



ANNO QUINQUAGESIMO QUARTO

# GEORGII III. REGIS.

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## Cap. 65.

An Act for inclosing Lands in the Parish of *Middleton*,  
in the County of *Norfolk*. [18th May 1814.]

**W**HEREAS there are within the Parish and Township of *Middleton*, in the County of *Norfolk*, divers Whole Year Lands, Half Year or Shack Lands, Open Fields, Commons, and Waste Grounds: And whereas *John Wythe* and *Samuel Vines* Esquires, as Trustees for and on Behalf of *Thomas Wythe* Esquire, are Lords of the Manor of *Middleton*, in the said County of *Norfolk*: And whereas the Right Reverend *Henry* Lord Bishop of *Norwich*, in Right of his See, is Lord of the Manor of *Blackborough* in *Middleton*, and also the Proprietor and Owner of divers Lands, Tenements, Meadows, Pastures, and Feedings, situate, lying, and being in the said Parish and Township of *Middleton*, and the said *John Wythe* and *Samuel Vines*, as such Trustees as aforesaid, are possessed of or entitled to the same, under and by virtue of a Lease thereof granted by the said Lord Bishop of *Norwich*: And whereas the said *John Wythe* and *Samuel Vines*, as such Trustees as aforesaid, and also *John Lens* Esquire, Serjeant at Law, and several other Persons, are respectively Proprietors and Owners of all the Messuages and other Lands and Tenements within the said Parish and Township of *Middleton*: 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 it would be of great Advantage to the several Persons interested in the said Whole Year Lands, Half

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Commission-  
ers.

Year or Shack Lands, Open Fields, Commons, and Waste Grounds, if the Rights in, over, and upon the same were extinguished; and if the said Whole Year Lands, Half Year or Shack Lands, Open Fields, Commons, and Waste Grounds, were divided and enclosed, and specific Parts or Shares thereof allotted to the several Persons interested therein, according to their several and respective Shares, Estates, Rights, and Interests in, upon, and over the same; but such Extinguishment, Division, Allotment and Inclosure cannot be effected without the Aid and 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 *Samuel Mitchell* of the City of *Norwich*, Gentleman, *William Unthank* of *Heigham*, in the County of the City of *Norwich*, Gentleman, and *John Dugmore* of *Swaffham*, in the County of *Norfolk*, Gentleman, 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 Whole Year Lands, Half Year or Shack Lands, Open Fields, Commons, and Waste Grounds in the said Parish and Township of *Middleton*, and for carrying this Act into Execution, and such of the Powers, Directions, Regulations, and Provisions expressed and contained in the recited Act as are not expressly altered, varied, or otherwise provided for and enacted in and by this Act; and that all Acts, Matters and Things authorized or directed or which shall be necessary to be done or executed by the Commissioners hereby appointed or their Successors, in pursuance of this and of the said recited Act, may be done and executed by any Two of them, and shall be as good, valid, and effectual, and have the same Force and Effect as if such Acts, Matters, and Things, had been done or executed by all the Commissioners herein named, or to be appointed by virtue of this Act.

For appoint-  
ing new Com-  
missioners.

II. And be it further enacted, That if any of the said 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 him or them) die or refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall be lawful for the surviving or remaining Commissioner or Commissioners, and he or they is and are hereby required at any Time within Forty Days after such Death, Refusal or Incapacity shall be known to him or them, by Writing under his or their Hand or Hands, to appoint another Person, (not being interested in the Premises) to be a Commissioner in the Room or Stead of each such Commissioner so dying, refusing, or becoming incapable to act; and every Commissioner so to be appointed as aforesaid shall, after taking and subscribing the Oath or Affirmation 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 named and appointed a Commissioner in and by this Act.

For choosing  
Clerk.

III. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint some fit and proper Person or Persons to be their Clerk or Clerks for assisting them in carrying this Act into Execution, and such Clerk or Clerks from Time to Time to remove, and nominate and appoint such other fit and proper Person



Person or Persons to succeed him or them in such Office as to the said Commissioners shall seem meet.

IV. And be it further enacted, That each respective Commissioner who shall act in the Execution of this Act shall be paid and allowed the Sum of Four Guineas and no more, for every Day on which he shall attend in the Execution of this Act, or shall be engaged in going to or returning from any Meeting under the same; which Sum of Four Guineas shall include and be in Satisfaction of and for all Charges and Expences whatsoever incurred by each respective Commissioner in going to, attending at, and returning from such Meeting or Meetings respectively.

Allowance to Commissioners.

V. 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 subsequent Meeting for executing the Powers and Trusts vested in them by this Act, to be affixed upon the Door of the Parish Church of *Middleton* aforesaid, at least Fourteen Days before every such Meeting, (Meetings by Adjournment excepted), and also cause a like Notice to be inserted in *The Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper published or circulated in the said County of *Norfolk*, at least Fourteen Days before every such Meeting (Meetings by Adjournment excepted); and that if One only of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, then and in such Case, and as often as the Case shall happen, it shall be lawful for such Commissioner to adjourn such Meeting from Time to Time to some Place which he shall deem convenient, giving Notice of such Adjournment to the absent Commissioners: Provided always, that all Meetings as well by Adjournment as otherwise, for carrying this Act into Execution, shall be holden either in the said Parish and Township of *Middleton*, or within Eight Miles thereof.

Notice of Commissioners Meetings.

One Commissioner may adjourn.

VI. And be it further enacted, That all other Notices necessary to be given by the said Commissioners in pursuance of this or of the said recited Act, for any Purpose whatever (except Notices which are in or by this Act particularly directed to be given in any other Manner) shall be published and given by Advertisement in *The Norfolk Chronicle* or *The Norwich Mercury*, or in some other public Newspaper then published or circulated in the said County of *Norfolk*, or by Writing to be affixed upon the Door of the Parish Church of *Middleton* aforesaid; and all such Notices so given shall be deemed to be well and sufficiently published and given, and to be full and sufficient Notice to all Persons concerned of or respecting all the Matters and Things to which such Notice shall relate, any Thing in the said recited Act contained to the contrary thereof notwithstanding.

