



ANNO QUINQUAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 35.

An Act for inclosing Lands in the Parish of *East Dereham*, in the County of *Norfolk*.

[20th March 1812.]

WHEREAS there are within the Parish of *East Dereham*, in the County of *Norfolk*, certain Commons, Commonable Lands, and Waste Grounds: And whereas the King's Most Excellent Majesty, in Right of his Crown, is Lord of the Manor of *East Dearham of the Queen*, and *Elizabeth Crisp*, Spinster, is Lessee thereof; and the Right Honourable *Harriott Dowager Countess of Essex*, is Lady of the Manor of *Old Hall and Syrricks*, in *East Dereham*, together with *Taxham*, and the Reverend *Francis Wollaston* is Lord of the Manor of *East Dereham Rectory*: And whereas the King's Most Excellent Majesty, in Right of his Crown, the said *Harriott Dowager Countess of Essex*, *Thomas Browne Evans* Esquire, *William Wilson Bagge* Esquire, and divers other Persons, are the Owners and Proprietors of all the Messuages, Cottages, Lands, and Tenements situate, lying, and being in the said Parish of *East Dereham*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the Passing of such Acts*: And whereas the said Commons, Commonable Lands, and Waste Grounds, in their present State and Condition, yield but little Profit, and it would be advantageous to the several Persons intituled to, and interested in the Premises, if the said Commons, Commonable Lands, and Waste Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons intituled to, and interested in the same, according to their respective Estates, Rights, and Interests, under the

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Directions herein and in the said recited Act contained; but such Division and Allotments cannot be effectually made 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 *John Dugmore*, of *Swaffham*, in the County of *Norfolk*, Gentleman; *William Yarrington*, of *Swaffham*, aforesaid, Gentleman, and *William Unthank*, of *Heigham*, in the County of the City of *Norwich*, Gentleman, and their Successors, to be elected in manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for dividing and allotting the said Commons, Commonable Lands, and Waste Grounds, and for carrying the said recited Act and this Act into Execution, subject to such Powers, Authorities, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not altered, varied, or otherwise provided for by this Act; and that all Matters and Things authorized or necessary to be done and executed by the said Commissioners in pursuance of this Act and the said recited Act may be done and executed by any Two of them, and the same shall be as good, valid, and effectual, and shall have the same Force and Effect as if such Acts, Matters, and Things had been done and executed by all the Commissioners hereinbefore named or to be appointed as hereinafter mentioned.

Allowance to
Commission-
ers.

II. And be it further enacted, That out of the Monies that shall be raised for defraying the Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, there shall be paid to each of the said Commissioners the Sum of Four Guineas a Day, in Satisfaction of the Expence and Trouble which he shall incur in the Execution of the Powers vested in him by this Act and the said recited Act.

For appoint-
ing new Com-
missioners.

III. And be it further enacted, That if the said *John Dugmore* shall refuse or become incapable to act as a Commissioner in the Execution of the said recited Act and this Act, or shall die before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners, shall be fully executed and performed, the Commissioners of His Majesty's Woods, Forests, and Land Revenues, for and on the Behalf of His said Majesty, his Heirs or Successors, shall and may, at any Time within Forty Days next after such Death, Refusal, or Incapacity to act shall be known to the same Commissioners, appoint another Person, not being interested in the Premises, to be a Commissioner, for the Purposes of the said recited Act and this Act, in the Place of the said *John Dugmore*, and also to make the like Appointment when and so often as any Person to be appointed a Commissioner in the Place of the said *John Dugmore* shall die, or refuse or become incapable to act as aforesaid: And in case the said *William Yarrington* shall refuse or become incapable to act as a Commissioner in the Execution of the said recited Act and this Act, or shall die before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed and performed, the said *Harriott Dowager Countess of Essex*, or the Lord or Lady of the said Manor of *Old Hall* and *Syrricks*, in *East Dereham*, together with *Yaxham*, for the Time being, shall and may, at any Time within Forty Days next after her or his Knowledge of such Death, Refusal,

Refusal, or Incapacity to act, by Writing under her or his Hand, appoint any other Person (not being interested in the Premises) to be a Commissioner for the Purposes of the said recited Act and this Act, in the Place of the said *William Yarrington*, and also to make the like Appointment when and so often as any Person to be appointed a Commissioner in the Place of the said *William Yarrington* shall die, or refuse or become incapable to act as aforesaid: And in case the said *William Unthbank* shall refuse or become incapable to act as a Commissioner in the Execution of the said recited Act and this Act, or shall die before all the Powers, Authorities, and Trusts reposed and vested in the said Commissioners shall be fully executed, the several Owners and Proprietors of Messuages, Lands, and Hereditaments in the Parish of *East Dereham* aforesaid, (save and except His said Most Excellent Majesty, His Heirs and Successors, and the said *Harriott Dowager Countess of Essex*, and the Lady or Lord for the Time being of the said Manor of *Old Hall and Syrricks* in *East Dereham*, together with *Taxham*;) or the major Part of them in Value according to the Land Tax Assessment, who shall be present in Person, or by their respective Attornies or Agents, at a Meeting to be held for that Purpose, within Forty Days after such last mentioned Death, Refusal, or Incapacity to act (of which Meeting Notice shall be given by any Two or more of such Owners and Proprietors, their respective Attornies or Agents, or by the other Commissioners for putting this Act into Execution, by affixing such Notice on the Door of the Parish Church of *East Dereham* aforesaid, and causing the same to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper then printed or circulated in the said County of *Norfolk*, Eight Days at least before such Meeting,) shall and may, by Writing under their Hands, nominate and appoint another Person, not being interested in the Premises, to be a Commissioner in the Place and Stead of the said *William Unthbank*, and to make the like Appointment when and so often as any Person so to be appointed a Commissioner in the Place of the said *William Unthbank* shall die, or refuse or become incapable to act as aforesaid; but if the said respective Parties shall neglect to make such Appointment or Appointments as aforesaid, then, and in every such Case, the surviving or remaining Commissioners shall, and they are hereby required forthwith, by Writing under their Hands, to appoint another Person (not interested in the Premises) to be a Commissioner in the Place and Stead of the Commissioner so dying, or refusing to act or becoming incapable of acting as aforesaid; and every Person so to be appointed a Commissioner as aforesaid shall take and subscribe the Oath or Affirmation prescribed in the said recited Act; and shall thereupon have such and the like Powers and Authorities in all respects for putting the said recited Act and this Act into Execution, as if he had been named and appointed a Commissioner in and by this Act.

