



ANNO QUINQUAGESIMO SECUNDO.

Cap. 36.

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

WHEREAS there are within the Parish of *Kirby Bedon*, in the County of *Norfolk*, certain Commons and Waste Grounds, containing in the whole Two hundred Acres or thereabouts: And whereas Sir *John Berney* Baronet, is Lord of the Manor of *Kirkeby Bedon Osbornes*, *Kirkeby Bedon Sames*, and *Kirkeby Bedon Woodhouse*, and is or claims to be entitled to the Soil of the said Commons and Waste Grounds; and *John Beevor*, Doctor of Physic, is Lord of the Manor of *Witlingham* alias *Wicklingham Wadkers*, in *Wymondham* and *Kirby Bedon*, and also claims to be entitled to the Soil of the said Commons and Waste Grounds: And whereas the said Sir *John Berney* is Patron of the Rectory of *Kirby Bedon Saint Andrew*, of which the Reverend *Samuel Vince*, Clerk, is the present Rector; and *Starling Day* Esquire, is seised of or entitled to the Improprate Rectory of *Kirby Bedon Saint Mary*; both of which said Rectories are situate within the said Parish of *Kirby Bedon*: And whereas the said Sir *John Berney* and the said *Starling Day*, and several other Persons, are respectively the Owners and Proprietors of all the Messuages, Cottages, Lands, and Tenements, situate, lying, and being within the said Parish of *Kirby Bedon*: 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 yield but little Profit, and are in their present State incapable of any considerable Improvement,
[*Loc. & Per.*] 9 C and 41 G. 3.

Commissioners appointed.

and it would be very beneficial to the several Persons interested therein if the said Commons and Waste Grounds were divided, and specific Parts or Shares thereof allotted unto and amongst them, according to their respective Estates, Rights, and Interests; but as such Objects cannot be obtained without the Authority of Parliament, may it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Dugmore*, of *Swaffham*, in the County of *Norfolk*, and *Joseph Sewell*, of *Catton*, in the same County, Gentlemen, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for valuing, dividing, allotting, and inclosing the said 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.

For appointing new Commissioners.

II. And be it further enacted, That if either of the said Commissioners 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 and the said recited Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining Commissioner, and he is hereby required, at any Time within Forty Days next after such Death, Incapacity, Refusal, or Neglect shall be known to him, by Writing under his Hand, to appoint any other Person, not interested in the Premises, to be a Commissioner in the Room or Stead of such Commissioner 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 the said recited Act and this Act into Execution, in all respects as if he had been originally named and appointed a Commissioner in this Act.

Umpire to be appointed in case of Difference.

III. Provided always, and be it further enacted, That whenever the said Commissioners shall disagree or differ in Opinion touching or concerning any Matter or Thing to be by them done and performed in pursuance and by virtue of this Act, or of the said recited Act, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, with all convenient Speed after such Disagreement or Difference in Opinion shall happen, to refer the Matter thereof to such disinterested Person as the said Commissioners shall think proper to appoint for that Purpose, as Umpire, whose Judgment and Determination thereupon respectively shall be deemed and considered as the Judgment and Determination of the said Commissioners; Provided also, that no Person shall be capable of acting as Umpire in the Execution of the Powers given by this or the said recited Act, until he shall have taken and subscribed the Oath following; (that is to say)

Umpire to be sworn.

I do swear, [or, being one of the People called Quakers, do solemnly affirm] That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in

in me as an Umpire, by virtue of *An Act for inclosing Lands in the Parish of Kirby Bedon, in the County of Norfolk*, according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.

Which Oath or Affirmation it shall be lawful for the said Commissioners or either of them to administer; and the said Oath or Affirmation so taken and subscribed by such Umpire shall be annexed to and enrolled with the Award of the said Commissioners, and a Copy of the Enrolment thereof shall be admitted as legal Evidence.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice of the Time and Place of their first and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper generally circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said Commissioners it shall happen that only One of such Commissioners shall attend, such Commissioner may adjourn such Meeting to such Time and Place within the said Parish of *Kirby Bedon*, or within Eight Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioner; 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 *Kirby Bedon*, or within Eight Miles thereof.

