



ANNO QUINQUAGESIMO SECUNDO

# GEORGI III. REGIS.

\*\*\*\*\*

## Cap. 43.

An Act for inclosing Lands in the Parish of *Caston*,  
in the County of *Norfolk*. [25th March 1812.]

WHEREAS there are within the Parish of *Caston* in the County of *Norfolk*, certain Open Fields, Commons, Waste Grounds, and other Lands: And whereas Sir *William Smyth* Baronet, is Lord of the Manor of *Caston Hall* in *Caston Barriess* and *Thompson*, and as such entitled to the Soil of the said Commons and Waste Grounds: And whereas *Benjamin Barker* Esquire, is Patron of the Rectory of *Caston*; of which the Reverend *Benjamin Barker* Clerk is the present Rector: And whereas the said Sir *William Smyth*, *Benjamin Barker* Esquire, *Benjamin Barker* Clerk, and other Persons, are the Owners of the Messuages, Cottages, Lands, and Tenements, within the said Parish of *Caston*: 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 the said Open Fields, and some of the other Lands and Grounds within the said Parish of *Caston*, are inconveniently situated for the respective Owners and Proprietors thereof; and it would be greatly advantageous to the several Persons interested in the Premises if the Rights

[Loc, & Per.] 10 U. of

Appointment  
of Commis-  
sioners.

of Sheepwalk and Common, in, over, and upon the said Commons and Waste Grounds were extinguished, and if the said Open Fields, Commons, and Waste Grounds, and certain other Lands and Grounds within the said Parish of *Caston* were divided, and specific Parts or Shares thereof allotted unto and amongst the Persons interested according to their respective Shares, Estates, Rights, and Interests, in, over, or upon the same; 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 *Thomas Chapman* of *Richmond*, in the County of *Surrey*, *William Unthank* of *Heigham*, in the County of the City of *Norwich*, and *John Dugmore* of *Swaffham*, in the County of *Norfolk*, Gentlemen, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open Fields, Commons, and Waste Grounds, within the said Parish of *Caston*; and also for setting out, allotting, and dividing all such old Inclosures of Land within the said Parish, in which there are Lands belonging to different Proprietors; and all such other old Inclosures of Land within the said Parish, to which the present Proprietors thereof will have no Access through their own Lands, or by any of the Public Roads to be set out by the said Commissioners, and for carrying this Act, and the said recited Act into Execution, (save and except such Parts of the said recited Act as are hereby varied or altered), and that all Acts, Matters, and Things authorized, or necessary to be done and executed by the said Commissioners, in pursuance of this and the said recited Act, may be done and executed by any Two of them; and the same shall be as valid and effectual, and shall have the same Force and Effect as if such Acts, Matters, and Things, had been done and executed by all the Commissioners herein named, or to be appointed in Manner herein-after 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, refuse, neglect, or become incapable of acting 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 Commissioners or Commissioner, and they and he are and is hereby required at any Time within Thirty-one Days next after such Death or Incapacity shall be known to them or him, by Writing under their or his Hands or Hand, to appoint any other Person or Persons (not being interested in the Premises) to be a Commissioner or Commissioners 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 and the said recited Act into Execution, in all Respects as if he or they had been originally named and appointed Commissioner or Commissioners in and by this Act.

Commission-  
ers Allow-  
ance.

III. And be it further enacted; That each of the said Commissioners who shall act in the Execution of the Powers and Authorities hereby and  
by

by the said recited Act vested in them, shall be paid the Sum of Four Pounds Four Shillings for each Day he shall be employed therein, including the necessary Days in travelling to and from the said Meetings, and which said Sum is to be in full Satisfaction for all the Trouble and Expences which every such Commissioner shall be put unto at or on every such Meeting, for the Purpose of executing this and the said recited Act.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their first and every other Meeting for the Execution of this or the said recited Act, to be inserted in some Newspaper published in the City of *Norwich*, Fourteen 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 *Caston*, 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 or the said recited Act, shall be held within the said Parish of *Caston*, or within Eight Miles thereof.

Notice of Meetings.

V. And be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, in pursuance of this Act, or the said recited Act, shall be so made and given by Advertisements in some Newspaper published in the said City of *Norwich*.

Other Notices how to be given.

VI. 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, touching or concerning the respective Rights and Interests which they or any of them shall claim to have, of and in the Lands and 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.

VII. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of 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 such Determination shall be made, by the Person or Persons, or Body or Bodies

Commissioners to assess Costs.

