



AN

A C T

FOR

Inclosing Lands in the Parish of *Bodbam*, in the County of *Norfolk*.

**W**HEREAS there are within the Parish of *Bodbam*, in the County of *Norfolk*, divers Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons, and Waste Grounds: Preamble.

And whereas *John Thruston Mott*, Esquire, is Lord of the Manor of *Bodbam*, and is or claims to be entitled to the Soil of the said Commons and Waste Grounds:

And whereas the said *John Thruston Mott* is seised in Fee of the Perpetual Advowson, Right of Patronage and Presentation, of, in and to the Rectory and Parish Church of *Bodbam* aforesaid, of which *Theophilus Girdlestone*, Clerk, is the present Incumbent, and as such is entitled to all the Glebe Lands, and to the Great and Small Tythes, and all the Rights and Privileges belonging to the said Rectory:



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 Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waste Grounds, are subject to certain Rights of Sheepwalk, Shackage and Common, and great Part of the said Whole Year Lands and Half Year or Shack Lands lie intermixed and dispersed in small Parcels, and are inconveniently situated for the several Owners and Occupiers thereof; and the said Doles, Commonable Lands and Waste Grounds in their present State and Condition yield but little Profit, and it would be advantageous to the several Persons interested in the Premises if the said Rights of Sheepwalk, Shackage and Common, and other Rights and Interests were extinguished, and the said Lands and Grounds were divided and inclosed, and specific Shares thereof assigned and allotted unto and amongst the several Persons interested therein in Severalty, in lieu of such their respective Rights and Interests: BUT as such Extinguishment, Division, Allotment and Inclosure cannot be accomplished and effectually established 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 the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds shall be set out, divided, allotted and inclosed in manner hereinafter mentioned, and that *Daniel Jones*, of Fakenham in the County of Norfolk, Esquire, *Thomas Glover Erwen*, of the City of Norwich, Gentleman, and *John Dugmore*, of Swaffham in the said County of Norfolk, Gentleman, and their Successors, to be elected in manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting and inclosing the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds, and for putting this Act into execution, in the Manner and subject to the Rules, Orders and Directions herein contained, and also subject to the Powers and Provisions contained in

Commissioners appointed.



in the said recited Act, except where the same are hereby varied and altered; and that all Acts, Matters and Things authorized and necessary to be done and executed by the said Commissioners in pursuance of this or 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 like force and effect as if all such Acts, Matters and Things had been done and executed by all the Commissioners herein named or to be appointed in manner herein mentioned.

And be it further Enacted, That if any of the said Commissioners shall refuse or become incapable to act in the execution of the Powers hereby or by the said recited Act vested in him or them, or shall die before all the Powers and Authorities reposed in the said Commissioners shall have been fully executed and performed, it shall be lawful for the remaining or surviving Commissioners or Commissioner, and they and he are and is hereby required by Writing under their Hands and Seals, or his Hand and Seal, from Time to Time within the Space of Thirty Days next after the Refusal, Incapacity or Death of any such Commissioner or Commissioners shall be known to them or him, to appoint another Person (not interested in the said intended Division, Allotment and Inclosure) to be a Commissioner in the room of every such Commissioner, so refusing or becoming incapable to act, or dying; and every such Commissioner so to be appointed shall have the like Power and Authority to execute this Act and the said recited Act as the Commissioner whom he shall succeed was vested with.

For appointing new Commissioners.

And be it further Enacted, That the said Commissioners shall and they are hereby required to give or cause to be given public Notice by Advertisement to be inserted in the *Norwich Mercury*, or some other public News-paper to be circulated in the said County of *Norfolk*, of the Time and Place of their first and every other Meeting for executing the Powers hereby vested in them, Ten Days at the least before every such Meeting (Meetings by Adjournment only excepted); and that it shall be lawful for the said Commissioners, at any of their Meetings to be holden in pursuance of this Act from Time to Time as they shall find it convenient, to continue such Meeting by Adjournment, provided that if at any Meeting appointed to be holden as aforesaid, it shall happen that only One of the said Commissioners shall attend, such Commissioner may adjourn such Meeting to any future Day he shall see most convenient, giving due Notice thereof to the other Commissioners, and so on from Time to Time as often as there shall be Occasion.