IV. And be it further enacted, That the said Commissioners shall, and they are hereby required to cause Notice in Writing, of the Time and Place of their First and of every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment excepted), and if only One of the said Commissioners shall be present at the Time and Place to be appointed for any such Meeting, it shall be lawful for such Commissioner to adjourn such Meeting to such Place within the said Parish of *East Dereham*, or within Eight Miles

Notice of
Commission-
ers' Meet-
ings.

Miles thereof, as he shall think most convenient, giving Notice of such Adjournment to the absent Commissioners.

Other Notices, how to be given.

V. Provided always, That all other Notices necessary or requisite to be given by the said Commissioners, in pursuance of the said recited Act or this Act, shall be so given by Advertisement in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*.

Commissioners to settle Differences.

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights and Interests which they or any of them shall claim to have in, to, upon, or out of the Lands hereby directed to be divided and allotted, or touching or concerning any other Matter or Thing whatsoever, 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 herein contained shall extend, or be construed to extend, to enable the said Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

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

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, 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 Objections 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.

Commissioners to assess Costs.

VIII. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Objection, to be delivered to them in pursuance of the said recited Act or this Act, see cause to award any Costs, it shall be lawful for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs 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 Objection shall be thereby disallowed or overruled, or against whom the said Commissioners shall have determined; and in case the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs, shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioners, and they are hereby authorized and required by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic,

litic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

IX. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Objection which shall be delivered to the said Commissioners in pursuance of the said recited Act or this Act, or touching or concerning any Property, Right, or Interest intended to be affected by such Determination, and shall within One Calendar Month next after such Determination cause Notice in Writing of such Dissatisfaction to be delivered to or left at the usual Place of Abode of each of the said Commissioners, and of the Party or Parties in whose Favour such Determination shall have been made, or his, her, or their Agent, it shall be lawful for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, giving such Notice as aforesaid, to proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next Assizes to be held for the said County of *Norfolk*, unless such Assizes shall happen within Three Calendar Months next after the Determination of the said Commissioners, and in that Case at the Second Assizes to be held for the said County next after such Determination; and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, giving such Notice as aforesaid, shall within Two Calendar Months next after such Determination, cause an Action to be brought 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 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, and the Property, Right, or Interest thereby insisted upon may be tried and determined (such Issue or Issues 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 which shall be given upon the Trial of such Action shall be binding, final, and conclusive to all and every Person or Persons, Body or Bodies Politic, Corporate or Collegiate whatsoever, unless the Court wherein such Action shall be brought shall set aside such Verdict and order a new Trial to be had therein, which it shall and may be lawful for the said Court to do in case the said Court shall think proper; and that after such Verdict shall be obtained and not set aside, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim, Property, Right, or Interest thereby determined, according to the Event of such Trial or Trials: Provided always, That if no such Notice shall be given, or if such Notice shall be given and such Action at Law shall not be commenced as aforesaid, or if such Action shall be commenced, and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time hereinbefore limited for that Purpose, then the Determination of the said Commissioners shall be final, binding, and conclusive [Loc. & Per.]

Power to try Rights by an Issue at Law.

If no Action brought or not proceeded in, the Determination of Commissioners to be final.

binding, and conclusive to all Intents and Purposes whatsoever : Provided also, that if any of the Parties in any such Action to be commenced as aforesaid shall die before the Determination thereof, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

In Cases of Deaths of Parties before Action brought, the same to be carried on and defended in their Names.

X. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions, against the Person or Persons so dying, having given such Notice as aforesaid to the Party or Parties so dying, if he, she, or they shall have died before the Expiration of One Calendar Month after the making of such Determination, but if not, then on their having given such Notice to bring such Action or Actions 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 therein also 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.

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

XI. Provided also, and be it further enacted, That nothing in this Act contained shall extend or enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments made within the period of Twenty Years); but in case the said Commissioners shall be of Opinion against the Rights of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

For extinguishing or suspending Rights of Common before the Award.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized at any Time before the Execution of the Award, to be made by them in pursuance of the said recited Act or this Act, by any Writing under their Hands, to be affixed upon the Door of the Parish Church of *East Dereham* aforesaid, to order and direct all or any Commonable Rights or Interests in, to, over, or upon the said Commons and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time as shall be expressed in such Writing; and that all such 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 any other Time to be appointed by the said Commissioners in or by such Writing, cease, deter-

mine, and be extinguished, or the Exercise thereof shall be suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

XIII. And be it further enacted, That it shall not be lawful for any Person, from and after the passing of this Act, to cut, dig, pare, grave, flay, or carry away any Turf, Flags, Whins, or Furze, in, upon or from the said Commons and Waste Grounds, or any Part thereof, without the Licence of the said Commissioners first had and obtained in Writing for that Purpose, (which Licence the said Commissioners are hereby empowered to grant, under such Regulations and Restrictions as they shall think proper to insert therein,) and if any Person shall cut, dig, pare, grave, flay, or carry away any Turf, Flags, Whins or Furze in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without such Licence as aforesaid, or having obtained such Licence, shall act in any Manner contrary to the same, the said Commissioners or any Justice of the Peace acting in and for the said County of *Norfolk*, upon due Proof thereof made before the said Commissioners or Justice upon Oath, (which Oath either of the said Commissioners or such Justice is hereby empowered to administer,) shall, by their or his Warrant directed to any Person whomsoever, cause any Sum not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person so offending, 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 Charges of obtaining this Act, and carrying the said recited Act and this Act into Execution.