Other Notices how to be given.

VII. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection or Objections to any of the Accounts or Claims which shall be delivered to the said Commissioners by virtue of the said recited Act or this Act, such Objection or Objections shall be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Person or Persons on his, her, or their Behalf; and One Part thereof shall be delivered to the said Commissioners, and the other Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his, her,

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



her, or their Agent, or left at his, her, or their last or usual Place of Abode, at such Time or Times as the said Commissioners shall appoint for that Purpose; and no Objection to any of the said Accounts or Claims shall be afterwards received by the said Commissioners, unless for some legal Disability or special Cause to be allowed by them.

Power for  
Commissioners  
to settle  
Disputes.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotment, touching or concerning any Right or Interest which they or any of them shall or may claim or have of or in any of the Lands or Grounds by this Act directed to be divided and allotted as aforesaid, or touching or concerning their respective Shares or Proportions of or in the same respectively, or concerning any Allowance claimed or to be made to the Person or Persons who shall be in the Exercise and Enjoyment of any such Right or Rights of Common as aforesaid, as Tenant or Tenants to the Proprietor or Proprietors thereof, or touching or concerning any other Matter or Thing relating to the said Division and Allotment, then and in any of the said Cases, and so often as the same shall happen, it shall be lawful for the said Commissioners, and they are hereby required, as well by the Examination, Information, or Testimony of Witnesses upon Oath, (which Oath any One of the said Commissioners is hereby authorized and empowered to administer), as by any other proper and sufficient Enquiry or Evidence to examine into, hear, and determine the same: Provided nevertheless, that nothing in this Act contained shall extend or be construed to extend, to empower the said Commissioners to determine the Title to any Manors, Messuages, Lands, Tenements, or Hereditaments whatsoever.

Commissioners  
not to  
determine  
Titles,

Persons summoned  
by  
Commissioners  
and refusing  
to give  
Evidence to  
be punished.

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

X. Provided



X. Provided always, and be it further enacted, That no Witnesses summoned to attend such Commissioners shall be obliged to travel above Eight Miles from the Boundary of the said Parish and Township of *Middleton*.

No Witnesses obliged to travel beyond a certain Distance.

XI. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said recited Act, or upon the Hearing and Determination of any Difference or Dispute as aforesaid, see Cause to award any Costs, it shall be lawful for them the said Commissioners, and they are hereby empowered and required, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be or shall have been overruled or disallowed, or against whom the said Commissioners shall have determined as aforesaid; and that in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered 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 said Costs and Charges, 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 distrained and sold, after deducting the Expences attending such Distress and Sale.

Power for Commissioners to assess Costs.

XII. Provided always, and be it further enacted, That in case any Person or Persons, or any Body or Bodies Politic, Corporate, or Collegiate, who shall have delivered to the said Commissioners any Claim in Writing of any Right or Interest in, upon, or over the Lands and Grounds by this Act directed to be divided and allotted as aforesaid, or in, upon, or over any Part thereof, or who shall have delivered to the said Commissioners any Objection in Writing to any such Claim of any other Person or Persons, or Body or Bodies Politic, or Corporate, or Collegiate, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any such Claim or Objection, or shall be desirous of having the Matter of such Claim or Objection decided by the Verdict of a Jury, and shall, within One Calendar Month next after such Determination, cause Notice in Writing of his, her, or their Desire in this Behalf, to be delivered to or left at the last or most usual Place or Places of Abode of the said Commissioners respectively, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the ensuing Assizes or at the following Assizes to be held for the said County of *Norfolk*, and that, for that Purpose; the Person or Persons or Body or Bodies Politic, Corporate, or Collegiate, having given such Notice as aforesaid, shall within Two Calendar Months next after the Determination of the said Commis-

Power to try Rights by an Issue at Law.

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tioners, cause an Action to be commenced in One of His Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made; and that the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required, to name an Attorney or Attornies, who shall appear thereto, or file common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights, Interest or Interests thereby insisted upon, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court, in which such Action or Actions shall be commenced, in case the Parties shall differ about the same), and that all Proceedings in such Action or Actions shall be subject to the Rules or Orders of the Court, in which the same shall be brought; and that the Verdict or Verdicts, which shall be given upon the Trial of such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons, and Body and Bodies Politic, Corporate, or Collegiate, unless the Court wherein the Action or Actions shall have been brought, shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the said Court to do, if the Court shall think proper; and that after such Verdict or Verdicts shall be obtained, and not set aside as aforesaid, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Notice shall be given, or if any such shall be given, and an Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then and in every such Case, and in that Event, the Determination of the said Commissioners shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

If no Notice be given, the Commissioners Determination to be final.

Death of Parties not to stop Proceedings at Law.

XIII. Provided always, and be it further enacted, That if any of the Parties in any Action to be brought or commenced in pursuance of this Act shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if such Death had not happened.

Trials not to suspend the Execution of this Act.

XIV. Provided always, and be it further enacted, That no such Difference, Suit or Proceeding as aforesaid, nor any Difference, Suit or Proceeding, respecting the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the Proceedings of the said Commissioners in the Execution of this Act, but that the Division, Allotment, and Inclosure by this Act directed to be made, shall be proceeded in notwithstanding any such Difference, Suit, or Proceeding, and that the Allotment or Allotments, to which any such Difference, Suit, or Proceeding respectively shall relate, shall be taken by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who by the Determination of such Difference, Suit or Proceeding respectively shall become entitled to the same.

Provision in case of the Death of Par-

XV. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination shall have been made as aforesaid, and against whom any such Action or Actions might have been brought



brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time by this Act limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time by this Act 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 that it shall thereupon be incumbent on the Heir or Heirs or other Person or Persons, who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

ties before  
Action  
brought.

XVI. Provided always, 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 any Encroachment or Encroachments made upon the said Commons and Waste Grounds within the Period of Twenty-five Years now last past; but if the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

Rights of Possession of Persons not to be determined by Commissioners.

