for which the same is or are hereby directed to be set out, then and so often it shall and may be lawful to and for the Trustees thereof for the Time being, or the major Part of them, to apply and dispose of the Overplus of such Rents and Profits for the Relief and Benefit of the Poor, for whose Benefit such Allotment or Allotments shall be set out, in such Manner as the said Trustees, or the major Part of them, shall think proper.

Lord of the  
Manors and  
Rector to act  
by Proxy.

XXII. Provided also, That it shall and may be lawful to and for the Lord of the said Manors, and the Rector of the said Rectory of *Caister*, for the Time being, respectively to act in the Execution of the Trusts hereby reposed in them, by their respective Agents or Proxies, such Agents or Proxies being appointed by Writing, under the respective Hands of the Lord of the said Manors, and the said Rector respectively, for the Time being; and producing their respective Appointments at the Time of their respectively acting by virtue thereof; and that in case any Difference of Opinion shall arise between the said Trustees, touching any of the Matters hereby made subject to their Order or Determination, and the Number of Votes on each Side shall be equal, the Lord of the said Manors shall have the casting Vote.

Allotment of  
the Residue.

XXIII. And be it further enacted, That the said Commissioners shall then assign, set out, and allot the Residue and Remainder of the Commons



mons and Waste Grounds, hereby directed to be divided and allotted, unto and amongst all and every Person and Persons, and Body and Bodies Politic, Corporate, or Collegiate, having any Rights of Common, or other Rights or Interests in, over, or upon the same, or any Part or Parts thereof, in such Parts and Shares as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Satisfaction and Compensation to him, her, and them respectively, for his, her, and their respective Rights of Common, or other Rights or Interests in, over, or upon the said Commons and Waste Grounds, or any Part or Parts thereof: Provided always, That the Right of the said *Thomas Clowes*, or any other Person or Persons, to an Allotment or Allotments of the said Commons and Waste Grounds, for or in respect of his, her, or their Houses or Lands, in the said Parish of *Caister*, shall not in any Manner be prejudiced or affected by or on Account of the said *Thomas Clowes*, or such other Person or Persons, being entitled to the Soil of the said Commons and Waste Grounds, or any Part thereof, or of such Houses or Lands, or any of them, being, or at any Time heretofore having been the Property of the Person or Persons who is, are, hath, or have been the Owner or Owners of the Soil of the said Commons and Waste Grounds, or any Part thereof; but that the said *Thomas Clowes*, and all such Owners and Proprietors of Houses or Lands, in the said Parish of *Caister*, as shall prove to the Satisfaction of the said Commissioners, the Exercise of a Right or Rights of Common, in respect of such Houses or Lands, in, over, or upon the said Commons and Waste Grounds, and who shall deliver in their Accounts or Claims, in Manner prescribed by the said recited Act, shall be deemed to be entitled to the Right or Rights of Common, the Exercise whereof shall be so proved in the same Manner, as such Person or Persons would have been, in case such Houses or Lands had never been the Property of the Person or Persons entitled to the Soil of the said Commons and Waste Grounds.

XXIV. And be it further enacted, That the Commons and Waste Grounds hereby directed to be divided and allotted, shall be inclosed, hedged, ditched, and fenced, by such Persons, and Body or Bodies Politic, Corporate, or Collegiate, (save and except the Rector of the Rectory of *Caister* for the Time being, in respect of any Allotment to be made to him in Right of the said Rectory, and save and except the Trustees for the Poor, and the said Surveyors of the Highways, for or in respect of the Allotments hereby directed to be made to them as aforesaid) within such Time, and in such Manner, as the said Commissioners shall, in, and by their said Award, order, direct, and appoint; and the Hedges, Ditches, Drains, and Fences, which shall be made pursuant to the said Award, shall, at all Times thereafter, be maintained and kept in Repair, and cleaned, scoured, and kept open by such Persons, and Body or Bodies Politic, Corporate, or Collegiate, as the said Commissioners shall, by their said Award, order and direct.

For fencing Allotments.

XXV. Provided always, and be it further enacted, That if any Person or Persons (save and except the Rector of the said Rectory), hath or have sold, or shall, at any Time before the Execution of the Award of the said Commissioners, sell his, her, or their Right, Interest, and Property in the said Commons and Waste Grounds, hereby directed to be divided and allotted, or any Part thereof, to any other Person or Persons, then, and in every

In case any Person shall sell his Common Right, the Allotment to be made to the Purchaser.

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such

such Case, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser mentioned in every such Sale, or to his or her Heirs, Executors, Administrators, or Assigns, for and in respect of such Rights, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs, Executors, Administrators, or Assigns, shall, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them, as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor, in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same, in case such Sale had not been made, or such Rights, Interests, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

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

XXVI. 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 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, who 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.