No Turf, Flags, Whins or Furze to be cut after the passing of this Act without leave of the Commissioners.

XIV. And be it further enacted, That the said Commissioners shall, with all convenient Speed after the passing of this Act, cause Notice of their Intention to perambulate the Boundaries of the said Parish of *East Dereham*, 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 of such Perambulation, and after the Expiration of the Time to be specified in such Notice, they the said Commissioners are hereby authorized and required to perambulate, enquire into, set out, ascertain, fix, and determine such Boundaries accordingly; and a Description of the said Boundaries shall, within Forty Days after the same shall be so ascertained, set out, fixed, and determined, be inserted in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*: Provided always, That if any of the Proprietors of Estates, or Inhabitants of any Parish or Parishes, adjoining to the said Parish of *East Dereham*, 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 said County of *Norfolk*, at any General Quarter Session 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, and their Solicitor or Clerk, Fourteen Days Notice in Writing of such Appeal, and of the Matters thereof, and the Determination of the said Justices therein shall be final and conclusive on all Parties whomsoever.

For ascertaining Boundaries.

XV. And be it further enacted, That if the said Commissioners shall deem it expedient or proper to shorten the Boundary Fences between the Lands

For shortening Boundary Fences

against adjoining Parishes.

Lands hereby directed to be divided and allotted, and any Parish or Parishes adjoining thereto, or to make the same Boundary Fences respectively regular, it shall be lawful for the said Commissioners with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor, or Manors, in which the Land is situate, and of the Owner or Owners of the Land upon which any Fence or Fences shall or may be intended to be made, to set out the Boundary Fences between the Lands hereby directed to be divided and allotted, and any adjoining Parish or Parishes, in such Manner as they shall judge proper for the Purpose aforesaid; and after such Boundary Fences shall be set out as aforesaid the same shall be fenced by such Person or Persons in such Manner and at such Time or Times as the said Commissioners shall direct; and shall for ever thereafter be deemed and taken to be the Boundaries between the Lands hereby directed to be divided and allotted, and such adjoining Parish or Parishes respectively, any Law, Usage, or Custom to the contrary notwithstanding.

Encroachments.

XVI. And be it further enacted, That all Encroachments which have been made within Twenty Years, now last past, upon the said Commons and Waste Grounds, shall be deemed Part of the Lands hereby directed to be divided and allotted; and in case any Dispute shall arise touching any such Encroachment or Encroachments, or the Extent thereof respectively, such Dispute shall be determined by the said Commissioners.

Encroachments to be allotted to Persons in Possession.

XVII. Provided always, and be it further enacted, That the Lands comprized in any Encroachments which shall have been made within Twenty Years last past, shall (without regard to the Value of any Improvements since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled to any Allotment of sufficient Value by virtue of this Act; and in that Case the Value of such Encroachments respectively, shall be deducted from or deemed a Compensation for the Allotment or Allotments to which such Person or Persons shall be entitled under this Act; but if the Person or Persons in Possession of such Encroachments respectively shall not be entitled to any Allotments by virtue of this Act, or shall not be entitled to an Allotment equivalent to the Value of such Encroachment or Encroachments, then and in either of the last mentioned Cases, the said Commissioners shall offer to sell the Whole or the Surplus Quantity, as the Case may be, of such Encroachment or Encroachments, to the Person or Persons in Possession thereof, for such Sum or Sums of Money, and upon such Terms as the said Commissioners shall think reasonable; and in case any such Offer shall be accepted, the said Commissioners shall, upon Payment of the Purchase Money, deliver to the Purchaser or respective Purchasers, a Certificate under their Hands of such Offer, Sale, and Payment, and shall afterwards by their Award, allot such Encroachments, or the Surplus Quantity thereof respectively, to the Purchaser or respective Purchasers thereof, and shall apply the Monies arising from such Sale, towards defraying the Costs and Charges of obtaining this Act, and of executing the said recited Act and this Act; but in case no such Sale shall be made as aforesaid, then such Encroachment or Encroachments, or the Surplus Quantity thereof as aforesaid, shall be deemed to be Part of the said Commons and Waste Grounds, and shall be divided and allotted accordingly.

XVIII. And

XVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to stop up and discontinue, or divert and turn away any Public or Private Roads, Tracks, Ways, or Paths, in, through or upon any of the old inclosed Lands within the said Parish where they shall judge it requisite or expedient, and the Soil of the Roads and Ways so to be stopped up shall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act; and also to set out and appoint any Public or Private Roads, Tracks, Ways, or Paths in *East Dereham* aforesaid, and to make such Order or Orders as to them shall seem proper for that Purpose, subject nevertheless to the Provisions and Directions of the said recited Act, as to the stopping up of any old or accustomed Road or Roads, and subject to an Appeal to the Quarter Sessions, as mentioned in the said recited Act: 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 Foot-paths 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.

Roads and Foot-paths to be set out.