XVII. And be it further enacted, That all Encroachments which at any Time within Twenty-five Years now last past have been made upon the said Commons and Waste Grounds, or any Part thereof, shall be deemed Part thereof, and shall be divided and allotted accordingly, and in case any Dispute shall arise touching any such Encroachments or the Extent thereof, such Dispute shall be heard and determined by the said Commissioners in the Manner herein-before directed.

Respecting Encroachments.

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 and Township of *Middleton* to be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated in the said County of *Norfolk*, Eight Days at least before the Time or respective Times of such Perambulations, and after the Expiration of the Time or respective Times to be specified in such Notice, the said Commissioners are hereby authorized and required to perambulate, enquire into, set out, ascertain, fix, and determine the Boundaries of the said Parish and Township of *Middleton*, and a Description of the said Boundaries shall within Forty Days afterwards be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*.

For ascertaining Boundaries.

Appeal to  
Sessions  
against Boundaries.

XIX. Provided always, That if any of the Proprietors of Estates or Inhabitants of the said Parish and Township of *Middleton*, or of any Parish or Parishes adjoining, 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.

Power enabling Commissioners to shorten Boundary Fences.

XX. And be it further enacted, That if the said Commissioners shall deem it expedient or proper in order to shorten the Boundary Fences between the Lands and Grounds by this Act intended to be divided, allotted, and inclosed, and the adjoining Parish or Parishes respectively, it shall be lawful for the said Commissioners with the Consent in Writing of the major Part in Value, (such Value to be ascertained by the Poors Rates or Assessment for the Time being) of the Land Owners of such adjoining Parish or Parishes respectively, or of such and so many of them as shall attend at a Meeting to be for that Purpose called, 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 respectively, and of the Owner or Owners of the Land upon which such Boundary Fences shall or may be intended to be made as herein-after is mentioned, to set out, ascertain, and determine the Boundary Fences to be made between the Lands and Grounds by this Act intended to be divided, allotted, and inclosed, and the Lands lying in such adjoining Parish or Parishes, as the said Commissioners shall judge proper for the Purposes aforesaid; and that after such Boundary Fences shall be so set out, ascertained, and determined, (if Fencing be deemed proper by the said Commissioners) the same shall be made and continued, and the Boundary Marks preserved by such Person or Persons respectively, and in such Manner and at such Time or Times as the said Commissioners shall by their Award direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the Lands and Grounds hereby directed to be divided and allotted, and such adjoining Parish or Parishes respectively as aforesaid; any Law, Usage, or Custom, to the contrary notwithstanding.

For extinguishing or suspending Rights of Common before the Award.

XXI. And be it further enacted, That it shall be lawful for the said Commissioners at any Time or Times before the Execution of their Award, to order and direct, by Notice in Writing under their Hands to be for that Purpose affixed upon the Door of the Parish Church of *Middleton* aforesaid, all and every or any Rights or Right of Shackage or Common, in, over, or upon the said Whole Year Lands, Half Year or Shack Lands, Open Fields, Commons, and Waste Grounds, or any of them to be extinguished, either wholly or in Part, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Notice; and that all and every the Rights and Right which the said Commissioners shall so order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of fixing such Notice on the said Church Door as aforesaid accordingly, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly,



ingly, as the Case may be; any Law, Usage, or Custom, to the contrary notwithstanding.

XXII. And be it further enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act, to cut, dig, pare, grave, flay, or carry away, any Turf, Flags, Whyns, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without or contrary to the Licence in Writing of the said Commissioners first had and obtained for that Purpose, (which Licence they the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, or Restrictions, as to them shall seem expedient); and that if any Person shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away, any Turf, Flags, Whyns, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without or contrary to such Licence as aforesaid, the said Commissioners, or any Justice of the Peace for the said County of *Norfolk*, upon due Proof thereof made before them or him respectively upon Oath, (which Oath any One of the said Commissioners or any such Justice is hereby empowered to administer), shall, and they and he are and 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 any Person 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 that the Money so to be levied by way of Penalty as aforesaid, shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

Turves, &c.  
not to be cut  
after Act  
passed.

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 by this Act directed to be divided and allotted, and to divert, turn, or stop up, any of the present Roads or Highways, or any other public Tracks, Ways, or Footpaths, 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 to be affixed upon the Door of the Parish Church of *Middleton* aforesaid, of their having so set out such Roads, and deposited such Map 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

As to Roads,  
&c.

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venient Place in *Middleton* aforesaid, or within Six Miles thereof, and not sooner than Fourteen Days from the Publication of such Notice; and if any Person 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 is situate, and not being interested in the said Division and Allotment, shall hear and determine such Objection, and the Objections of any other such Person, 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 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, Tracks, Ways, Footpaths, and other Paths whatsoever, in, through, and over the Lands and Grounds by this Act directed to be divided and inclosed, 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 no public Road or Highway shall be shut up or discontinued until the Roads intended to be and remain public Highways shall be set out and appointed as aforesaid, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle and Carriages: Provided also, that all Private Roads, Ways, and Footpaths, which shall be set out and appointed as aforesaid, shall be for ever maintained and kept in Repair by such Persons, in such Manner, and at such Time or Times, as the said Commissioners shall, by their Award or any other Writing under their Hands, order, direct, or appoint.

Power for the  
Commissioners to improve  
Drains, &c.

XXIV. And be it further enacted, That the said Commissioners shall and may scour out, deepen, and widen, or cause to be scoured out, deepened, and widened respectively all or any and such of the ancient or present Rivulets, Brooks, Streams, Ditches, Drains, and Watercourses, Tunnels, and Bridges within the said Parish and Township of *Middleton*, as they shall think proper; and also set out, appoint, and make such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks, and Bridges, through and over the said Lands and Grounds hereby directed to be divided and allotted, and of such Depth and Width, and in such Directions as they the said Commissioners shall also think proper; and that the said Commissioners shall, and they are hereby required in or by their Award to order and direct by whom and at whose Expence, and at what Time and in what Manner any such new Ditches, Drains, Watercourses, Tunnels, Gates, Banks and Bridges respectively shall be made, and afterwards be cleansed, scoured, repaired, and maintained: Provided always, that no Rivulet, Brook, or Stream of Water, shall be diverted or turned without the Consent in Writing of the Owner or Proprietor, Owners or Proprietors of the Lands and Grounds from which any such Rivulet, Brook, or Stream shall be diverted, and into which any such Rivulet, Brook, or Stream shall be turned.