Politic,

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 every 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: Provided always, that the Objections to the Accounts or Claims, by the said recited Act directed to be delivered to the said Commissioners, as therein mentioned, shall also be delivered to such Person or Persons, whose Account or Accounts, Claim or Claims, shall be so objected to, in such Manner, and at such Time or Times, as the said Commissioners shall direct or appoint for that Purpose.

Power to try  
Rights by an  
Issue at Law.

VIII. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested, or claiming to be interested, in the said Allotments, Division, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims, of any Right of Common, or of any other Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, 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 Three Calendar Months 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 or Persons whomsoever, Body and Bodies Politic, Corporate, and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial  
to

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.

IX. And be it further enacted, That if any of the Parties, Plaintiffs or Defendants 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.

Death of Parties not to stay Proceedings.

X. Provided always, That no such Difference, Suit, or Proceeding as aforesaid, nor any Difference, or Dispute, 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 Inclosure hereby directed to be made, shall be proceeded in, notwithstanding any such Difference, Suit, or Proceeding.

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

XI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions; it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living; and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall be thereupon incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

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 Encroachment made within the Period of Thirty Years, as herein-after mentioned); but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment, or other due Course of Law.

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

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 their said Award, *[Loc. & Per.]* For extinguishing or suspending Rights of Common be-

fore the Ex-  
ecution of the  
Award.

Award, by Notice in Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Caston* aforesaid, to order and direct all or any Part of the said 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 and 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 with-  
out Leave of  
the Commis-  
sioners.

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 Soil, Clay, Turf, Flags, Whins, or Furze, in, upon, or from the said Commons and Waste Grounds, 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 or any Justice of the Peace for the said County of *Norfolk*, upon due Proof thereof made before them or him upon Oath, shall, and they or he are or is hereby required by Warrant, under their or his Hands and Seals or Hand and Seal, 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 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.

For shorten-  
ing Boundary  
Fences against  
adjoining  
Parishes.

XV. And whereas it may shorten the Boundary Fences between the Lands and Grounds hereby directed to be divided and inclosed, and the Lands in any adjoining Parish or Parishes, if the said Commissioners were empowered to cause such Fences to be raised in such Direction as they shall deem most proper and convenient for shortening and making the same regular; be it therefore further enacted, That it shall and may be lawful for the said Commissioners, with the Consent in Writing, under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is situate, and under the Hands of the major Part in value of the Land Owners in any Parish or Parishes adjoining to the said Parish of *Caston*, (such Value to be ascertained by the Rates or Assessments made for the Relief of the Poor of such Parish), or under the Hand or 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, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds hereby directed to be divided and allotted, and the Lands lying in such adjoining Parish or Parishes as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the

the same shall be inclosed and 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 *Caston* and such adjoining Parish or Parishes respectively; any Law, Usage, or Custom to the contrary notwithstanding.

XVI. And be it further enacted, That all Encroachments which at any Time within Thirty Years before the passing of this Act have been made upon the said Commons and Waste Grounds hereby directed to be divided and inclosed, shall be deemed Part thereof, and shall be divided and allotted accordingly; and in case any Dispute shall arise, touching any such Encroachment or Encroachments, or the Extent thereof, such Dispute shall be finally determined by the said Commissioners.

Encroachments made on the Commons to be deemed Part of the Lands to be divided.

XVII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to stop up, divert, or turn any old Road or Roads within the said Parish of *Caston*, which they shall judge necessary to be stopped up, diverted, or turned, besides the Roads which pass over the Lands and Grounds hereby directed to be divided and allotted: Provided always, that no such Road or Roads shall be stopped up, diverted, or turned, without such Concurrence and Order, and subject to such Appeal as are and is particularly mentioned or referred to in and by the said recited Act.

Power to stop up old Roads.