For giving Notice of Meeting.



Directing  
how other  
Notices shall  
be given.

And be it further Enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners, and not herein or by the said recited Act otherwise directed, shall be so made and given by Advertisement in the *Norwich Mercury*, or in some other public News-paper to be circulated in the said County of *Norfolk*.

That all  
Meetings  
shall be held  
at Holt, and  
Proprietors  
shall pay their  
own Expences.

And be it further Enacted, That all Meetings of the said Commissioners for putting this and the said recited Act into execution, shall be held at *Holt* aforesaid; and that the Proprietors interested in the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds, and all Persons claiming to be interested therein, shall pay their own Expences and the Charges and Expences of their Agents and Attornies, when they shall attend the said Commissioners at any of their said Meetings.

Allowing any  
Survey already  
made to be used for  
the Purpose  
of the Act.

And be it further Enacted, That if any Plan or Survey which has been already made of all or any of the Lands or Grounds within the said Parish of *Bodham*, shall upon Inspection and Inquiry be deemed by the said Commissioners to be correct and sufficient for the Purposes hereby or by the said recited Act intended; it shall and may be lawful for the said Commissioners to contract for and purchase the same, and to cause the same to be made use of by the Surveyor or Surveyors to be by them appointed by virtue of the said recited Act, and such Plan or Survey shall, if the said Commissioners shall think proper, be verified on the Oath of the Person or Persons who prepared and made the same.

To prevent  
cutting Turf  
before the  
execution of  
the Award.

And be it further Enacted, That it shall not be lawful for any Person or Persons whomsoever, from and after the passing of this Act until the execution of the Award of the said Commissioners, to cut, dig, pare, grave, break up, flay or carry away the Turf, Flags or Soil upon or from the said Doles, Commonable Lands and Waste Grounds, or any Part thereof, or to fell, lop, top or cut down, take or carry away any Shrubs, Bushes, Thorns, Ling, Furze or Whins growing thereon, without the Licence or Consent of the said Commissioners in Writing under their Hands first had and obtained (which Licence or Consent the said Commissioners are hereby empowered to grant under such Rules, Orders, Regulations and Restrictions as they shall think proper to insert therein); and if any Person or Persons shall after the passing of this Act, and before the execution of the said Award, cut, dig, pare, break up, flay or carry away any Turf, Flags



Flags or Soil from any Part of the said Doles, Commonable Lands and Waste Grounds, or fell, lop, top, cut down, take or carry away any Shrubs, Bushes, Thorns, Ling, Furze or Whins growing or being in or upon the same without such Licence or Consent as aforesaid, or having obtained such Licence or Consent shall act in any manner contrary thereto, or to the Rules, Orders, Regulations and Restrictions therein contained, every such Person being convicted thereof, either by his, her or their own Confession, or upon the Oath of one or more credible Witnesses or Witnessesses before any Justice of the Peace for the said County of *Norfolk*, not being interested in the said Doles, Commonable Lands and Waste Grounds (which Oath such Justice is hereby authorized to administer, and to summon the Party or Parties complained of, and examine such Witness or Witnessesses relating to the said Complaint) shall for every such Offence forfeit and pay such Sum of Money as the said Justice shall direct, not exceeding Five Pounds; and it shall be lawful for such Justice, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the said Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending (Demand having been first made thereof) rendering the Overplus (if any) after deducting the Charges of such Distress and Sale to the Owner of such Goods and Chattels; and such Penalty when paid or levied shall be applied by the said Commissioners to the Purposes of this Act.