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

XXVII. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, or Tenements, within the said Parish of *Caister*, shall hold the same by different Tenures, for different Estates in different Rights, or under different Titles, the said Commissioners shall, upon the Request in Writing of any such Proprietor or Proprietors, ascertain and distinguish the Messuages, Lands, and Tenements held by each of such Tenures for each of such Estates, and under each of such Rights or Titles respectively, and shall accordingly, in their said Award, assign and set out distinct and several Allotments, by distinct and several Descriptions for such Messuages, Lands, or Tenements respectively, and shall, in their said Award, also declare in Right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioners, from want of necessary Information, or any other Cause, shall have omitted to ascertain and distinguish such different Rights or Titles, Estates or Tenures, in their said Award, it shall be lawful for the said Commissioners, and they are hereby required, at any Time within Twelve Calendar Months from the Execution of their said Award, upon the Request in Writing of any Person or Persons interested in the Premises, to do all proper and necessary Acts for enabling him to ascertain and distinguish the same in like Manner as they might or could have done if their said Award had not been executed; and when the said Commissioners shall have obtained sufficient Information, in their Judgment, for the Purposes aforesaid, they are hereby authorized and required, by any Deed or Instrument in Writing under their Hands and Seals, to ascertain and distinguish such Tenures, Estates, Rights, and Titles respectively, and to make  
distinct

distinct and several Allotments, in the same Manner as they are hereby required to do by their said Award, and every such Deed or Instrument shall have the same Force and Effect as if the Contents thereof had been inserted in the said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, or to whom the Custody of the Deeds and Writings, concerning the Title to the Premises in question, shall, in the Opinion of the said Commissioners, at the Time of such Delivery, belong, and all the Charges and Expences occasioned in making such Ascertainment and Distinction, and of preparing and executing any such Deed or Instrument, or in any wise relating thereto, shall be paid by the Person or Persons making such Request as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person, and at such Time and Place as the said Commissioners shall direct and appoint; and in case the said Charges and Expences shall not be paid upon Demand thereof made, then the same shall and may be raised and levied in such Manner, and by such Ways and Means, as the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act can or may be raised and levied.

XXVIII. And be it further enacted, That all the Lands and Grounds which shall be allotted to any Person or Persons by virtue of this Act, or of the said recited Act, for or in respect of any Messuages, Buildings, Lands, and Grounds, holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award of the said Commissioners, be deemed and taken to be Copyhold or Leasehold, and shall be held as such, by and under the same Tenure, Rents, Payments, Fines, Customs, and Services, as the Copyhold and Leasehold Messuages, Buildings, Lands, or Tenements respectively, for or in respect whereof such Allotments shall be made are now holden; and that all and every Person and Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid, shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors, (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the respective Steward or Stewards of the said Manor or Manors, as the said Commissioners shall, by their said Award, order and direct;) but in case any Person or Persons to whom such Lands and Premises shall be allotted shall die, without Admission, within the said Six Calendar Months, then the customary Fines, and other Payments, shall be due and payable on the Admission of the Person or Persons then entitled to such Lands and Premises; and after every such first Admission as aforesaid, the Copyhold Premises to be allotted as aforesaid, shall, at all Times, be held under and subject to the same Tenure, Fines, and other Payments as the Copyhold Messuages, Cottages, Lands, or Tenements, in respect whereof such Lands and Premises shall be allotted, are now held under and subject to; and the said Commissioners shall, by their said Award, and by the Map or Plan to be thereto annexed, determine, describe, and abut the Lands and Grounds respectively, which are to be and remain Copy-

Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this Act, or the said recited Act, (except what shall be ascertained by the said Commissioners to be Copyhold or Leasehold) shall be from thenceforth deemed, taken, and enjoyed as Freehold Lands and Grounds, subject nevertheless to such Free Rents and Services as are now payable thereout.

For allowing  
Exchanges to  
be made.

XXIX. 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, in the said Parish of *Caister*, in lieu of and in exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee-simple, or for Life, or in Fee-tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees, for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such 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 or Seals of the Body or Bodies Politic, Corporate, and Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Messuages, Buildings, Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Messuages, Buildings, Lands, Tenements, or Hereditaments, so to be exchanged, shall lie or be situate: Provided also, that all Costs, Charges, and Expences, attending the making of any Exchanges or Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner, and in such Proportions as the said Commissioners shall, by their said Award, order and direct.

Tenants to  
give up ex-  
changed  
Lands.