XXV. And



XXV. And be it further enacted, That the said Commissioners shall assign and set out unto the Lord or Lords, Lady or Ladies, for the Time being of any Manor or Manors, who is, are, or shall be in the Judgment of the said Commissioners entitled to the Soil of the Commons and Waste Grounds hereby directed to be divided and allotted, 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 Seventeenth Part of the Value of the Whole of the said Commons and Waste Grounds, and when assigned and set out the same shall by the said Commissioners be allotted to or divided between the said Lords and Ladies, in Proportion to their several and respective Rights and Interests in the same, in such Manner as the said Commissioners shall adjudge reasonable and proper, unless the Soil of the Whole of the said Commons and Waste Grounds shall belong to the Lord or Lords, Lady or Ladies of any one Manor, and such Allotment or Allotments shall be a full Compensation and Recompence to such Lords and Ladies, for his, her, and their Right in and to the Soil of the said Commons and Waste Grounds, the Allotment or Allotments in this Behalf to be made to be over and besides and not to exclude any Allotment or Allotments which would otherwise be made to such Lord or Lords, Lady or Ladies, in Satisfaction of or for any Common of Pasture or Right of Pasturage upon or over any Parts of the Lands and Grounds by this Act directed to be divided and allotted, in respect of any Messuages, Cottages, Lands, or Tenements, belonging to such Lord or Lords, Lady or Ladies, and in Right whereof any such Common of Pasture or Right of Pasturage hath been heretofore used and enjoyed.

Allotment for  
Right of Soil.

XXVI. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot, unto the Lord of the said Manor of *Middleton*, the Vicar of the Vicarage of *Middleton* aforesaid, and to the Churchwardens and Overseers of the said Parish and Township of *Middleton* for the Time being, and to their Successors for ever in Trust, so much as they in their Discretion shall deem fit and proper, not exceeding Ten Acres, Part of the Common called or known by the Name of *Woods End Common*, hereby directed to be divided and allotted, lying in the said Parish and Township of *Middleton*, and to be had and taken on the East Part or Side of the said Common, and proper for cutting Turf or other Fuel for the Use and Consumption of the Inhabitants or Occupiers for the Time being of each and every Messuage or Cottage, within the said Parish and Township of *Middleton*, having acquired a Settlement in the said Parish and Township, not occupying Lands or Tenements of more than the yearly Value of Five Pounds *per Annum* respectively, and who are to cut and take the same in such Quantities, of such Dimensions, and from such Parts of the said Allotment as shall from Time to Time be directed, set out, and appointed by the said Trustees or the major Part of them, and not otherwise or elsewhere on any Pretence whatsoever.

Allotment for  
Firing for the  
Occupiers of  
Messuages  
not exceed-  
ing the Value  
of 5l. per  
Annum.

XXVII. Provided always, That it shall be lawful for the Lord of the said Manor of *Middleton*, and the Vicar of the said Vicarage for the Time being respectively, to act in the Execution of the Trusts hereby reposed in them as aforesaid by their respective Agents or Proxies, such Agents or Proxies respectively to be appointed by Writing under the Hands of the said Lord and Vicar respectively and producing their respective Appointments at the Time of their acting by virtue thereof if required so to do, but no

Certain Trus-  
tees for Poor  
may act by  
Proxy.



Person shall act as Agent or Proxy for more than One Trustee at the same Time.

Allotments  
for Public  
Watering  
Places, and  
for Sand and  
Gravel Pits.

XXVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required to set out and allot unto the Surveyors of the Highways in the said Parish and Township of *Middleton*, any Part or Parts of the Lands hereby directed to be divided and allotted, which the said Commissioners shall think proper, as and for Public Watering Places for Cattle, and as and for public Sand and Gravel Pits, and such Allotments shall be for ever freed, exonerated, and discharged from the Payment of all Parochial Rates, Charges, Burthens, Assessments, or Impositions whatsoever; and it shall and may be lawful for the Surveyors of the Highways, and the Proprietors of Lands and Estates within the said Parish and Township of *Middleton* and their Tenants for the Time being, to use the said Allotments for the Purposes aforesaid, in such Manner and under such Rules and Regulations as the said Commissioners shall by their said Award direct or appoint, and not otherwise; and the Grass and Herbage of the said Allotments respectively shall from Time to Time be let by the Surveyors of the Highways in the said Parish and Township of *Middleton* for the Time being, at and for the best Rent that can be obtained for the same; and such Rent shall be applied towards the Repairs of the Roads in the said Parish and Township of *Middleton*.

Allotment of  
Residue.

XXIX. 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 by this Act directed to be divided and allotted, unto and among the several Owners and Proprietors thereof, and unto and among the several other Persons, and Body and Bodies Politic, Corporate, and Collegiate, having any Right or Interest in, to, upon, or over the same Lands and Grounds respectively, or any Part thereof, in such 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 such Owners and Proprietors, Persons and Body and Bodies Politic, Corporate, and Collegiate respectively, for his, her, and their respective Parts and Shares of such Lands and Grounds, and for his, her, or their respective Rights and Interests in, to, upon, or over the same respectively.

Allotments to  
be marked  
upon the Plan  
and shewn to  
the Propri-  
etors.