And be it further Enacted, That if any Claim of the Right to the Soil, or of any Right of Sheepwalk or Shackage, Common or other Right or Interest in or to the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waste Grounds intended to be divided, allotted and inclosed by virtue of this Act, shall by Writing to be delivered to the said Commissioners at such Time as shall be by them appointed for that Purpose, in pursuance of the said hereinbefore recited Act, be objected to by any Person or Persons claiming to be interested in the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waste Grounds, and the Party or Parties making such Claim shall persist therein, then the said Commissioners shall and they are hereby required at a Meeting to be by them held for that Purpose, for which they shall give public Notice at least Twenty-one Days before the Time of holding the same, to hear and determine the Matter of every such Claim so made and objected to and persisted in as aforesaid.

For determining Claims.



For determin-  
ing Diffe-  
rences.

And be it further Enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments touching or concerning the respective Rights, Interests, Shares and Proportions 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 any Timber, Wood, Underwood, Buttes, Thorns, Whins or Furze growing thereon, or concerning any Allowance claimed or to be made for ploughing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Lands and Grounds or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements or Hereditaments whatsoever.

For assessing  
Costs.

And be it further Enacted, That the said Commissioners shall and they are hereby empowered and required to assess such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Party or Parties against whom the same shall be made, and the same shall be paid within such Time as the said Commissioners shall appoint; and if any Person or Persons shall neglect or refuse to pay such Costs and Charges within Three Days next after Demand thereof made, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, by Warrant under the Hands and Seals of the said Commissioners, which Warrant the said Commissioners are hereby empowered and required to grant upon Proof on Oath of such Neglect or Refusal and of such Demand as aforesaid; and the Overplus (if any) after the Charges of levying the same shall have been deducted, shall be returned on Demand to the Owners of such Goods and Chattels.

For allowing  
Parties to try  
their Rights  
by an Issue at  
Law.

Provided always, and be it further Enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division, Allotment and Inclosure shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil, or of any Right of Sheepwalk  
or



or Shackage, Common or other Rights or Interests, in, to, over or upon the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds, hereby directed to be divided, allotted and inclosed, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division, Allotment or Inclosure, then and in every such Case it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate so dissatisfied, to try all such Claims, Matters and Things at Law at the next Assizes to be holden for the said County of *Norfolk*, upon a feigned Issue, provided such Determination be made before such Assizes, but if such Determination be made within Three Calendar Months next before such Assizes, then at the next following Assizes for the said County; 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 against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Sixty Days after such Determination of the said Commissioners; and the Defendant or Defendants in such Action is and are hereby required forthwith to appear to such Action, accept a Declaration and plead to Issue (such Issue to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials.

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

Provided always, and be it further Enacted, That such Orders and Determinations of the said Commissioners as shall have been made

Actions not to abate by Death of Parties.

In case Actions are not brought, Determinations to be final.



made as aforesaid, with respect to such Claims, touching which no such Action at Law shall be brought or commenced and proceeded in within the Time aforesaid, shall be final, binding and conclusive upon all Persons whomsoever; any Thing in this or the said recited Act contained to the contrary notwithstanding.

Provision in case of Death of Parties before Actions brought.

Provided always, and be it further Enacted, That if any Person or Persons in whose favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or 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.

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

Provided also, and be it further Enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments made within the Period of Thirty Years, as hereinafter mentioned; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up, or recovered from such Person or Persons by Ejectment or other due course of Law.

Encroachments within Thirty Years to be deemed Part of the Lands to be inclosed.

And be it further Enacted, That all Encroachments which shall have been made upon the said Commonable Lands and Waste Grounds hereby intended to be divided and inclosed, at any Time within Thirty Years now last past, shall be deemed Part of the Lands to be divided and allotted by virtue of this Act; and in case any



any Dispute or Disputes shall arise, touching any such Encroachment or Encroachments, or Inclosure or Inclosures, or the Extent or Duration thereof respectively, such Dispute or Disputes shall be settled and determined by the said Commissioners.