XXX. 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 Messuages, Buildings, Lands, Tenements, or Hereditaments, 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 as the said Commissioners shall appoint, deliver up the full and peaceable Possession of such exchanged Messuages, Buildings, Lands, Tenements, or Hereditaments, to the Person or Persons to or with whom the same shall be respectively exchanged; but the Tenants or

Occupiers

Occupiers of such exchanged Messuages, Buildings, Lands, Tenements; or Hereditaments, shall receive from the respective Owners and Proprietors thereof, such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid, shall not be paid to the Person or Persons entitled to receive the same, within Ten Days after Demand made thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised or levied: Provided always, that if there shall be any Lease or Leases of any Land, Part of which shall be within the said Parish, and Part in any adjoining Parish, ay and every such Lease or Leases, upon Rack Rent, now subsisting, shall be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

XXXI. And be it further enacted, That all Leases and Agreements for Leases at Rack or extended Rent, now subsisting, of any Messuages, Lands, or Tenements, within the said Parish of *Caister*, shall, as far as such Leases or Agreements affect or concern any Allotment or Allotments, to be made of any Part of the said Commons and Waste Grounds, hereby directed to be divided and allotted, in respect of any such Messuages, Lands, or Tenements comprised in such Leases or Agreements be, and the same 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 unto the Tenant or Tenants, Lessee or Lessees; and such Allotment or 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 Leases or Agreements; and the Person or Persons to whom the Messuages, Lands, or Tenements comprised in such Leases or Agreements shall belong, as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same, under such Leases or Agreements as the said Commissioners shall, by Writing under their Hands, direct for the Rights 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, or by the said recited Act; and if any Person or Persons shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto, on Demand, then, and in such Case, it shall and may be lawful to and for the said Commissioners, and they are hereby 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 Allotments.

XXXII. 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 or Settlement, or to prejudice any Person

Wills and Settlements not to be affected.

[*Loc. & Per.*]

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Person

Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance. out of, upon, or affecting any of the Messuages, Buildings, Lands, Grounds, or Hereditaments, within the said Parish of *Caister*, or which shall be exchanged by virtue of this Act, or any Parts thereof respectively; but that each and every Proprietor shall stand and be seised of the several Messuages, Buildings, Lands, and Grounds to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, for such and the same Estates, and subject to such and the same Wills, Jointures, and Charges. and no other, as the Messuages, Buildings, Lands, and Grounds, whereof such Proprietor shall be 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 made.

Fences of Lands on which Sheep shall be kept during Seven Years from the Date of the Award to be guarded with Hurdles.

XXXIII. And be it further enacted, That if any Sheep shall be kept upon the Commons and Waste Grounds, hereby directed, to be divided and allotted, or any Part thereof, (except such Part thereof as shall be deemed Meadow or Marsh Land) during the Term of Seven Years, to be computed from the Date of the Award of the said Commissioners, the Owner or Owners, or Occupier or Occupiers, for the Time being, of the Allotment or Allotments upon which Sheep shall be kept as aforesaid, shall, during so long Time as any Sheep shall be kept thereon, effectually guard the Fences belonging or adjoining to such Allotment or Allotments with Hurdles proper for that Purpose.

For defraying the Costs and Charges of obtaining and executing this Act.

XXXIV. And be it further enacted, That the Costs, Charges, and Expences of inclosing the Lands or Grounds which shall, by virtue of this Act, be allotted to the Rector of the said Rectory of *Caister*, in respect of the said Rectory, and to the Surveyors of the Highways, and Trustees for the Poor of the said Parish of *Caister*, and all the Costs and Charges incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, and of preparing and depositing the said Award, and of the Copies thereof; and all the Charges and Expences of the said Commissioners, their Assistants and Servants, and all other necessary Charges and Expences of the several Persons to be employed by the said Commissioners, in and about the Premises, either before or after the Execution of the said Award; and all the Expences of forming, completing, and repairing the Public Carriage Roads and Highways, to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act, and the said recited Act, into Execution, shall be borne and defrayed by the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Rector of the said Rectory, for the Time being, for or in respect of any Allotment or Allotments which shall be made to him in Right of the said Rectory, and also save and except the Surveyors of the Highways, and the Trustees for the Poor of the said Parish, for or in Respect of the Allotments hereby directed to be made to them as aforesaid,) which said Costs, Charges, and Expences, together with the Shares and Proportions thereof, to be paid by the several Persons, and  
Body

Body or Bodies Politic, Corporate, or Collegiate, 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, to such Person or Persons, and in such Manner as the said Commissioners shall direct and appoint, and shall and may be recovered in Manner directed by the said recited Act.