None of the Roads to be stoppt up until new Roads are made.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners to cause any Ditches, Fences, Drains, Brooks, or Water-courses in the said Parish of *East Dereham*, to be cleansed, opened, scoured, widened, deepened, or enlarged, and to stop up and discontinue any Ditches, Fences, Drains, or Water-courses which shall appear to the said Commissioners to be unnecessary; and also to cause any new Ditches, Fences, Banks, Bridges, Tunnels, Sluices, Drains, Brooks, or Water-courses to be made therein; and to make such Orders for maintaining such Ditches, Fences, Bridges, Drains, Brooks, or Water-courses in Repair as they shall think proper, provided that no such Works shall be made upon any inclosed Land without the Consent in Writing of the Owner or Owners thereof; and that no Rivulet, Brook, or Water-course shall be diverted or turned from its present Course in, through, from, or over any inclosed Lands without the Consent in Writing of the Owner or Owners of the Land from which and into which any Rivulet, Brook, or Water-course shall be diverted or turned, and carried or conveyed.

Drains, &c. to be made.

XX. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the Surveyors of the Highways within the said Parish of *East Dereham* for the Time being, any Part or Parts of the said Commons and Waste Lands within the same Parish, not exceeding Five Acres in the whole; and it shall be lawful for the Surveyors of the Highways and the Proprietors of Lands and Estates within the said Parish of *East Dereham*, and their Tenants for the Time being respectively, to use such Allotment or Allotments as and for public Watering Places for Cattle, and as and for Public Sand, Gravel, Clay, Stone, Marle, and Chalk Pits, in such Manner and under such Rules and Regulations as the Lord or Lords, Lady or Ladies of the said Manors, and the Vicar, Churchwardens, and Overseers of the Poor, and the Surveyors of the Highways in *East Dereham* aforesaid for the Time being, or the major Part of them,

Allotment for Public Sand and Gravel Pits.

[Loc. & Per.]

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shall

shall from Time to Time direct or appoint; and the Grass and Herbage of the said Allotment or Allotments shall be, from Time to Time, let by the Surveyors of the Highways in *East Dereham* aforesaid for the Time being, at or for the best Rent that can be reasonably obtained for the same, and such Rent shall be applied towards the Repair of the Roads in the same Parish.

Allotment to
Lords of the
Manors for
Rights of
Soil.

XXI. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the King's most Excellent Majesty, his Heir and Successors, and 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 said Commons and Waste Grounds in *East Dereham* aforesaid, or any Part or Parts thereof, such Part or Parts of the said Commons and Waste Lands as shall, in the Judgment of the said Commissioners, be equal in Value to One Eighteenth Part of the whole of the said Commons and Waste Grounds; and such Allotment or Allotments shall be a full Compensation and Recompence to His said Majesty, his Heirs and Successors, and to such Lord or Lords, Lady or Ladies, for his, her, or their Right in or to the Soil of the said Commons and Waste Grounds.

Allotment for
the Poor.

XXII. And be it further enacted, That the said Commissioners shall assign, set out, and allot unto the said Commissioners of His Majesty's Woods, Forests and Land Revenues, on Behalf of His Majesty as Lord of the said Manor of *East Dereham* of the Queen, and to the Lessees or Grantees of the said Manor, and to the Lord and Lords, Lady and Ladies of the said Manor of *Old Hall* and *Syrricks* in *East Dereham*, together with *Yaxham*; and to the Vicar of the Vicarage of *East Dereham*, and to the Churchwardens and Overseers of the Poor of *East Dereham* aforesaid, for the Time being, all that Tract or Parcel of the said Commons and Waste Grounds called or known by the Name of *Rush Meadow*, which is computed to contain Thirty Acres or thereabouts, and also such Part of the said Commons and Waste Grounds called or known by the Name of *Toftwood Common*, as comprises *Potter's Fen*, which is computed to contain Twelve Acres or thereabouts; and also such Part of the said Commons and Waste Grounds called or known by the Name of *Badley Moor*, as comprises the Turf or Fen Common, and which has heretofore been used and enjoyed by the Poor Inhabitants of *East Dereham* aforesaid, for cutting Fuel for Firing, and is computed to contain Thirty-five Acres or thereabouts, and such Allotments shall be vested in the Lords and Ladies of the said Manors and the Vicar, Churchwardens, and Overseers of the Poor of *East Dereham* aforesaid, for the Time being, as Trustees for the Poor Inhabitants of the same Parish, for ever; and the same shall be used and enjoyed by all such Poor Inhabitants of *East Dereham* aforesaid who shall be legally settled therein, and shall not respectively occupy Lands or Tenements of more than the yearly Value of Fifteen Pounds, or be possessed of personal Property in his, her, or their own Right, of more than the Value of Two hundred Pounds for cutting Fuel for Firing, in such Manner, and under such Rules and Regulations as the said Trustees, for the Time being, or the major Part of them, shall from Time to Time appoint and prescribe: Provided nevertheless, and it shall and may be lawful for the Inhabitants of *East Dereham* aforesaid, who shall answer the Description aforesaid, to use and enjoy a Right of Common of Pasture over and upon the said

Allotments hereby directed to be made in Trust, as last aforesaid, with such Cattle or Geese, in such Manner, and at such Times in every Year, and under such Rules and Regulations as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe, and not otherwise.

XXIII. Provided always, That it shall and may be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, and the Lessees or Grantees of the said Manor of *East Dearham*, of the Queen, and for the Lord and Lords, Lady and Ladies of the said Manor of *Old Hall* and *Syrricks* in *East Dereham*, together with *Taxham*, and the Vicar of the aforesaid Vicarage, for the Time being, to act in the Execution of the Trusts, Powers, and Authorities hereby reposed and vested in them respectively, by his, her, or their respective Agents or Proxies, to be appointed by Writing under his, her, or their Hand or respective Hands, such Agents or Proxies respectively producing their Appointment or respective Appointments, at the Time of their acting, by virtue thereof.