And be it further Enacted, That no Person or Persons shall graze or keep any sort of Cattle whatsoever in or upon any of the public Roads or Ways which the said Commissioners shall order and direct to be set out and fenced on both Sides for the Space of Ten Years next after the execution of their Award, under a Penalty not exceeding Ten Shillings for every Horse, Ass, Bullock, Cow, Sheep, Lamb or other Beast which shall be found therein, to be paid to the Person or Persons who shall take and impound the same; and every Proprietor or Occupier of Lands and Tenements within the said Parish, and his or her Servants and Labourers is and are hereby empowered to take and impound every such Horse, Ass, Bullock, Cow, Sheep, Lamb or other Beast which shall be so found grazing as aforesaid, at any Time or Times after any Quicksets shall be planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Ten Years.

To prevent  
Cattle graz-  
ing on public  
Roads.

And be it further Enacted, That the said Commissioners shall assign, set out and allot unto the Lord or Lords, Lady or Ladies of the aforementioned Manor, or unto such other Person or Persons, being Lord or Lords, Lady or Ladies of any other Manor or Manors within the said Parish, and as such is entitled to the Soil of the said Commons and Waste Grounds, or any Part or Parts thereof, so much and such Part or Parts of the said Commons and Waste Grounds hereby directed to be allotted and inclosed, as in the Judgment of the said Commissioners shall be equal in Value to One-eighteenth Part thereof.

Allotment  
for Soil.

And be it further Enacted, That the said Commissioners shall and may and they are hereby authorized and required to set out and allot such Parts or Parcels of the Lands and Grounds within the said Parish of *Bodham*, hereby intended to be divided and inclosed, as they shall think proper as and for public Watering Places for Cattle, and as and for public Gravel, Stone, Clay, Marl, Chalk and Sand Pits, with convenient Roads to and from the same, to be used by the Proprietors of Lands and Estates in the said Parish of *Bodham* and their respective Tenants, as well for their own necessary Uses within the said Parish only, in such Manner and under

Allotment for  
Watering  
Places and  
Gravel Pits.



such Rules and Regulations as the said Commissioners shall by their Award direct or appoint, as in common for the Repairs of the public and private Roads within the said Parish, and that such Allotments shall be vested in the Surveyors of the Highways of the said Parish, in Trust for the Purposes aforesaid, and shall and may be by them the said Surveyors from Time to Time let (subject to such Right of taking Gravel, Stone, Clay, Marl, Chalk and Sand therefrom) for the best Rents that can be gotten for the same, to be applied towards the Repairs of the public Roads and Ways within the said Parish.

Allotments  
for Right of  
Sheepwalk.

And be it further Enacted, That the said Commissioners shall, in the next place, assign, set out and allot unto all and every Person or Persons having any Right or Rights of Sheepwalk, in, over or upon the said Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds within the said Parish of *Bodbam*, or any Part or Parts thereof, so much and such Part or Parts of the said Lands and Grounds hereby directed to be divided and allotted as in the Judgment of the said Commissioners shall be a Compensation for and equal in Value to his, her or their several and respective Rights of Sheepwalk, in, over and upon the said Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds or any Part thereof.

Allotment for  
the Poor of  
*Bodbam* for  
Firing.

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 aforesaid Manor or Manors, and to the Rector, Churchwardens and Overseers of the Poor of the said Parish of *Bodbam* for the Time being, as Trustees of the Poor of the said Parish for ever, such Part of the said Commons and Waste Lands as shall be equal in Value to the Average Value of Fifteen Acres of the whole of the said Commons and Waste Lands; and the said Allotment or Allotments shall be and is and are hereby vested in the Lord or Lords, Lady or Ladies of the said Manor or Manors, and the Rector, Churchwardens and Overseers of the Poor of the said Parish of *Bodbam* for the Time being for ever as Trustees for the Poor of the same Parish, and such Allotment or Allotments shall be held, used, ploughed, tilled, managed, cultivated, demised, let or otherwise disposed of in such manner as the said Trustees for the Time being, or the major Part of them, shall from Time to Time deem most beneficial for the said poor Inhabitants who shall belong to the said Parish of *Bodbam*: Provided always, that it shall be lawful for the Lord or Lords, Lady or Ladies of the said Manor, and the Rector of the said

Lords of Ma-  
nors and Rec-  
tor to act by  
Proxy.



said Rectory for the Time being, to act in the execution of the Trusts hereby reposed in them as aforesaid by his, her, or their Agents or Proxies respectively, such Agents or Proxies respectively being appointed by Writing or Writings under the Hands of the Lord or Lords, Lady or Ladies of the said Manors and the said Rector respectively, and producing their Appointment or Appointments at the Time of their acting by virtue thereof.