XXXV. And whereas the Rector, Vicar, or other Incumbent of some other Ecclesiastical Living, besides the said Rectory of *Caister*, may be entitled, in Right of such Ecclesiastical Living, to certain Messuages or Lands, situate and lying within the said Parish of *Caister*; and it is necessary or expedient to enable such Rector, Vicar, or other Incumbent, to defray the Costs, Charges, and Expences which he shall incur, or be put unto, under, or in consequence of the Provisions of this Act: be it therefore further enacted, That every Rector, Vicar, or other Incumbent of any Ecclesiastical Living for the Time being, (except the said Rector of *Caister*,) who shall be entitled in Right of such Ecclesiastical Living to any Messuages or Land, within the said Parish of *Caister*, shall, and he is hereby authorised and empowered to borrow and take up at Interest, in the Manner hereinafter mentioned, such Sum or Sums of Money, (to be ascertained and declared in and by a Certificate thereof, in Writing under the Hands of the said Commissioners, and not to exceed in the whole the Sum of Five Pounds *per Acre* for every Acre of Land which shall be allotted to such Rector, Vicar, or other Incumbent for the Time being, in Right of such Ecclesiastical Living, by virtue of this Act,) as such Rector, Vicar, or other Incumbent shall sustain, expend, or be put unto, under, or in consequence of the Provisions of this Act; and, as a Security for the Money so to be borrowed, to mortgage such of the Lands belonging to such Ecclesiastical Living as are lying within the said Parish of *Caister*, to such Person or Persons as shall advance the same Money, and by one or more Deed or Deeds, to demise the same Lands to such Person or Persons, his Executors, Administrators, and Assigns, for the Term of Twenty-five Years, or until the Money so to be borrowed, with all Interest for the same, and such Costs, Charges, and Expences as may attend the Recovery thereof, shall be fully paid and satisfied: Provided always, that every Rector, Vicar, or other Incumbent of such Ecclesiastical Living for the Time being, shall, and he and they is and are hereby required to pay the Interest arising upon every such Mortgage Yearly, as the same shall become due, or within One Calendar Month afterwards, and also Five Pounds *per Centum* of the Principal Money so to be borrowed by Yearly Payments, such Payments to be respectively made at the same Time such Interest shall be paid, until the whole Principal Money and Interest shall be fully paid and discharged.

Incumbents of other Ecclesiastical Livings may (with Certificate of Commissioners) mortgage for Expences incurred.

Directions for Payment of Principal and Interest.

XXXVI. And be it further enacted, That whenever the Principal and Interest directed to be paid to the Mortgagee, under the several Provisions of this Act, shall be in Arrear and unpaid, for the Space of One Calendar Month after the same shall have become due, it shall and may be lawful for such Mortgagee, his Executors, Administrators, or Assigns, to recover the same, and the Costs, Charges, and Expences attending the Recovery thereof, by Distress and Sale, in such Manner as Rents may be recovered by Landlords from their Tenants, by the Laws in being at the Time such Principal and Interest shall be in Arrear: Provided also, that

Mortgagee may distress.

Arrears.

the Lands comprised in the said Mortgage shall not, in the Hands of any future Rector, Vicar, or other Incumbent of such Ecclesiastical Living, be liable to pay any further or larger Arrear of Interest, or of the Principal Money, than shall be due and payable for Thirteen Calendar Months preceding the Time when he shall have succeeded to such Ecclesiastical Living.

Apportionment of annual Payment, in case of Death or other Avoidance.

XXXVII. And be it also enacted, That in case of any Avoidance of any such Ecclesiastical Living, either by Death or otherwise, that then the Payment of the Interest, and a Part of the Principal Money as is herein-before directed for the Year in which such Death or Avoidance shall happen, shall be borne and paid by and between the Rector, Vicar, or other Incumbent, who shall succeed to such Living, and the Rector, Vicar, or other Incumbent avoiding such Living, or his Representatives, in such Proportions as the Profits of such Living shall be received by them respectively, for the Year in which such Death or Avoidance shall happen.

Directions for charging Copyholds with Expences.

XXXVIII. 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 by virtue of the said recited Act, or of this Act, and which are or shall become Copyhold, with any Sum or Sums of Money, by Way of Mortgage, for defraying and paying any Share or Shares of the Costs, Charges, and Expences of obtaining and executing this Act, and the said recited 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 and Assigns, according to the Custom or Customs of the Manor or Manors whereof the same shall be holden, by way of Mortgage, for securing such Sum or Sums of Money and Interest, instead of being mortgaged and surrendered to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, for a Term of Years, as mentioned in the said recited Act.

Proprietors and Agents to pay their own Expences.