XXIV. And be it further enacted; That the said Commissioners shall, and they are hereby required, in the next place, to set out, allot, and award, in a convenient Situation, such Plot of Land as shall be equal to Ten Acres of the Average Value of the said Waste Lands, to the Vicar and Church-wardens of the said Parish, for the Time being, in Trust, for the Support and Maintenance of a School for the Education of the Poor Children of the Inhabitants of the said Parish, for ever.

XXV. And be it further enacted, That the said Commissioners shall assign, set out, and allot the Residue and Remainder of the Commons and Waste Grounds in *East Dereham* aforesaid unto the King's most Excellent Majesty, his Heirs and Successors, and unto and amongst all and every Person or Persons, and Body or Bodies Politic, Corporate, or Collegiate, having any Right of Common or other Right or Interest in, over, or upon the same 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 Compensation and Satisfaction to him, her, or them respectively for his, her, or their respective Rights and Interests therein: Provided that all the old inclosed and intermixed Arable, Meadow, and Pasture Lands, and also all and every Messuages and Cottages within the said Parish of *East Dereham*, which have been erected and built for the Space of Sixty Years last past, and also all other Messuages and Cottages within the said Parish, which have been erected and built within the Space of Sixty Years last past, upon the Scites of any ancient dilapidated Messuages or Cottages within the said Parish of *East Dereham*, are and is admitted and shall be deemed and considered by the said Commissioners to have Rights of Common in, over, and upon the said Commons and Waste Grounds hereby directed to be divided and allotted.

XXVI. And whereas a certain Tract or Parcel of the said Commons and Waste Grounds, called or known by the Name of *Neatherd Moor*, has for many Years past been used as a Herd Common, and it would be of greater Utility to the said Parish of *East Dereham* to continue the same in its present State, than if the same were inclosed and allotted, therefore be it enacted, That nothing herein contained shall extend or be construed to

extend

extend so as to enable the said Commissioners to divide, allot, or inclose a certain Tract or Parcel of the said Commons and Waste Grounds, called or known by the Name of *Neat Herd Moor*, but that the same shall continue, remain, and be subject to the same Rights of Common, and to the same Regulations as the said Tract or Parcel of Land was subject to immediately before the passing of this Act, and that the said Commissioners shall enquire into, ascertain, and determine such Rights of Common and Regulations, and shall by their Award set forth the same.

Nor Etling
Green.

XXVII. And whereas a certain other Tract or Parcel of the said Commons and Waste Grounds, called or known by the Name of *Etling Green*, being a small and ornamental Spot of Ground, it is deemed expedient that the same should not be inclosed, but should be rated in Manner hereinafter mentioned, therefore be it further enacted, That nothing herein contained shall extend or be construed to extend so as to enable the said Commissioners to divide, allot, or inclose that Part of the said Commons and Waste Grounds called or known by the Name of *Etling Green*, but that the said Commissioners shall set out and allot unto the Owners of such Estates within the said Parish of *East Dereham* as shall in their Judgment be most conveniently situated for Commonage upon the said Common called *Etling Green*, a Right or Rights of Common over the same for such Number and Description of Cattle and Stock, and to be exercised and enjoyed during such Time or Times of the Year, and in such Manner as the said Commissioners shall in and by their Award order, direct, or appoint, and such Rights of Common respectively shall be deemed and taken in Satisfaction or Part Satisfaction of and for the Allotment or Allotments to which such Person or Persons shall be entitled under and by Virtue of this Act, as the Case may be, and the said Commissioners shall by their said Award declare.

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

XXVIII. 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, which shall be produced for the Inspection and Examination of the several Parties interested in the Allotments at a convenient Time and Place to be appointed for that Purpose, of which Notice shall be published in the said Newspapers, or One of them; 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 at a Meeting to be held by them for that Purpose; and the said Commissioners shall immediately, or within a convenient Time afterwards, take the same into their Consideration, and determine the Matter thereof, and the Determination of the said Commissioners with regard to such Allotments shall be final, binding, and conclusive on all Parties whomsoever.

Separate A-
llotments to be
made for
Estates held
under differ-
ent Titles.

XXIX. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, or Tenements in *East Dereham* aforesaid, shall hold the same by different Tenures or for different Estates, or in different Rights, or under different Titles, the said Commissioners shall, upon the Request of any such Proprietor or Proprietors, ascertain and distinguish the

the Messuages, Lands, and Tenements held by each of such Tenures for each of such Estates, and under each of such Rights or Titles respectively, and shall accordingly in their said Award assign, set out, and allot distinct and several Allotments by distinct and several Descriptions for such respective Messuages, Lands, or Tenements, and shall declare in Right of what Estate or Estates such Allotments respectively shall have been made; and in case the said Commissioners, from Want of necessary Information or from any other Cause, shall not discriminate and distinguish such different Rights and Titles, different Estates and different Tenures in their Award, it shall be lawful for them at any Time within Twelve Calendar Months after the Execution of the said Award, upon the Request in Writing of any Person or Persons interested, to do or cause to be done all proper and necessary Acts for the Purpose of enabling them to make such Discrimination and Distinction as aforesaid, in the same Manner as they might or could have done by their said Award; and when and so soon as the said Commissioners shall have obtained sufficient Information for the Purpose by any Deed or Instrument in Writing under their Hands and Seals, to ascertain and distinguish the Difference of such Tenures, Estates, Rights, and Titles respectively, and shall make distinct and several Allotments, in the same Manner as they are hereby authorized to do by their said Award; and every such Deed or Instrument shall have the same Force and Effect as if the same were contained in their said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners, properly belong for the Time being; and all the Costs, Charges, and Expences which shall be occasioned by the Proceedings of the said Commissioners in making such Discrimination, Distinction, and Allotment or Allotments, and of preparing and executing any such Deed or Instrument, or in anywise relating thereto, shall be ascertained and settled by the said Commissioners, and shall be paid by the Person or Persons who shall make such Request as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person and at such Time and Place as the said Commissioners shall, by Writing under their Hands, appoint; and in case such Costs, Charges, and Expences shall not be so paid, it shall be lawful for the said Commissioners and they are hereby required to raise and levy the same by such Ways and Means as the Costs, Charges, and Expences of obtaining this Act and executing the said recited Act and this Act can or may be raised and levied.