XVIII. And be it further enacted, That the said Commissioners shall raise, and they are hereby authorized and empowered to raise by Sale of such Part of the Commons and Waste Grounds hereby directed to be divided and allotted, as they shall think proper, in Manner directed by the said recited Act, such Sum or Sums of Money as shall be necessary for defraying the Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, and also for making the Boundary and Subdivision Fences to the Lands hereby directed to be allotted and inclosed, (except the Fencing to the said Sale Allotments, which are to be done at the Purchasers Expence): Provided always, that if there shall be any Overplus of such Sum or Sums of Money, the same shall be paid to the Person or Persons entitled thereto, or applied and disposed of by the said Commissioners, in Manner directed by the said recited Act, with respect to the Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses: Provided also, that in case it shall happen that the Money to be raised as aforesaid shall not be sufficient to defray the whole of the said Expences, then and in such Case, the Surplus thereof shall be paid by the Proprietors of Lands and Estates within the said Parish of *Caston*, (except the Rector of the said Rectory of *Caston*, in respect of his Glebe Lands, and the Allotment or Allotments to be made to him in respect of the same, and also except the Surveyors of the Highways of the said Parish of *Caston*, in respect of the Allotment herein-after directed to be set out to them as such Surveyors), at such Time or Times, to such Person or Persons, and in such Proportions as the said Commissioners by their Award, or by any Writing or Writings, under their Hands, shall direct or appoint.

Land to be sold for defraying the Expences of the Act.

XIX. And

Allotment  
for public  
Watering  
Places, Gravel  
Pits, &c.

XIX. 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 *Caston*, such Parts of the Lands and 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, Stone, Clay, Chalk, and Marl Pits; and the same Allotment or Allotments, when so set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of ancient Messuages and Cottages within the said Parish, who shall be proved to have a Right of Common under the Powers of this Act, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations as the said Commissioners shall by their said Award direct or appoint, and not otherwise.

Allotment  
for Right of  
Soil.

XX. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot unto, and for the Lord or Lords, Lady or Ladies of the Manor herein-before mentioned, or 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 Judgement of the said Commissioners, shall be equal in Value to One Eighteenth Part of the Value of so much of the said Commons and Waste Grounds as shall remain after setting out apart the Parts thereof to be sold in pursuance of this Act; and after the foregoing Allotment or Allotments to the Surveyors of the Highways shall be made out, which Allotment or Allotments shall be a sufficient Recompence and Compensation to him, her, or them, for his, her, or their Right or Rights, in and to the Soil of the said Commons and Waste Grounds.

The average  
Value of one  
Acre of the  
Commons to  
be allotted for  
every Com-  
mon Right  
Cottage.

XXI. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot, unto the Owners or Proprietors of Messuages and Cottages, within the said Parish of *Caston*, (except such as have been built on new Scites within Thirty Years), to which are appendant or appurtenant any Right or Rights of Common, over or upon the said Commons and Waste Grounds, so much, and such Part of the Lands and Grounds hereby directed to be divided and allotted, as in the Judgement of the said Commissioners shall be equal in Value to the Average Value of One Acre of the said Commons and Waste Grounds, for each and every such Messuage or Cottage; and in case the said Commissioners shall not think the Allotments hereby directed to be made for such Messuages and Cottages, together with the Rights in the Allotment for Fuel in respect of the same, hereafter mentioned, a sufficient Satisfaction for the Rights of the respective Owners or Proprietors of such Messuages or Cottages over and upon the said Commons and Waste Grounds, then and in such Case the said Commissioners may allot such other Parts of the Lands and Grounds hereby directed to be divided and allotted as they may think proper to the Owners or Proprietors of the said Messuages and Cottages, in respect of the same, or the Rights of Common appendant or appurtenant to the same.

Allotment for  
the Poor.

XXII. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out, and allot, unto the Lord or Lords, Lady or Ladies of the said Manor of *Caston Hall*, in *Caston Barriess* and *Thompson*,



son, the Rector of the said Rectory of *Caston*, and the Churchwardens and Overseers of the Poor of the said Parish of *Caston*; Twenty-five Acres of such Parts of the said Commons and Waste Grounds as adjoin to the Parishes of *Stowe Bedon* and *Thompson*; or One of them; for the equal Use and Benefit of the Inhabitants of such ancient Houses and Cottages, as shall be entitled to the Average Acre aforesaid; provided such Inhabitants shall be legally settled in the said Parish of *Caston*; and the Commissioners are hereby empowered to make such Orders and Regulations for the Management of the same Allotment as they may judge expedient.

XXIII. And be it further enacted, That the said Commissioners shall set out and allot unto the said Sir *William Smyth*, or the Owner or Owners for the Time being, of the Farm in the said Parish of *Caston*, called *Caston Manor Farm*, such Part or Parts of the said Commons and Waste Grounds hereby directed to be divided and allotted as in their Judgement shall be a fair and full Equivalent for the Right of Sheep Walk belonging to the said Farm over certain Parts of the said Commons and Waste Grounds; and also for all other Rights of Common belonging to the said Farm over the Whole of the said Commons and Waste Grounds.