XXX. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the respective Rights and Interests of the respective Proprietors in the Lands and Grounds to be divided and allotted by virtue of this Act, and also the respective Shares and Proportions by them the said Commissioners proposed to be allotted to the same Proprietors respectively in lieu thereof, or for or in respect of such Rights and Interests, they the said Commissioners shall give Notice in Manner aforesaid of some convenient Time and Place when and where the said Proprietors may be informed of such proposed Allotments, and may see the Scheme thereof set out and delineated upon a Map or Plan of the same, to be produced to the said Proprietors for their Inspection; and as some of the said Proprietors may, upon Inspection of the said Map or Plan, be dissatisfied with the proposed Allotments, the said Commissioners shall, at the Time and Place last aforesaid or at some other Time and Place to be appointed for that Purpose, receive Statements in Writing of the Objections against  
such



such proposed Allotments, and shall forthwith, or as soon thereafter as conveniently may be, determine the same, and that the Determination of the said Commissioners in this Behalf shall be final and conclusive.

XXXI. And be it further enacted, That if any Owner or Owners hath or have sold, or shall, at any Time within Three Calendar Months before the Execution of the Award of the said Commissioners, sell to any Person or Persons whomsoever such Owner or Owners Right, Interest, and Property in or to the Lands or Grounds by this Act directed to be divided and allotted, or in or to any Part thereof, or in or to any Allotment or Allotments which shall be set out or intended to be made by the said Commissioners, either in full or in part Satisfaction of any such Right, Interest, or Property as aforesaid, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the respective Vendee or Purchaser mentioned in such Sale, or to his, her, or their Heirs or Assigns, for and in respect of the Right, Interest, and Property which shall have been so sold as aforesaid, and not to the Vendor or Vendors of the same; and that every such Vendee or Purchaser respectively, and his and her respective Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him or her respectively as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in such Sale might, could, or ought to have held and enjoyed the same, in case such Sale had not been made, or such Right, Interest, or Property had remained in such Vendor at the Time of making such Allotment as aforesaid; provided that every such Deed of Sale if the same shall relate to any Right, Interest, or Property appurtenant to or claimed in respect of any Messuage, Cottage, or Land holden by Copy of Court Roll of the Lord of any Manor, or to any Allotment set out or intended to be set out in respect of any such Copyhold, Messuage, Cottage, or Land, shall, to give it complete Effect as aforesaid, be enrolled or entered, either at large or by way of Memorial in the Court Books, or on the Rolls of such Manor, and when so enrolled or entered, or delivered to the Steward for Inrolment or Entry, shall have the Effect of a Surrender to the Use of such respective Vendee or Purchaser as aforesaid, and his or her respective Heirs and Assigns according to the Custom of the Manor entitling him, her, or them to be admitted Tenant or Tenants of the Land therein comprized, at the Time which is herein-after prescribed for the Admission to Copyhold Lands, after the Execution of the Award of the said Commissioners.

Common Rights sold, Allotments to be made to the Purchaser.

XXXII. And be it further enacted, That the Allotments which shall be made to the Trustees for the Poor, and the Surveyors of the Highways in the said Parish and Township of *Middleton*, shall be enclosed and fenced on the Outside of such Allotments respectively; and such Fences shall be maintained and kept in Repair by such Person or Persons, and in such Manner as the said Commissioners shall by their Award or by any Writing under their Hands direct and appoint.

For fencing Public Allotments.

XXXIII. And be it further enacted, That all the Lands and Grounds which shall be allotted by virtue of the said recited Act or of this Act respectively, to any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for or in lieu or in respect of any Messuages, Cottages, or Lands, holden

Allotments to be of the same Tenure as the Hereditaments for

[*Loc. & Per.*]

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holden



which they  
are allotted.

holden of the Lord or Lords, Lady or Ladies, of any Manor or Manors by Copy of Court Roll, or for or in lieu or in respect of any Leasehold, Lands or Tenements, or for or in respect of any Right of Shackage or of Common or other Right or Interest appendant or appurtenant to any such Copyhold or Leasehold Premises, shall, from and for ever after the Execution of the said Commissioners Award, be deemed and taken to be Copyhold or Leasehold respectively, according to the Tenure of the Messuages, Cottages, Lands, or Tenements for or in respect of which the same shall be allotted, and shall be held accordingly by and under the same Tenure, Rents, Payments, Fines, Customs, and Services, as the Copyhold or Leasehold Messuages, Cottages, Lands, or Tenements respectively, for or in lieu or in respect whereof such Allotments shall be made, are now held by and are subject to; and that all and every Person and Persons to whom any Copyhold Lands or Grounds shall be allotted as aforesaid, shall within Twelve Calendar Months next after the Execution of the said Award be admitted Tenants or Tenant to the same, without paying any Fine to the Lord or Lords, Lady or Ladies, or any other Charge to the Steward or Stewards of the said Manor or Manors respectively, other than for the Stamp Duties, and Parchment requisite to be used for the Copies of Admissions, and such reasonable Fees to the respective Stewards of the said Manors, as the said Commissioners shall by their said Award order and direct; but that in case the Person or Persons to whom such Lands or Grounds shall be allotted, shall not have been admitted to the Messuages, Cottages, Lands, or Tenements, in respect whereof such Allotment or Allotments shall have been made, or shall die without having been admitted to the Lands allotted in respect of such Copyhold Messuages, Cottages, Lands, or Tenements respectively, or shall claim as a Vendee or Purchaser under any Contract or Agreement as herein-before is mentioned, then and in every such Case, the Customary Fines, Fees, and other Payments shall be due and payable, on the Admission or Admissions of the Person or Persons then entitled to such allotted Lands and Premises, and that after every such First Admission, the Copyhold Lands and Premises which shall have been so allotted as aforesaid, shall be held under and subject to the same Tenure, Fines, Rents, and other Payments and Services respectively, as the Copyhold Messuages, Cottages, Lands, and Grounds, in respect whereof such new Allotments shall be made, are now respectively held under and subject to; and the said Commissioners are hereby required and directed to determine and describe and abut in and by their said Award, or in and by the Map or Plan to be thereto annexed, all the Messuages, Cottages, Buildings, Lands or Grounds in the said Parish and Township of *Middleton*, which are to remain or become Copyhold or Leasehold; and all other Messuages, Houses, Buildings, Lands and Grounds, in the said Parish and Township of *Middleton* (except such as shall be ascertained by the said Commissioners to be Copyhold or Leasehold), shall thenceforth be deemed, taken, and enjoyed as Freehold, and if allotted for or in lieu of any Messuages, Cottages, Buildings, Lands, or Grounds which are now subject to any Free Rent or Rents, Services or Payments, shall be subject to the same Rents, Services and Payments respectively, as such Messuages, Cottages, Buildings, Lands or Grounds respectively are now subject to.