XXX. Provided always, That if any Person or Persons (except the Vicar of the aforesaid Parish of *East Dereham* for the Time being, in respect of his Vicarage) hath sold, or shall at any Time before the Execution of the said Award, sell his or her Right, Interest, and Property in, to, over, or upon the Commons and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Person or Persons, then and in every such Case, it shall be lawful for the said Commissioners, and they are hereby authorized and required, upon receiving Notice of any such Sale, to make an Allotment of Land unto the Purchaser or Purchasers in every such Sale, or to his, her, or their Heirs or Assigns, for and in respect of any Right, Interest, and Property so sold as aforesaid; and every such Purchaser or Purchasers, and his, her, or their Heirs or Assigns shall and may, from and after the Execution of the said Award,

[*Loc. & Per.*]

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hold

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

hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner 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 been vested in such Vendor at the Time of making such Allotment as aforesaid.

Power for
certain Per-
sons to sell
their Allot-
ments.

XXXI. 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 of the said Proprietors or Persons interested in the Premises, being under Coverture, Minors, Ideots, 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 Proprietors of the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, who are or shall be a Tenant or Tenants in Tail, or for any Life or Lives, or on any other Contingency (save and except the said Vicar for the Time being,) to sell any Part of the Allotment or Allotments, to be made by Virtue of this Act to such incapacitated Proprietor or Proprietors, or any 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 Proprietor or 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 same Manner, and subject to such and the like Rules and Regulations as are mentioned and prescribed in and by the said recited Act, with respect to the Sale of any Lands authorized to be sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and inclosing any Lands and Grounds, 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 inclosed 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 them 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 any 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

recited Act: Provided also, That in all Cases where any Lands shall be sold for Payment of Expences as aforesaid, it shall not be lawful for the Proprietor or Person whose Lands shall be so sold, to charge the same by virtue of the said recited Act or this Act, with any Money towards Payment of such Expences.

XXXII. And be it further enacted, That all the Lands which shall be allotted by virtue of the said recited Act or this Act, to any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, for or in lieu or in respect of any Buildings or Lands holden of any Manor or Manors by Copy of Court Roll, or for or in lieu or in respect of any Leasehold Buildings or Lands, or for or in respect of any Right of Common of Pasture or other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenure, and subject to such Rents, Payments, Fines, and Services, as the Copyhold or Leasehold Buildings or Lands respectively, for or in respect whereof such Allotments shall be made are now held; and that all and every Person and Persons to whom such Copyhold Premises shall be allotted as aforesaid, shall within Six Calendar Months next after the Execution of the said Award, or at the First General Court to be held for the said Manors respectively, next after the Expiration thereof, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Steward or Stewards of the said Manor or respective Manors, as the said Commissioners shall by their said Award or any Writing under their Hands order and direct to be paid on such Admissions respectively); but in case the Person or Persons to whom such Copyhold Premises shall be allotted, or his, her, or their Heirs or Assigns, shall not have been admitted to the Copyhold Hereditaments, in respect whereof such Allotment or Allotments shall have been made, or shall alienate the same, or shall die without having been admitted thereto, or to the Lands allotted in respect thereof, or shall claim as a Purchaser under any Sale hereby authorized to be made as aforesaid; or if any Person or Persons to whom any such Copyhold Premises shall be allotted as aforesaid, or his, her, or their Heirs or Assigns, shall neglect or refuse to be admitted Tenant or Tenants thereto, within the Time hereinbefore appointed for that Purpose; then it shall and may be lawful for the Lord or Lords, Lady or Ladies of the said Manors respectively for the Time being, to take and use all such Measures for compelling Admission or Admissions to the said Copyhold Premises so allotted as aforesaid respectively, as such Lord or Lords, Lady or Ladies is or are now by Law and according to the Custom of the said Manor or Manors respectively empowered to take and use for want of a Tenant to any Lands, Tenements, or Hereditaments, holden by Copy of Court Roll of such Manor or Manors respectively; and in any or either of the said Cases the same Fines, Fees, and other Payments shall be due and payable on such Admission or Admissions respectively, as the Lord or Lords, Lady or Ladies, and Steward or Stewards of the said Manor or Manors respectively are now by Law and the Custom of the same Manor or Manors entitled to take and receive upon Admissions to any Lands, Tenements, or Hereditaments holden by Copy of Court Roll of the said Manors respectively;

spectively; and after every such first Admission the Copyhold Premises so to be allotted as last aforesaid, shall at all Times be held under and subject to the same Tenure, Fines, Payments, and Services as the Copyhold Buildings or Lands respectively, in respect whereof such Premises were allotted, are now held under and subject to; and the said Commissioners shall by their said Award, and in and by the Map or Plan to be thereto annexed, determine, describe, and abut all the Messuages, Buildings, Lands, and Tenements in the said Parish of *East Dereham*, which are to become or remain Copyhold or Leasehold, and all other Lands and Tenements in *East Dereham* aforesaid (except what shall be so ascertained by the said Commissioners to be Copyhold or Leasehold), shall be deemed, taken, and enjoyed as Freehold, subject nevertheless to such free Rents and Services as are now due or payable out of the Premises, for, or in lieu or in respect whereof the same shall be allotted as aforesaid.