Allotment to Sir William Smyth for his Sheep Walk and other Common Rights.

XXIV. And be it further enacted; That the said Commissioners shall then assign, set out, and allot the Residue and Remainder of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, being the Owner or Owners of, or having any Rights of Common, or other Rights or Interests, in, over, or upon the same; or any Part or Parts thereof, (except the Owner or Owners for the Time being of the said Manor Farm, but in respect only of the said Manor Farm), 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 Shares, Rights of Common, or other Rights or Interests in, over, or upon the said Lands and Grounds, or any Part or Parts thereof; and it is hereby declared, that all Lands and Grounds within the said Parish of *Caston*, (except the Manor Farm aforesaid), shall be deemed and considered to be entitled to equal Rights of Common, ever and upon the said Commons and Waste Grounds, in Proportion to the Value of such respective Lands and Grounds.

Allotment of the Residue.

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 Lands and 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 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

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

[Loc. & Per.]

10 R

Manner

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, Interest, or Property had been vested in such Vendor, at the Time of making such Allotment as aforesaid.

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

XXVI. 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 lieu 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, 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 lieu or in respect whereof such Allotments shall be made, are now holden; and that all and every Person or 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 so to be allotted as aforesaid, shall at all Times be held under and subject to the same Tenure, Fines, and other Payments, as the present Copyhold Messuages, Cottages, Lands, or Tenements, in lieu or 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 (if any) to be thereto annexed, determine, describe, and abut the Messuages, Buildings, 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, (except what shall be ascertained by the said Commissioners to be Copyhold or Leasehold,) shall be from thenceforth deemed, taken, and enjoyed, as Freehold Messuages, Buildings, Lands, and Grounds, subject nevertheless to such free Rents and Services as are now payable thereout.

For allowing Exchanges to be made.

XXVII. 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 Lands, Tenements, or Hereditaments within the said Parish of *Caston*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place;

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, Tceoffees 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, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing, under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange 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 Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate: Provided also, that all Costs, Charges, and Expences attending the making any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportion as the said Commissioners shall by their said Award order and direct.

XXVIII. 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, Grounds, or Hereditaments within the said Parish of *Caston*; or which shall be exchanged by virtue of this Act, or any Part or 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 or exchanged as aforesaid, to such and the same Uses, for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Messuages, Buildings, Lands, and Grounds, whereof such Proprietors 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.

XXIX. And be it further enacted, That no Tythes in Kind shall be paid or rendered to the Rector of the said Rectory of *Caston*, for or in respect of the Commons and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, during the Term of Six Years, to be computed from the Time of setting out the Allotments thereof; but that the respective

Wills and Settlements not to be affected.

Directing certain annual Payments to the Rector for Tythes.

respective Tenants or Occupiers of the Allotments of the said Commons and Waste Grounds, shall pay to the said Rector yearly and every Year, during the said Term of Six Years, as a full Compensation and Satisfaction for the great and small Tythes to arise from the same; such Sum or Sums of Money as the said Commissioners shall fix and determine; which Sums of Money so to be paid as a Compensation and Satisfaction for the Tythes of the said Commons and Waste Grounds, may be recovered by an Action or Actions in any of His Majesty's Courts of Record at *Westminster*, or by such other Means as Compositions for Tythes are recoverable by Law: Provided nevertheless, that in case more than one Crop of Corn, Grain, Pulse, or Seed, shall be taken in Succession from off any Part of the said Commons or Waste Grounds, then and in such Case, this Clause shall be of no Effect, so far as it relates to such Lands; and the said *Benjamin Barker* Clerk, or the Rector for the Time being of the said Rectory of *Caston*, shall have Power of taking the Tythes in Kind from off the said Lands that shall be so cropped contrary to the Intent and Meaning of this Act.

Commissioners to direct the Course of Husbandry.

XXX. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, all the Arable Lands hereby directed to be divided and allotted shall be subject and liable to such Directions and Regulations, as the said Commissioners shall from Time to Time by Writing under their Hands appoint; as well with regard to the stocking as to the ploughing, folding, tilling, sowing, and laying down the same; and it shall be lawful for the said Commissioners to order and direct such Sum or Sums of Money in respect thereof to be paid by any Person or Persons interested in the said Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her, or their Tenant or Tenants, as they the said Commissioners shall think reasonable; and in case any Person or Persons, who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case, it shall be lawful for the said Commissioners, and they are hereby authorized and required, to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Cattle not to be depastured on the Roads, nor Sheep in new Inclosures.