Leases at  
Rack Rent,  
to be void on  
making Te-

XXXIV. And be it further enacted, That all Leases and other Agreements at Rack or Extended Rents, which are now subsisting, respecting all or any Part or Parts of the Messuages, Buildings, Lands and Grounds within



the said Parish and Township of *Middleton*, either alone or together with any other Lands, Tenements, or Hereditaments, shall cease, determine, and be void, immediately on such Allotments being made, and such Award being executed as herein-before mentioned, or within such further Time as the said Commissioners shall appoint, the respective Tenants or Lessees of the said Premises receiving from the respective Owners and Proprietors thereof such Sum of Money as the said Commissioners shall ascertain as reasonable to be paid to such Tenants respectively as an Equivalent for the same; 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 Six Weeks after Demand made thereof, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised and levied: Provided always, that if there shall be any Lease of Lands, Part of which lie in the said Parish and Township of *Middleton*, and Part in any adjoining Parish or Parishes, 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 or Parishes, the Lease of such last mentioned Lands shall not be vacated.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to vacate, set aside, annul, make void, or determine any beneficial Lease or Leases granted by any Body or Bodies Politic, Corporate, or Collegiate, or any Corporation Aggregate or Sole, of any Lands, Tenements, or Hereditaments in the said Parish and Township of *Middleton*, or any Parish or Parishes adjoining thereto, unto any Person or Persons whomsoever; and it shall and may be lawful for the Lessee or Lessees in such beneficial Lease or Leases respectively, or the Person or Persons entitled thereto, upon or immediately after the Execution of the said Award, to enter upon and take Possession of the Lands which by virtue of the said recited Act and this Act shall be allotted to the Body or Bodies Politic, Corporate, or Collegiate, or Corporation Aggregate or Sole, who shall have granted such Lease or Leases respectively, in lieu or in respect of the Lands and Tenements comprized in such Lease or Leases respectively, and to hold and enjoy such Lands and Tenements for such Term or Terms of Years, and in the same Manner as he, she, or they might or could have held and enjoyed the Lands, Tenements, and Hereditaments comprized in any such Lease or Leases respectively, in case this Act had not been passed.

XXXVI. 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, Debts, Rents, or Incumbrances, out of, upon or affecting any of the Messuages, Cottages, Buildings, Lands, or Grounds to be divided, allotted, or exchanged by virtue of the said recited Act or of this Act, or any Part or Parts thereof respectively, but that each and every Proprietor shall stand and be seized of the several Messuages, Cottages, Buildings, Lands, and Grounds to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses



Uses and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges and no other, as the Messuages, Cottages, Buildings, Lands, and Grounds whereof such Proprietor was seised or possessed at or immediately before the signing and sealing 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 passed.

Power to  
make Ex-  
changes.

XXXVII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Parish and Township of *Middleton*, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parish and Township, or within any adjoining Parish, Hamlet, Township, or Place; provided that all Exchanges made by virtue of this Act shall be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the previous Consent of the Person or Persons claiming before the said Commissioners to be Owner or Owners, Proprietor or Proprietors of the Messuages, Lands, Tenements, or Hereditaments which shall be so exchanged or shall be proposed to be exchanged, whether the Person or Persons so claiming to be such Owner or Owners, Proprietor or Proprietors, shall be seised or possessed in his, her, or their natural Capacity or Capacities as Tenant or Tenants in Fee Simple, in Fee Tail General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or be a Body or Bodies Politic, Corporate, or Collegiate, or a Corporation Aggregate or Sole, or with the previous Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees or Attornies of or acting for the Person or Persons so claiming to be such Owner or Owners, or Proprietor or Proprietors as aforesaid, who at the Time of making or proposing such Exchange or Exchanges respectively shall be either Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas or otherwise disabled to act for himself, herself, or themselves respectively, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, or under the Hands of the other consenting Parties respectively; and that every such Exchange, when ascertained, specified and declared, in and by the Award of the said Commissioners, shall be deemed and considered as a good, valid, and effectual Exchange in Law, to all Intents and Purposes whatsoever: Provided also, that no Exchange shall be made under or by virtue of this Act or the said recited Act, of any Messuages, 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 the Messuages, Lands, Tenements, or Hereditaments proposed to be exchanged shall lie and be situate.

Power to  
make Par-  
titions.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners to make Partition of any Messuages, Tenements, Lands, or other Hereditaments in the said Parish and Township of *Middleton*, belonging to any Person or Persons as Copartners, Joint Tenants, or Tenants in Common, so that every such Partition be made upon Application from and with the Consent and Approbation of any One of the Proprietors thereof, or Persons interested therein, and be signified in Writing under his,  
her,



her, or their Hand or Hands, or under the Hands of the Guardians, Trustees, Committees, or Attornies, duly authorized of such of the Proprietors or Persons entitled, as are under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity of acting for themselves, and be made by the Award of the said Commissioners, or by some Deed or Deeds executed by the said Commissioners before the Date of their said Award, and be set forth or referred to in such Award, and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

XXXIX. And be it further enacted, That all the Costs, Charges, and Expences attending the making, completing, or recording of any Exchange or Partition as herein-before is mentioned, or of any Agreement relating thereto respectively, which shall be made under or by virtue of the said recited Act or of this Act, shall be borne and defrayed by the several Parties making or interested in any such Exchange or Partition respectively, or between whom the same shall be made, in such Manner and in such Proportions as the said Commissioners shall think expedient in that Behalf and order and direct, either by their said Award, or by any Writing under their Hands, made previously or subsequently to the said Award.

How Expences of Exchanges, &c. are to be paid.