Notice of Meetings.

V. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners, in pursuance of this Act or the said recited Act, for any Purpose whatever (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 other Newspaper published or circulated in the said County of *Norfolk*; 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.

Other Notices how to be given.

VI. And be it further enacted, That if any Map, Plan, Survey, and Admeasurement of the said Parish of *Kirby Bedon* shall be produced to the said Commissioners, and the same shall be in their Judgment and to their Satisfaction a just and true Map, Plan, Survey, and Admeasurement, and proper to be used for the Purpose of carrying this Act and the said recited Act into Execution, it shall be lawful for the said Commissioners to contract for and purchase the same at or for such Sum of Money as they shall think reasonable, and such Purchase Money shall be considered as Part of the Costs, Charges, and Expences of executing this and the said recited Act, and shall be raised, levied, and paid accordingly; and after such Contract and Purchase, the said Commissioners, and the Surveyor to be appointed by them, are authorized and required to use any such Map, Plan, Survey, and Admeasurement so contracted for and purchased as aforesaid, for the Purpose of carrying this and the said recited Act into Execution, without causing any new Map, Plan, Survey, and Admeasurement to be made of the Lands and Tenements comprized therein.

Old Survey may be used.

VII. And

Commissioners to settle Differences,

VII. 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 have or 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 or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not to determine Titles.

Commissioners to assess Costs.

VIII. 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 of 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.

Power to try Rights by an Issue at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate interested in the said intended Allotment, Division, and Inclosure shall be dissatisfied with any Determination of the said Commissioners or Umpire, 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 or Umpire 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

Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners or Umpire, 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 or Umpire; and the Defendant or Defendants in such Action or Actions shall name, 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 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.

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

Determination of the Commissioners not over-ruled by the Event of an Action, to be final.

XI. 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.

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

XII. 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 Allotment hereby directed to be made shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding, and the Allotment or Allotments to which any such Difference, Suit, or Proceeding shall relate, shall be taken by the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, who, upon the Determination of such Difference, Suit or Proceeding, shall become entitled to the same.

Trial not to suspend the Execution of the Act.

XIII. 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 hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic, or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the

Provision in case of Death of Parties before Action brought.

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.

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

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments); but in case the said Commissioners or Umpire 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.

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

XV. 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 them by the said recited Act, by Notice in Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Kirby Bedon* aforesaid, to order and direct all or any Part of the Rights of Common, or 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 notwithstanding.

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

XVI. 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 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.

XVII. And be it further enacted, That all Owners of Messuages or Cottages now standing in *Kirby Bedon*, which have been erected and used as a Messuage or Cottage for the Space of Forty Years, (except Messuages or Cottages built upon the said 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 Scite or in lieu of some other Messuage or Cottage which had been before that Time standing, and also all Owners of Arable Lands, Meadows, and Pasture Grounds in the said Parish of *Kirby Bedon*, 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 *Kirby Bedon*, in Proportion to the annual Value of such Messuages, Cottages, Arable Lands, Meadow and Pasture Grounds respectively: Provided always, that no Owner of Land only in the said Parish of *Kirby Bedon*, who is not also the Owner of any Messuage or Cottage in the said Parish of *Kirby Bedon*, shall be allowed any Right of Common without proving such Right to the Satisfaction of the said Commissioners.

Limitation
of Rights of
Common.

XVIII. 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 *Kirby Bedon*, to be inserted in the *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, enquire into, set out, ascertain, fix, and determine the Boundaries of the said Parish of *Kirby Bedon*, 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 *Kirby Bedon*, or of any Parish or Parishes adjoining to the said Parish of *Kirby Bedon* 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.

For ascer-
taining
Boundaries.