For allowing
Exchanges to
be made.

XXXIII. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever, in *East Dereham* aforesaid, in lieu of, and in exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments therein, or in any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges shall be ascertained, specified, and declared in the said Award, and be made with the Consent of the Commissioners of His Majesty's Woods, Forests, and Land Revenue, for and on the Behalf of His Majesty, as Proprietor, or of the Proprietor or Proprietors of the Premises which shall be so exchanged, whether such 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, or Feoffees, for charitable, parochial, or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietor or Proprietors, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Ideots, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, herself, or themselves (such Consent to be testified in Writing, under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every such Exchange or Exchanges so to be made shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Messuages, Buildings, Lands, Tenements, or Hereditaments, held in Right of any Ecclesiastical Benefice, without the Consent (testified as aforesaid) of the Lord Bishop of the Diocese in which such Messuages, Buildings, Lands, Tenements, or Hereditaments, shall be situate, and of the Patron of such Ecclesiastical Benefice.

How Expences of
Exchanges
are to be
paid.

XXXIV. Provided always, That all the Costs, Charges, and Expences attending any Exchange or Partition to be made by virtue of the said recited Act or this Act, shall be borne and defrayed by the several Parties making or interested in any such Exchange or Partition, in such Manner and in such Proportions, and at such Time and Place as the said Commissioners shall, by their said Award, or any other Writing under their Hands, order and direct; and in case such Costs, Charges, and Expences shall not be paid accord-

according to such Order and Direction, it shall be lawful for the said Commissioners, and they are hereby required to cause the same to be raised and levied by such Ways and Means and in such Manner as the Costs, Charges, and Expences of obtaining and passing this Act, and executing the said recited Act and this Act, can or may be raised and levied.

XXXV. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or extended Rent now subsisting, of any inclosed Lands which shall be exchanged by virtue of this Act, shall, immediately after the Execution of the said Award, or within such further Time as the said Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose, deliver up the full and peaceable Possession of such exchanged Lands to the Person or Persons to or with whom the same shall be respectively allotted or exchanged; but the Tenants or Occupiers of such allotted or exchanged Lands shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof, it shall and may be lawful 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 *East Dereham*, and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Lands shall be taken in Exchange, which Lands shall be under Lease, and wholly situate in an adjoining Parish, the Lease of such last-mentioned Lands shall not be vacated.

Tenants to give up exchanged Lands having satisfaction for the same.

XXXVI. And be it further enacted, That all and every Lease and Leases at Rack or extended Rent, now subsisting, of any Messuages, Lands, or Tenements, within the said Parish of *East Dereham*, shall, as far as such Lease or Leases affect or concern any Allotment or Allotments to be made of any Part of the said Commons or Waste Grounds, in respect of such Messuages, Lands, or Tenements comprised in such Lease or Leases, be, and the same is and are hereby declared to be null and void as to such Allotment and Allotments; and such Allotment and Allotments shall be made and assigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees; and such Allotment and Allotments shall be freed and discharged from all Right and Interest which may or otherwise might be claimed in or to the same, by virtue of such Lease or Leases; and the Person or Persons to whom the Messuages, Lands, or Tenements comprised in such Lease or Leases shall belong as Landlord or Landlords shall make such Compensation to the Person or Persons entitled to the same, under such Lease or Leases as the said Commissioners shall, by Writing under their Hands, direct, for the Right of Common or other Rights or Interests in, over, or upon the said Commons or Waste Lands, or any Part thereof, appendant or appurtenant to such Messuages, Lands, or Tenements, and which shall be extinguished by this Act; and if any Person or Persons

Leases void as to Allotments of Common.

shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto, within Ten Days after Demand made thereof, then and in such case it shall be lawful to and for the said Commissioners, and they are hereby authorised and required to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Wills and Settlements not to be affected.

XXXVII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will, Settlement, or Surrender, 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 Messuages, Lands, Tenements, or Hereditaments in the said Parish of *East Dereham*, or any adjoining Parish or Parishes which shall be allotted or exchanged by virtue of the said recited Act or this Act; but that each and every Proprietor shall stand and be seised of the Premises which shall be allotted to him or her as aforesaid, (except such Part or Parts thereof as shall be sold by the said Commissioners by virtue of this Act), to such and the same Uses, for such and the same Estates, and subject to such and the same Wills, Deeds, Settlements, Surrenders, Provisoos, Charges, Debts, and Incumbrances, and no other, as the Messuages, Lands, Tenements, or Hereditaments, whereof such Owners and Proprietors were respectively seised or possessed, at or immediately before the Execution of the said Award, or for which, or for or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been passed.

Rights to Tythes not to be prejudiced.

XXXVIII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to prejudice, lessen or defeat the Right, Title, or Interest of any Person or Persons whomsoever, in or to any Tithes arising, renewing, or increasing out of or payable in respect of any Lands, Tenements, or Hereditaments within the said Parish of *East Dereham*, but all such Tithes shall be due or recoverable at all Times hereafter, in such and the same Manner as they would have been in case this Act had not been made.

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

XXXIX. Provided always, and be it 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, 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 or adjoining 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 thereon, and to take, drive away, or impound the same Sheep or Lambs.