XXXI. And be it further enacted, That no Horses, Cows, Asses, Sheep, Lambs, or other Cattle, shall at any Time within the First Seven Years after the said Allotments shall be directed to be entered upon by the respective Proprietors thereof, be kept in any of the Public Carriage Roads or Ways to be set out or continued in pursuance of this or the said recited Act, which shall be fenced off on both Sides or laned out; and that it shall not be lawful for any Person or Persons, for the Space of Seven Years next after the Execution of the said Award, to keep or depasture any Sheep or Lambs in or upon any of the new Inclosures or Allotments to be made in pursuance of this Act, unless the Person or Persons keeping such Sheep or Lambs shall and do at his, her, or their own Expence, sufficiently fence and guard the Quickset Hedges, or other live Fences of such Proprietor or Proprietors, whose Allotment or Allotments shall adjoin the Inclosure or Inclosures where such Sheep or Lambs shall be kept, so as  
to

to prevent any Danger or actual Damage being done to such Quickset Hedges or other live Fences by such Sheep or Lambs respectively, under a Penalty not exceeding Forty Shillings.

XXXII. Provided always, and be it further enacted, That in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons towards Payment of Expences as aforesaid, it shall not be lawful for the said Commissioners to deduct from any Allotment to be made to any Proprietor or Proprietors any further or greater Quantity of Land than would be equal in Value to the Sum of Money that each Proprietor or Proprietors is or are by this or the said recited Act empowered to borrow and charge on his, her, or their Lands, Tenements, or Hereditaments; nor shall it be lawful for the Proprietor or Person from whose Allotment Land shall be deducted as aforesaid, to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

Not to deduct Land and borrow Money also.

XXXIII. Provided always, and be it further enacted, That when and so often as it may be necessary to charge any Allotment or Allotments, or exchanged Messuages, Cottages, Lands, or Tenements, with any Sum or Sums of Money by way of Mortgage, for paying and defraying any Share or Shares of such Coits, Charges, and Expences, as last aforesaid, and such Allotment or Allotments, Messuages, Cottages, Lands, or Tenements, or any Part thereof, shall be Copyhold, then and in such Case, such Copyhold Lands and Premises shall be surrendered for the due Payment thereof, with Interest, to the Use of such Person or Persons who shall advance and lend such Sum or Sums of Money, by the way of Mortgage, his, her, or their Heirs and Assigns, according to the Custom or Customs of the Manor or Manors whereof the same shall be holden, 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.

XXXIV. And be it further enacted, That the said 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 Act.

Proprietors and Agents to pay their own Expences.

XXXV. 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 or the said recited Act, the Money so advanced shall be repaid and satisfied by the Direction of the said Commissioners, together with lawful Interest for the same.

Money advanced to be repaid with Interest.

XXXVI. And be it further enacted, That the Commissioners acting from Time to Time in the Execution of this and the said recited Act, and each of them, shall make out an Account, containing a true Statement of all Sum and Sums of Money by him or them received or expended, or due to him or them for his or their own Trouble or Expences; and that such Accounts shall at least once in every Year, from the Date of passing this Act

Commissioners Accounts to be examined yearly.

[Loc. & Per.]

10 Z

until

until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by any Justice of the Peace acting for the said County of *Norfolk*, and the Amount or Balance thereof shall be by such Justice stated in the Book of Accounts by the said recited Act required to be kept in the Office of the Clerk to the said 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 such Justice.

Directions for  
delivering, or  
disposing the  
Award.

XXXVII. And be it further enacted, That the Award to be made by the said Commissioners, together with such Map or Plan (if any) as shall be annexed thereto, shall after the Enrolment thereof, as directed by the said recited Act, be delivered or deposited and kept in the Parish Church of *Caston*.

Appeal to the  
Sessions.

XXXVIII. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, or of the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are herein-before, and as are therein declared to be final or conclusive, and except in such Cases where an Issue at Law shall be tried as herein mentioned), then and in every such Case, he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace, which shall be holden for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on 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 such Justices shall be final and conclusive to all Parties concerned, and shall not be removed 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 Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

General  
Saving.

XXXIX. 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 and 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.

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

Act to be printed by the King's Printers.

---

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