And be it further Enacted, That the said Commissioners shall then set out and allot the Residue and Remainder of the Lands and Grounds within the said Parish of *Bodbam*, hereby directed to be divided and allotted unto and amongst the several Owners and Proprietors thereof, and unto and amongst all and every Person or Persons having any Right or Rights of Shackage, or Common or Commonable and other Rights and Interests, in, to, over and upon the same or any Part or Parts thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be the Value of and a full Satisfaction and Compensation to him, her or them respectively, for his, her or their respective Parts and Shares of the Lands and Grounds within the said Parish of *Bodbam* hereby directed to be divided and allotted, and for his, her or their respective Rights and Interests, in, to, over and upon the same.

Allotment of Residue.

And be it further Enacted, That the said Commissioners, when and so soon as they shall have ascertained the Rights and Interests of the several Parties entitled to and interested in the Lands hereby directed to be divided and allotted, shall cause the several Allotments proposed to be made by them to be distinctly laid down and delineated upon a Map or Plan; and the said Commissioners shall, at a Meeting to be held by them for that Purpose, cause the said Map or Plan to be produced for the Inspection and Examination of the several Parties interested in the said Allotments; and in case any Objection or Objections shall be made to the proposed Allotments, the Party or Parties making the same shall sign and deliver a Statement thereof in Writing to the said Commissioners, who shall immediately, or within a convenient Time afterwards, take the same into their Consideration and determine the Matter thereof.

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

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 whatsoever within the said Parish

Exchanges may be made.



Parish of *Bodbam*, in lieu of and exchange for any other Lands, Tenements and Hereditaments whatsoever within the said Parish, or within any adjoining Parish, Hamlet, Township or Place, provided that all such Exchanges be ascertained, specified and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of England, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics or under any other legal Incapacity, 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 Parties consenting respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in right of any Church 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 always, that the Costs, Charges and Expences attending the making and completing any Exchanges or Partitions under the Powers and Authorities in this Act and the said recited Act or either of them contained, shall be paid and borne by the several Persons, Bodies Politic, Corporate or Collegiate, making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall order and direct.

Expences of Exchanges how to be paid.

That Wills and Settlements shall not be affected.

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 Lands or Grounds to be divided, allotted and inclosed,

or



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 Allotment and Allotments to be assigned and made to him, her or them as aforesaid, or which shall be given and taken in exchange, or of which Partition shall or may be made in pursuance of the said recited Act, to such and the same Uses and for such and the same Estates, and subject to such and the same Wills, Jointures, Limitations, Trusts, Charges and Incumbrances, and no other, as the same Messuages, Lands, Tenements and Hereditaments, for or in respect whereof such Allotments, Exchanges or Partitions shall be made, would have been subject or liable to be charged with or affected by in case the same had remained uninclosed, unexchanged, or no Partition had been made as aforesaid.