XL. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act; whereon any new Fence shall be raised, or to which any new Fence shall adjoin, during the Space of Seven Years next after the Execution of the said Award, unless the Person keeping the same shall first, at his or her own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotments respectively from being hurt or damaged by such Sheep or Lambs, (whether such Fences be made or set by the Owner or Occupier of such Allotment or Allotments, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and in case any Person shall turn or keep any Sheep or Lambs in any such Allotment or Allotments without raising and keeping up such Fences as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Allotments to enter upon the Allotment or Allotments upon which such Sheep or Lambs shall be turned or kept, and to take, drive away, and impound the same Sheep or Lambs.

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

XLI. And be it further enacted, That all the Costs and Charges incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Premises hereby directed to be divided and allotted, and of fencing and inclosing and of preparing 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 Expences of the several Persons to be employed by the said Commissioners in and about the Premises, and all the Expences of forming, completing, and repairing the new public Carriage Roads and Highways to be set out and appointed by the said Commissioners within the said Parish and Township of *Middleton*, the Costs, Charges, and Expences of fencing and inclosing the Allotment or Allotments which shall by virtue of this Act be made to the Trustees for the Poor and the Surveyors of the Highways in the said Parish and Township of *Middleton* respectively as aforesaid, and all other Expences of carrying

Directions for defraying the Expences of this Act.



rying the said recited Act and this Act into Execution, shall be borne, defrayed, and paid by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the said Trustees for the Poor and the Surveyors of the Highways as aforesaid), in such Shares and Proportions, at such Time or Times either before or after the Execution of the said Award, and to such Person or Persons, as the said Commissioners shall order, direct, and appoint; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences as aforesaid, within the Time and to such Person or Persons as the said Commissioners shall direct or appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in the Manner directed by the said recited Act.

The Lessees of the Bishop of Norwich, to pay the Shares of Expences for Allotments held under Leases granted by him.

XLII. Provided always, and be it further enacted, That the Share or Shares of the said Costs, Charges, and Expences which shall be payable for any Allotment or Allotments to be made by virtue of this Act, in respect of any Manor or Manors, Messuages, Lands, or Tenements holden under or by virtue of any Lease or Leases from the Lord Bishop of *Norwich*, or any of his Predecessors, shall be borne and paid by the Person or Persons who shall be entitled to hold such Allotment or Allotments by virtue of such Lease or Leases.

Money advanced to be repaid with Interest.

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

Proprietors and Agents to pay their own Expences.

XLIV. And be it further enacted, That the said Proprietors, their Attornies, Solicitors, and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act.

Directions for charging Copyholds with Expences.

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

Power for certain Persons to sell their Allotments.

XLVI. And be it further enacted, That it shall be lawful for the said Commissioners, on Application being made to them in Writing by any of the Husbands, Guardians, Trustees, Committees or Attornies of or for any



any of the said Proprietors or Persons interested in the Premises, being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees or Attornies respectively, or by any of the said Proprietors of the Lands hereby directed to be divided and allotted, or any Part thereof, who are or shall be Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingency, to sell any Part of the Allotment or Allotments to be made by virtue of this Act, to such incapacitated Proprietor or Proprietors, or other Person or Persons by whom or on whose Behalf any such Application shall be made as aforesaid, for the Purpose of raising a Sum of Money sufficient to defray the respective Shares and Proportions of the Costs, Charges, and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, which shall be charged upon or payable by such incapacitated Proprietors, or other Person or Persons respectively, and of fencing, inclosing and subdividing his, her, or their Allotment or Allotments, and of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and the like Manner, and subject to such and the like Rules and Regulations as are mentioned and prescribed in and by the said recited Act; and each and every Allotment, for which the full Purchase Money shall be paid, shall be conveyed by the said Commissioners at the Expence of such Purchaser or Purchasers, unto and to the Use of or in Trust for such Purchaser or Purchasers, and his, her, or their Heirs respectively, or as he, she, or they shall appoint, and shall be enclosed and held by such Purchaser or Purchasers respectively in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers, for the said Purchase Money which shall be applied by the said Commissioners in or towards defraying such last-mentioned Costs, Charges, and Expences, and if any Surplus shall remain in the Hands of the said Commissioners, the same shall be applied and disposed of by the said Commissioners in Manner directed by the said recited Act, with respect to Money which is thereby directed to be paid into the Bank of *England*, for the Purchase or Exchange of Lands, Tenements, or Hereditaments to be settled to the same Uses, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, and Hereditaments, as therein mentioned: Provided always, that it shall not be lawful to raise by such Sale any further or greater Sum of Money than the Person or Persons, Part of whose Allotment or Allotments shall be sold as aforesaid, would have been empowered or authorized to borrow or charge upon his, her, or their Estate or Estates under or by virtue of the said recited Act: Provided also, that in case the Money to be raised by such Sale shall not be equal in Amount to the Sum of Money that such Proprietor or Proprietors is or are by the said recited Act or by this Act empowered to borrow and charge on his, her, or their Allotment or Allotments, then and in such Case it shall be lawful for such Person or Persons to borrow such Sum of Money as, together with the Money raised by such Sale, shall be equal in Amount to the Sum of Money that such Proprietor or Proprietors is or are by the said recited Act or this Act empowered to borrow and charge on his, her, or their Allotment or Allotments; and in such Case it shall be lawful for such Proprietor or Proprietors to charge his, her, or their Lands, Tenements, or Hereditaments with the Payment of such Money so borrowed and lawful Interest.

XLVII. And



Appointment  
of Auditor.

XLVII. And be it further enacted, That *Henry Wyatt* of *Brome*, in the County of *Suffolk*, Gentleman, shall be and he is hereby appointed Auditor of the said Commissioners Accounts, and in case of his Death or Refusal to act, then some other fit and proper Person not interested in the Premises, shall be appointed Auditor for that Purpose by the Majority in Value of the Proprietors liable to the Payment of the Expences of obtaining and executing this Act, as often as Occasion shall require; and the Account of the said Commissioners, containing a true Statement of all Sums by them received and expended, or due to them for their own Trouble and Expences, shall at least once in every Year from the passing of this Act, until such Account shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Auditor, and the Balance shall be by him stated in the Book of Accounts to be kept in the Office of the Clerk to the Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by the said Auditor for the Time being as aforesaid.