XIX. And be it further enacted, That it shall and may be lawful for the said Commissioners, in case they shall deem it expedient or proper for

For shorten-
ing Bound-
ary Fences.
the

the Purpose of shortening and making regular the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted, and the Land lying in any adjoining Parish or Parishes, with the Consent in Writing under the Hand or Hands of the major Part in Value (according to the Land Tax Assessment) of the Land Owners in any Parish or Parishes adjoining to the Lands and Grounds hereby directed to be divided and allotted, and also under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in such adjoining Parish or Parishes, or under the Hands of the Owner or Owners of the Lands upon which such Fence or Fences shall or may be intended to be made, to set out, determine, and fix the Boundary between the Lands hereby directed to be divided and allotted, and the Lands in such adjoining Parish or Parishes, in such Manner as they the said Commissioners shall judge proper for the Purposes aforesaid; and after such Boundary shall be so set out and fixed as aforesaid, the same shall be fenced by such Person or Persons in such Manner and at such Time or Times as the said Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said Parish of *Kirby Bedon* and such adjoining Parish or Parishes respectively; any Law, Usage, or Custom to the contrary notwithstanding.

Encroachments within Thirty Years to be allotted; beyond Thirty Years confirmed.

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

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

XXI. Provided always, and be it enacted, That the Lands and Grounds comprized in any Encroachments which shall have been made within Thirty Years last past shall (without regard to the Value of any Improvements since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled to any Allotment of sufficient Value by virtue of this Act; and in that Case the Value of such Encroachments shall, as Circumstances require, be deducted from or deemed a Compensation for the Allotments to which such Person or Persons shall be entitled under this Act; but if the Person or Persons in Possession of such Encroachments shall not be entitled to any 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 towards defraying the Costs, Charges, and Expences of obtaining and executing this Act: Provided always, that if there shall be any Surplus of such Monies, the same shall be applied and disposed of in Manner directed by the said recited Act, in Cases where Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of
any

any Timber or Wood growing thereon, and is required to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

XXII. 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 have been made within Thirty Years now last past, by virtue of any Licence, Consent or Grant from the Lord or Lords of either of the Manors before-mentioned, and which Licence, Consent, or Grant shall, before the passing of this Act, have been entered or enrolled in the Court Books of one of the aforesaid Manors; and that no Person or Persons who at the passing of this Act shall be in the Possession of any Encroachments 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 Parcel of the Commons and Waste Grounds.

Licensed
Encroach-
ments not
prejudiced.

Possession
confirmed.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, in the first place, before they shall proceed to make any of the Divisions and Allotments directed by this Act, to set out and appoint all and every the public Carriage Roads and Highways in, through, and over the Lands and Grounds hereby directed to be divided and allotted, and to divert, turn, or stop up any of the present Roads in, or Footpaths through or over, any Part of the said Parish of *Kirby Bedon*, as the said Commissioners shall judge necessary, so as the Roads and Highways to be set out and appointed by the said Commissioners shall be and remain Thirty Feet wide at the least, and be set out in such Directions as shall upon the whole appear to them most commodious to the Public; and the said Commissioners are further required to ascertain the same by Marks and Bounds, and to prepare and sign a Map, in which such intended Roads shall be accurately laid down and described, and to cause the same, when so signed, to be deposited with their Clerk for the Inspection of all Persons concerned, and as soon as may be afterwards the said Commissioners shall give Notice in one of the public Newspapers then published or circulated in the County of *Norfolk*, and also in and by Writing affixed upon the principal Door of the Parish Church of *Kirby Bedon* aforesaid, of their having so set out such Roads, and deposited such Maps as aforesaid, and also of the general Lines of such intended Carriage Roads, and shall also appoint in and by the same Notice a Meeting to be held by the said Commissioners, at some convenient Place in *Kirby Bedon* aforesaid, or within Eight Miles thereof, and not sooner than Fourteen Days from the Date and Publication of such Notice; and if any Person or Persons who may be injured or aggrieved by the setting out of such Roads shall attend at such Meeting, and object to the setting out of the same, then such Commissioners, together with any Justice or Justices of the Peace acting in and for the Division in which the said Parish of *Kirby Bedon* is situate, and not being interested in the said Division and Allotment, shall hear and determine such Objection and Objections of any other such Person or Persons to any Alteration that the said Commissioners, with any such Justice or Justices, may in consequence propose to make; and the said Commissioners, together with such Justice or Justices as aforesaid, shall and they are

Carriage
Roads to be
set out.