And be it further Enacted, That the several Allotments of the said Commonable Lands and Waste Grounds hereinbefore directed to be made to the said Surveyors of the Highways, and for the Benefit of the poor Inhabitants of *Bodbam* aforesaid, shall be inclosed and fenced in with such Ditches, Mounds or other Fences as the said Commissioners shall think proper, and the several Expences thereof shall be raised and paid in like manner as the Expences of obtaining this Act, and of carrying the same into execution, are hereinafter directed to be raised and paid; and that all such Hedges, Ditches, Mounds and Fences when made shall for ever thereafter be maintained and supported with and out of the Profits and Produce of the said respective Allotments which may be made to the said Surveyors and the Trustees of the Poor of the said Parish; and that all other Allotments of the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waste Grounds hereby intended to be divided and allotted, shall be inclosed and fenced with proper Ditches, Hedges, Mounds and other Fences to be made, and at all Times thereafter repaired by and at the Expence of the several Persons to or for whom the same shall be respectively allotted (except the Rector of the said Parish of *Bodbam*, in respect of any Allotment to be made to him in right of the said Rectory, within such Time and in such Manner as the said Commissioners shall in and by their Award or by any Writing under their Hands previous thereto direct or appoint.

For fencing  
the Allot-  
ments.

And be it further Enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized at any Time or Times before the execution of the said Award, by Writing

Empowering  
the Commis-  
sioners to ex-  
tinguish or



suspend  
Rights of  
Sheepwalk  
and Common.

ing under their Hands to be affixed upon the Door of the Church of *Bodbam* aforesaid, to order and direct all or any Part of the said Rights of Sheepwalk, Shackage or Common, or any other Commonable Rights whatsoever, in, over and upon the said Half Year or Shack Lands, Doles, Commonable Lands and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time and Times as shall be expressed in such Writing; and that all such Rights of Sheepwalk, Shackage and Common and other Commonable Rights as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Door, or from any other Time to be appointed by such Writing, cease, determine and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage or Custom to the contrary notwithstanding.

Commissioners to direct the Course of Husbandry.

And be it further Enacted, That from and after the First Day of September, which will be in the Year of our Lord One thousand Eight hundred and Eight, and until the execution of the said Award, all the Arable Lands hereby directed to be divided, allotted and inclosed, 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 also as to cutting of Bushes and Thorns thereon; and it shall and may be lawful to and 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 Lands, or any of them, their or any or either of their Tenants, to any Person or Persons in like manner interested therein, or his, her or their 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 and may 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 can or may be raised and levied.

For fencing Allotments to Rectors.

And be it further Enacted, That every Allotment which shall be made to the Rector of the said Parish of *Bodbam*, in pursuance



purfuance of this Act, for or in refpect of any Meffuages or Glebe Lands belonging to the Church of the faid Parifh of *Bodbam*, fhall be inclofed and fenced in with fuch Hedges, Ditches, Mounds or other Fences as the faid Commiffioners fhall think proper, and the Expences thereof raifed and paid in like manner as the Expences of obtaining this Act and of carrying the fame into execution are herein directed to be raifed and paid, and fuch Hedges, Ditches, Mounds and Fences when made, fhall for ever thereafter be maintained and fupported by and at the Expence of the Rector of the faid Parifh of *Bodbam* for the Time being in refpect to his Allotment.

And be it further Enacted, That all fuch Parts of the faid Doles, Commonable Lands and Waste Grounds as fhall be affigned or allotted to any Perfon or Perfons by virtue of this Act, for or in refpect of any Meffuages, Cottages or Tofts, Lands, Tenements and Hereditaments, which are holden by Copy of Court Roll of the Manor aforefaid, or of any other Manor or Manors, fhall be ftated and described in the faid Award as Copyhold, and fhall be deemed and taken to be Copyhold of the faid Manor or Manors refpectively; and the feveral Perfons to whom fuch Copyhold Allotments fhall be made as aforefaid, fhall, within the Space of Six Calendar Months next after the execution of the Award of the faid Commiffioners, or at the firft General Court Baron for the Admiffion of Copyholders to be holden for the faid Manors next after the Expiration thereof, be admitted Tenants to the fame Allotments refpectively, without paying any Fine or other Charges to the Lord or Lords, Lady or Ladies, or to the Stewards of any of the faid Manors (fave and except the Stamp Duties and Parchment requifite to be ufed for the Copies of fuch Admiffions refpectively, and fuch reasonable Fees to the Stewards of the faid Manors, as the Commiffioners fhall in and by their faid Award order and direct); but in cafe any Perfon or Perfons, his, her or their Heirs or Affigns, to whom any fuch Copyhold Allotment or Allotments fhall be made, fhall neglect or refufe to be admitted Tenant or Tenants thereto within the faid Six Calendar Months, or at the firft General Court Baron for the Admiffion of Copyholders, to be holden for the faid Manor or Manors next after the Expiration thereof, then it fhall and may be lawful to and for the Lord or Lords, Lady or Ladies of the faid Manor or Manors refpectively for the Time being, to take and ufe all fuch Meafures for compelling fuch Admiffion or Admiffions to the faid Allotment or Allotments refpectively, as the Lord or Lords, Lady or Ladies of the Manor or Manors is or are now by Law, and according to