XXXIX. Provided also, and be it further enacted, That the several Proprietors, their Attornies or 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 or the said recited Act.

Commissioners to be paid Four Guineas per Day 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 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, in Satisfaction of the Expence and Trouble to be incurred by him in the Execution of the Powers hereby given.

Money advanced to be repaid with Interest.

XLI. And be it further enacted, That if any of the Persons interested in the Commons and Waste Grounds, hereby directed to be divided and allotted, or any other Person or Persons, shall advance and pay any Money in discharge of the Fees or other Expences of obtaining and executing this Act, or of executing the said recited Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

XLII. And



XLII. And be it further enacted, That the several Commissioners acting, from Time to Time, in the Execution of this Act, and the said recited Act, shall make out an Account containing a true Statement of all Sum and Sums of Money by them received or expended; or due to them for their own Trouble or Expences; and that such Account shall, at least once in every Year, from the Date of the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by the Reverend *Richard Turner*, One of His Majesty's Justices of the Peace for the said County of *Norfolk*, and in case of his Death or Refusal to act, then by some other Justice of the Peace acting for the said County of *Norfolk*, not interested in the said Division and Inclosure, and the Amount or Balance thereof shall be by the said *Richard Turner* or such other Justice of the Peace, stated in the Book of Accounts by the said recited Act required to be kept in the Office of the Clerk of such Commissioners as therein mentioned; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by the said *Richard Turner*, or such other Justice as aforesaid.

Commissioners Accounts to be examined yearly by a Justice.

XLIII. And be it further enacted and declared, That within Six Calendar Months after the said Commissioners shall have made and executed their said Award, according to the Directions of the said recited Act, they shall cause the said Award, and the reduced Map or Plan, or reduced Maps or Plans thereto annexed, to be deposited in the Office of the Clerk of the Peace for the said County of *Norfolk*, who is hereby required, upon Payment of the Sum of Two Guineas, to receive and deposit the same with the Records of the same County, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery of the same to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act; and the said Award and such Map or Plan, Maps or Plans thereto annexed, or any Copy thereof, or of any Part thereof, signed by the said Commissioners, or by the said Clerk of the Peace, or his Deputy, certifying the same to be a true Copy, shall at all Times be admitted and allowed, in all Courts whatsoever, as legal Evidence of the Matters and Things therein contained; and the said Clerk of the Peace, and his Deputy for the Time being, is and are hereby required, upon the Request of any Person or Persons interested or claiming to be interested therein, to make and deliver to such Person or Persons requiring the same, a true Copy of the said Award, or of any Part or Parts thereof, and to sign and certify the same to be a true Copy, for which Copy no more shall be paid than Four Pence *per Sheet*, each Sheet containing Seventy-two Words; and the said Award, and the several Allotments, Partitions, Orders, Directions, Matters, and Things therein contained, shall be and are hereby declared to be binding, final, and conclusive, upon all and every Person and Persons, Body and Bodies Politic, Corporate, or Collegiate, interested in the Premises; and all Rights of Common of Pasture, and all other commonable Rights and Interests whatever, in, over, or upon all the Commons and Waste Grounds hereby directed to be divided and allotted, shall, from and immediately after the Execution of the said Award, cease, determine, and be for ever extinguished, and the same Commons and Waste Ground, shall for ever

Award to be deposited with the Clerk of the Peace.

[*Loc. & Per.*]

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there

thereafter be held and enjoyed in Severalty by the respective Owners and Proprietors thereof.

A Counterpart of the Award, or a Copy thereof, to be deposited in the Parish Church. Persons aggrieved may appeal to the Quarter Sessions.

XLIV. And be it further enacted, That a Counterpart of the said Award, or a Copy thereof, with a Plan annexed, (as the said Commissioners may direct) signed by the said Commissioners, shall be deposited in the Parish Church of *Caister* aforesaid.

XLV. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves, aggrieved by any Thing done or omitted to be done by the said Commissioners, in pursuance of this Act or of the said recited Act; or by any Rule, Order, or Determination made by the said Commissioners, previous to the Execution of the said Award, (other than and except as to such Claims, Matters, and Things, which are hereinbefore directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where, by any of the Provisions or Clauses of the said recited Act or of 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 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 Cause or Matter thereof; and the Justices (not interested in the Premises), at their said General Quarter Sessions, are hereby authorized and required to examine into, 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 Damages, Costs, and Charges 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 whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without sufficient Foundation, then the said Justices may award such Costs to be paid by the Appellant or Appellants, as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner as aforesaid.

General Saving.

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

XLVII. And be it further enacted, That this Act shall be printed by **Public Act.** 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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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1812.