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All Roads
not set out
shall be al-
lotted.

Present
Roads not to
be stopped
till new
Roads made.

Commission-
ers to make
Ditches, &c.

Allotments
for public
Watering
Places, Gra-
vel Pits, &c.

Allotment
for Right of
Soil.

hereby required, according to the best of their Judgment upon the whole, to order and finally direct how such Carriage Roads shall be set out, and either to confirm the said Map, or make such Alterations therein as the Case may require; and all Roads, Ways, and Paths in, through, and over the said Parish of *Kirby Bedon*, or any Part thereof, which shall not be set out or finally ordered and directed as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly: Provided always, that none of the present Roads within the said Parish of *Kirby Bedon*, shall be shut up and discontinued, until the Roads which shall be intended to remain or be the public Roads in future shall be set out in the Manner by this Act directed, and until the same shall be properly formed, and made safe and convenient for Horses, Carts, and Carriages.

XXIV. 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 said Parish of *Kirby Bedon* 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 Lands 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.

XXV. 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 *Kirby Bedon* 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.

XXVI. And be it further enacted, That the said Commissioners shall in the next place assign, set out, and allot unto the respective Lords of the several Manors hereinbefore mentioned, or to either of them in exclusion of the other, and to the Lords or Ladies of any other Manor or Manors, or to such of them as shall in the Judgment of the said Commissioners be entitled to the Soil of the said Commons and Waste Grounds in *Kirby Bedon* 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,

Grounds, according to the sole Right of any such Lord or Lady, or in proportion to the several Parts, Shares, 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.

XXVII. And be it further enacted, That the said Commissioners shall then assign, set out, and allot all the Residue and Remainder of the Commons 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 Right of Common, or other Rights or Interests in, over, or upon the same, or any Part or Parts thereof, in such Parts, Shares and Proportions 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; and in order to ascertain the Lands and Grounds tytheable to the said respective Rectories of *Kirby Bedon Saint Andrew* and *Kirby Bedon Saint Mary*, the said Commissioners shall and they are hereby required, by the Award to be made by them in pursuance of the said recited Act, to set out and describe all the said Lands and Grounds so tytheable to the said respective Rectories, and particularly the Lands and Grounds hereby directed to be allotted and inclosed.

Allotment of
the Residue.

XXVIII. 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 Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, (save and except the Rector of the said Rectory of *Kirby Bedon Saint Andrew* and the Impropiator of the said Rectory of *Kirby Bedon Saint Mary* for the Time being, in respect of any Allotments to be made to them in right of the said respective Rectories, and save and except the 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 cleansed, scoured, and kept open by such Person and Persons, and Body and Bodies Politic, Corporate or Collegiate, as the said Commissioners shall by their said Award order and direct.

For fencing
Allotments.

XXIX. And be it further enacted, That the Lands and Grounds which shall be set out and allotted unto and for the Rector and Impropiator of the said respective Rectories for the Time being, in respect of their Glebe, 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

Allotments
to Rectors,
&c. to be
ring-fenced
by the Com-
missioners.

thereafter

thereafter maintained and supported by such Persons and in such Manner as the said Commissioners shall in and by their said Award order and direct.

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

XXX. Provided always, and be it further enacted, That if any Person or Persons (save and except the Rector and Impropiator of the said respective Rectories) hath or have sold, or shall at any Time before the Execution of the Award of the said Commissioners, directed to be made by the said recited act, 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 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, her, or their Heirs, Executors, Administrators, or Assigns, for and in respect of such Rights, Interests, 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 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.