Directing  
that Lands  
fhall remain  
of the fame  
Tenure;

and that Pro-  
prietors of  
Copyhold  
Allotments  
fhall apply to  
be admitted.



the Custom or Customs of the said Manor or Manors, empowered to take and use for want of a Tenant to any Lands, Tenements and Hereditaments holden by Copy of Court Roll of the said Manor or Manors, and in such case the same Fine, Fees and other Payments shall be due and payable on such Admission or Admissions respectively, as the Lord or Lords, Lady or Ladies and Stewards of the said Manor or Manors, are now by Law, and the Custom of the same Manor or Manors, entitled to take and receive upon Admissions to any Lands, Tenements and Hereditaments holden by Copy of Court Roll of the said several Manors respectively; and that from and after the first Admission of all the said Copyhold Allotments, shall for ever thereafter be held under and subject to the same Fines and Services as the said Copyhold Lands and Tenements respectively, in respect whereof such Allotments shall be made, are now subject and liable to; and that all other Parts of the said Doles, Commonable Lands and Waste Grounds, which shall be assigned or allotted unto any Person or Persons by virtue of this Act, for and in respect of any Freehold or Leasehold Messuages, Cottages or Tofts, Lands, Tenements and Hereditaments, shall be deemed and taken to be Freehold and Leasehold, and shall be held and enjoyed as such accordingly, subject nevertheless to such Rents, Payments, Customs and Services, as the respective Lands and Tenements, in respect whereof the same shall be assigned or allotted, are now subject and liable to.

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

And be it further Enacted, That if any Person or Persons hath or have sold, or contracted or agreed to sell, or shall before the execution of the said Award sell, contract or agree to sell, his, her or their Right, Interest and Property in the said Doles, Commonable Lands and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful for the said Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract or Agreement, or to his or her Heirs or Assigns, for and in respect of such Right, Interest and Property so sold, or contracted for or agreed to be sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the execution of the said Award, hold and enjoy the Lands so to be allotted to him, her or them as aforesaid, in the same manner, to all Intents and Purposes, as the Vendor in every such Sale, Contract or Agreement could, might or ought to have held and enjoyed the same in case such Sale, Contract or Agreement had not been made, or such



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

And be it further Enacted, That all Leases and other Agreements at Rack or extended Rent, which are now subsisting of all or any Part or Parts of the Farms, Lands and Grounds hereby directed to be divided, allotted and inclosed, either alone or together with any other Lands, Tenements or Hereditaments, shall, as to so much of the said Lands and Grounds as are hereby directed to be divided and inclosed, cease, determine and be void immediately upon such Allotments being made and such Award being executed as hereinbefore mentioned, or within such further Time as the said Commissioners shall appoint, the respective Tenants or Lessees of the same Farms, Lands and 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 Tenant or Tenant 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 Ten Days after Demand made thereof, it shall and may 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 shall lie in the said Parish of *Bodham* and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

For vacating  
Leases at  
Rack Rent.