Rights to  
Tithes not to  
be affected.

XLVIII. Provided always, That nothing in the said recited Act or this Act contained shall prejudice, lessen, defeat, or in anywise affect the Right, Title, or Interest of the Impropiator of the Rectory, and Vicar of the Vicarage of *Middleton* aforesaid for the Time being respectively, or the Rector of the Rectory of *North Runcton*, in the said County of *Norfolk*, for the Time being, in or to any Tithes or Titheable Matters, Mortuaries, Easter Offerings, and Surplice Fees, growing, renewing, or coming out of, from, or payable in respect of any Lands or Tenements in the said Parish and Township of *Middleton*, nor shall any Thing in this Act contained prejudice, lessen, or defeat the Right, Title, or Interest of any Person or Persons to the Benefit of any Exemption; from the Payment of Tithes, or to any Modus, Payment, or Composition, due or payable for or in lieu or in respect of such Tithes or Titheable Matters as aforesaid, but that such Tithes and Titheable Matters shall be paid and payable, and such Modus or Modusses, Payments or Compositions (if any such there are) shall remain and continue at all Times hereafter in the same Manner as if this Act and the said recited Act had not been passed.

Award to be  
made.

XLIX. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Lands and Grounds hereby directed to be divided and allotted shall have been made and completed pursuant to the Directions, and before the Expiration of Five Years from the passing of this Act, the Commissioners shall form and draw up, or cause to be formed and drawn up, an Award or Awards, Instrument or Instruments, in Writing, with One or more proper Plan or Plans thereto annexed, in the Manner prescribed by the said Act of the Forty first Year of the Reign of His present Majesty; which said Award or Awards, Instrument or Instruments, shall be fairly engrossed or written on Parchment, and be signed by the said Commissioners, and shall, within Twelve Calendar Months next after the same shall have been signed as aforesaid, be deposited with the Clerk of the Peace of the said County of *Norfolk*, who is hereby required to receive, keep, and deposit the same amongst the Records of the said County, for the depositing of which the Sum of Three Pounds and Three Shillings shall be demanded and paid, to the end that recourse may be had thereto by all Persons interested in  
the



the said Division and Inclosure; for the Inspection of which said Award or Awards, Instrument or Instruments, One Shilling shall be paid and no more; and a true Copy thereof, or of any Part thereof, when and as often as the same shall be required, shall be delivered to any Person or Persons signed by the Clerk of the Peace or his Deputy for the Time being, purporting the same to be a true Copy, for which no more than Four-pence *per* Sheet, reckoning Seventy-two Words as each Sheet, shall be paid; which said Copy, as also the Original Award or Awards, Instrument or Instruments, and the Copy herein-after directed to be written on Parchment and signed by the said Commissioners, shall at all Times hereafter be admitted as legal Evidence in all Courts whatsoever; and the said Commissioners are hereby directed and required to deposit a Copy of the said Award or Awards, Instrument or Instruments, fairly written on Parchment, with a proper Plan or Plans thereto annexed, signed by the said Commissioners as aforesaid, in the Parish Chest of the Parish Church of *Middleton* aforesaid, to the end that recourse may be had thereto by the several and respective Proprietors or Parties interested therein.

L. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of this Act or the said recited Act, (other than and except such Orders or Determinations of the said Commissioners as are herein or by the said recited Act directed to be final and conclusive, and except in such Case where an Issue at Law shall be tried as herein-before mentioned), then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be held for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof, and the Justices (not interested in the Premises) in their said General Quarter 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) 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 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.

Persons aggrieved may appeal to the Quarter Sessions.

LI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the Lord or Lords, Lady or Ladies of the several Manors herein-before mentioned, for the Time being, or of any other Manor or Manors within the said Parish and Township of *Middleton*, of, in, or to the Seigniories and Royalties, Rights or Services incident or belonging to the said Manor

Saving the Rights of Lords of Manors.

[*Loc. & Per.*]

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or



or Manors (save and except any Right to the Soil, or any Right of Common or Shackage in and over the Lands and Grounds hereby directed to be divided and allotted), but that the Lords and Ladies of the said several Manors for the Time being shall and may, from Time to Time and at all Times hereafter, hold and enjoy all Rents, Services, Courts, Perquisites, and Profits of Courts, Mines, Goods and Chattels of Felons, Fugitives Felons in themselves, Persons put in Exigent, Deodands, Waifs, Estrays, Forfeitures, Franchises, Privileges, and all other Royalties, Jurisdictions, and Pre-eminences whatsoever, to the said several Manors, or to the respective Lords or Ladies thereof, incident, appendant, belonging or appertaining (save and except as aforesaid), in as full, ample, and beneficial a Manner as they respectively could or might have held and enjoyed the same, in case this Act had not been made.

Saving of the Powers of Commissioners of Sewers.

LII. Provided also, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to invalidate, lessen, alter, or take away any of the Rights, Powers, and Authorities vested or to be vested in any Person or Persons whomsoever, by virtue of any present or future Commission or Commissions of Sewers for the County of *Norfolk*; but all such Rights, Powers, and Authorities shall be and continue in as full Force and Effect to all Intents and Purposes as if this Act had not been passed.

General Saving.

LIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body or Bodies Politic, Corporate or Collegiate, his, her, or their Heirs, Successors, Executors, and Administrators (except the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be destroyed and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Estate, Right, Title and Interest, as they or any of them had and enjoyed, of, in, to, or out of the Lands and Grounds hereby directed to be divided and allotted before the passing of this Act, or which they, every, or any of them might, could, or ought to have held and enjoyed in case this Act had not been passed.

Act to be printed by the King's Printer, &c.

LIV. And be it further enacted, That this Act shall be printed by the 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 them shall be admitted as Evidence thereof by all Judges, Justices, and others.

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LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN  
Printers to the King's most Excellent Majesty. 1814.