XXXI. 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.

XXXII. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, or Tenements within the said Parish of *Kirby Bedon* 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, Tenements, and Hereditaments 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 separate Allotments by distinct and separate 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

ferent 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 Award, upon the Request in Writing of any Person or Persons interested in the Premises, to do all proper and necessary Acts for enabling them 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, Rights, Estates, and Titles respectively, and to make distinct and separate Allotments in the same Manner as they are 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 anywise relating thereto, shall be paid by the Person or Persons making such Request as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person or Persons, 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.

XXXIII. 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 for or in respect of any Messuages, Buildings, Lands, and Grounds held 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 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 Tenures, 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

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

[*Loc. & Per.*]

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direct;)

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 said Copyhold Messuages, Cottages, Lands, or Tenements, in respect whereof such Lands and Grounds 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 annexed thereto, determine, describe, and abut the Lands and Grounds respectively, which are to be and remain 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.

XXXIV. And be it further enacted, That it shall be lawful to and for the said Commissioners to set out, allot, and award, any Messuages, Buildings, Lands, Tenements, or Hereditaments in the said Parish of *Kirby Bedon*, in lieu of and in exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments 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.

XXXV. And

XXXV. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or Extended Rents now subsisting, of any Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be exchanged by virtue of this Act, shall, immediately after the signing 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 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 within any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may 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.

Tenants to give up exchanged Lands.

XXXVI. 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 Kirby Bedon, 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 comprized in such Leases or Agreements, be and the same are hereby declared to be null and void as to such Allotment or Allotments, and such Allotment or 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 Title 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 comprized 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

Leases void as to Allotments.

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.

Wills and Settlements not to be affected.

XXXVII. 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 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, Tenements, or Hereditaments within the said Parish of *Kirby Bedon*, 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, Tenements, and Hereditaments 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, Tenements, and Hereditaments 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, and 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.

XXXVIII. 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, 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.

XXXIX. And be it further enacted, That the Costs, Charges, and Expences of inclosing the Lands and Grounds which shall by virtue of this Act be allotted to the Rector and Impropiator of the said respective Rectories of *Kirby Bedon Saint Andrew* and *Kirby Bedon Saint Mary*, in respect of their said respective Rectories, and to the Surveyors of the Highways of *Kirby Bedon* aforesaid, 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 and Impropiator

Impropriator of the said respective Rectories for the Time being, for or in respect of any Allotment or Allotments which shall be made to them in right of the said respective Rectories, and also save and except the Surveyors of the Highways 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 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.

XL. 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.

Directions for charging Copyholds with Expences.

XLI. 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.

Proprietors and Agents to pay their own Expences.

XLII. 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 the lawful Interest for the same.

Money advanced to be repaid with Interest.

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

Commissioners to be paid for their Trouble and Expence.

XLIV. And be it further enacted, That the several Commissioners acting from Time to Time in the Execution of this Act and the said recited

Commissioners' Accounts to be examined

[Loc. & Per.]

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Act,

yearly by a
Justice.

Act, shall make out an Account, containing a true Statement of all Sums 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 passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by *Thomas Blofield* Esquire, 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 *Thomas Blofield*, 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 have been duly allowed by the said *Thomas Blofield* or such other Justice as aforesaid.

Award to
be deposited
with the
Clerk of the
Peace.

XLV. 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 same 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 the 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 than Four-pence *per* Sheet, each Sheet containing Seventy-two Words, shall be paid); 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 or 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 Grounds shall for ever thereafter be held in Severalty by the respective Owners and Proprietors thereof.

XLVI. And

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

A Counterpart of the Award or a Copy thereof to be deposited in the Parish Church.

XLVII. 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 whereby 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.

Persons aggrieved may appeal to the Quarter Sessions.

XLVIII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person and Persons, Body and 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, and out of the said Lands and Grounds hereby directed to be divided, allotted and inclosed, in case this Act had not been made.

General Saving.

XLIX. 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

Public Act.

print

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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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1812.