And be it further Enacted, That the several Sums of Money which shall be paid to the said Commissioners for their Trouble and Attendance in the execution of this Act, over and besides their reasonable and necessary Expences, and to the Surveyor or Surveyors to be appointed by them for surveying and measuring, planning and mapping the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waste Grounds to be divided, allotted and inclosed by virtue of this Act, and the Lands, Tenements and Hereditaments in respect whereof a Right of Common or other Right or Interest thereon or therein shall be claimed, and also the Costs and Charges in any way occasioned by, incident to and attending the obtaining and passing this Act, and of valuing,

For paying  
the Expences  
of the Act.



valuing, dividing and allotting the said Whole Year Lands, Half Year or Shack Lands, Doles, Commonable Lands, Commons and Waste Grounds, and of preparing and enrolling the Award of the said Commissioners, and all other necessary Expences of the Persons employed by the said Commissioners in and about the Premises, and of all public Works, and all other Costs, Charges and Expences of carrying this and the said recited Act into execution, shall be borne and defrayed by the several Persons to whom Allotments shall be made by virtue of this Act (other than and except the Surveyors of the Highways of the said Parish of *Bodbam* for and in respect of the Allotments to be made to them and the several Persons to whom the said Allotment for the Use and Benefit of the poor Inhabitants of *Bodbam* aforesaid, and also other than and except the Rector of the said Parish of *Bodbam*, in respect of any Allotment to be made to him as aforesaid in right of the said Rectory, and also save and except such Person and Persons whose Property within the said Parish of *Bodbam* shall not, in the Judgment of the said Commissioners, exceed the Yearly Value of Six Pounds at the Time of making the said Allotments) in such Shares and Proportions, to be ascertained by the said Commissioners, and shall be paid by them the said Proprietors respectively, at such Time or Times as they the said Commissioners shall in and by their Award direct and appoint for that Purpose.

For paying Interest on Money advanced for the Purposes of this Act.

And be it further Enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act and carrying the same into execution; and that the Monies which shall be so advanced for the Purpose aforesaid, shall be repaid with lawful Interest to such Person or Persons out of the first Monies which shall be raised from the several Proprietors as hereinbefore mentioned and directed for defraying the Expences of obtaining and executing this Act.

Commissioners to lay their Accounts before a Justice.

And be it further Enacted, That once at least in each and every Year during the execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioners shall and they are hereby required to make a just and true Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble or Expences in the execution of this Act; and such Statement or Account when so made, together



gether with the Vouchers relating thereto, shall be by them laid before one or more Justice or Justices of the Peace in and for the said County of *Norfolk*, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Books of Accounts to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

And be it further Enacted, That if any Person or Persons shall think himself, herself or themselves aggrieved by any Thing done in pursuance of the said recited Act or this Act (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act directed to be final, binding and conclusive, and except in such Cases wherein an Issue at Law shall be tried as hereinbefore mentioned) then and in every such Case he, she or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk*, at the Shire Hall of the City of *Norwich* aforesaid, within Four Calendar Months next after the said Cause of Complaint shall have arisen, on giving the said Commissioners, or the Party or Parties intended to be appealed against, Fourteen Days Notice of such Appeal and of the Matter thereof; and the Justices in their said General Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages as to them in their Discretion shall seem reasonable, and to levy by their Order or Warrant 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 Distress and Sale; which Determination of the said Justices shall be final and conclusive on 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 or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them the said Justices in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Allowing an  
Appeal to the  
Quarter Ses-  
sions.

Saving always to the KING's Most Excellent MAJESTY, General  
His Heirs and Successors, and to all and every other Person or Per-  
sons, Saving.



sons, Bodies Politic and Corporate and Collegiate, his, her and their Heirs, Successors, Executors and Administrators, All such Estate, Right, Title and Interest (other than and except such as are meant and expressed to be barred, destroyed and extinguished by this Act) of, in, to or out of the said Lands and Grounds hereby intended to be divided, allotted and inclosed, as they, every or any of them could or ought to have had and enjoyed in case this Act had not been passed.

Act to be printed by the King's Printer.

And be it further Enacted, That this Act shall be printed by the Printer to the KING's Most Excellent Majesty; and a Copy thereof so printed, shall be admitted as Evidence thereof by all Judges, Justices and others.