XL. And

XL. And be it further enacted, That all the Costs and Charges inci-
 dent to and attending the obtaining and passing this Act, and of survey-
 ing, admeasuring, planning, and valuing the Messuages, Lands, and Tene-
 ments within the said Parish of *East Dereham*, and of dividing and allot-
 ting the Lands and Grounds hereby authorized or directed to be divided
 and allotted, and of enclosing and fencing the Allotments hereinbefore
 directed or authorized to be made for public and charitable Purposes, and
 of forming and making the Public Roads and Ways which shall be set out
 and appointed to be first formed and made in pursuance of the said recited
 Act and this Act, and of inclosing and fencing on the Outside thereof the
 Allotments to be made to the Vicar of *East Dereham* aforesaid, for and in
 respect of the said Vicarage, and of preparing and inrolling the Award of
 the said Commissioners and the Copy thereof, and all the Charges and
 Expences of the said Commissioners, their Assistants and Servants, and all
 other necessary Charges and Expences of the several Persons employed by
 them in and about the Premises, either before or after the Execution of
 the said Award, and all other Expences of carrying this Act and the
 said recited Act into Execution, shall be borne and paid by the several
 Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom
 any Allotment or Allotments shall be made by virtue of the said recited
 Act and this Act, in such Shares and Proportions, and at such Time or
 Times, either before or after the Execution of the said Award, and at such
 Place and to such Person or Persons as the said Commissioners shall, in
 and by their Award, or by any Writing or Writings under their Hands
 order, direct, and appoint, (save and except the several Persons, to whom
 Allotments are hereinbefore directed to be made, in trust for the Poor of
 the Parish of *East Dereham* aforesaid, in respect of the same Allotments;
 and also save and except the said Vicar of the said Parish of *East Dereham*,
 for and in respect of any Allotment or Allotments which shall be made to
 him in right of the said Vicarage; and also save and except the Surveyors
 of the Highways within the said Parish of *East Dereham*, for the Time
 being, for or in respect of the Allotment or Allotments, hereby directed
 to be made to them as aforesaid; and also save and except such Per-
 son or Persons whose Real Property shall not, in the Judgment of
 the said Commissioners, exceed the annual Value of Five Pounds or
 whose personal Property shall not, in the Judgment of the said Com-
 missioners, exceed the Sum of One hundred Pounds at the Time of
 making and executing the said Award;) and in case any Person or Per-
 sons, Body or Bodies Politic, Corporate, or Collegiate shall refuse or
 neglect to pay his, her, or their Proportion or Proportions of such Costs,
 Charges, and Expences as aforesaid, within the Time and at the Place,
 and to such Person or Persons as the said Commissioners shall, in Manner
 aforesaid, direct and appoint; then, and in such Case, the said Commis-
 sioners shall cause the same to be levied and recovered in Manner directed
 by the said recited Act.

XLI. And be it further enacted, That it shall be lawful for the respective
 Proprietors or Persons seised or entitled for any Estate for Life or Lives,
 or for Years determinable on any Life or Lives, or for any Estate of In-
 heritance less than an Estate in Fee-Simple of, in, or to any Lands, Tene-
 ments, or Hereditaments hereby directed or authorized to be divided and
 allotted respectively, or any Allotment or Allotments which shall be set
 out in pursuance of this Act, and for the Husbands, Guardians, Trustees,
 Com-

For defray-
 ing the Ex-
 pences of ob-
 taining and
 executing
 this Act.

Power to
 raise Money
 by Mort-
 gage.

Committees, or Attornies of any such Proprietors, being Feme Covert, Lunatics, beyond the Seas, or under any other legal Disability or Incapacity of acting for themselves, at any Time or Times, either before or after the Execution of the said Award, with the Consent of the said Commissioners, to charge such respective Lands, Tenements, Hereditaments, or Allotments as aforesaid, or any of them; or any Part or Parts thereof respectively, with any Sum or Sums of Money not exceeding Five Pounds *per* Acre, which shall appear to the Satisfaction of the Commissioners to have been properly and necessarily paid, laid out, and expended, or to be proper or necessary to be paid, laid out, and expended by the said Proprietors respectively, or by their respective Directions, for inclosing, ditching, draining, or fencing their respective Allotments, and for their respective Proportions of the Expences of passing this Act, and carrying the same into Execution, or which shall be lent and advanced by any other Person or Persons at the Request of such Proprietors or of such other Persons for them as aforesaid, and also of the Expences of preparing such Securities respectively, the same when raised to be paid to such Person or Persons as the said Commissioners shall appoint, in order to be applied and disposed of for the Purposes aforesaid, with lawful Interest for such Sum and Sums of Money; and for better securing the Payment of such Sum and Sums of Money with Interest, to convey in the way of Mortgage without Impeachment of Waste, any such respective Lands, Tenements, Hereditaments, and Allotments as aforesaid, or any of them, or any Part or Parts thereof, to the Person or Persons who shall respectively lay out and expend such Sum or Sums of Money, or so cause the same to be laid out and expended, or to such Person or Persons as he, she, or they, his, her, or their Executors or Administrators shall respectively appoint, so as every such Conveyance by way of Mortgage as aforesaid be made with a Proviso that no Person in Remainder or Reversion, who should become entitled in Possession to the Hereditaments and Premises therein comprised, shall be liable to pay any further or larger Arrear of Interest on the Money so secured, than for Three Months preceding the Time at which the Title to such Possession shall have commenced; and every such Conveyance or Surrender by way of Mortgage, as shall be made in pursuance of this Act, either before or after the Execution of the said Award, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Directions for charging Copyhold Lands with Expences.

XLIII. 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 or 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.

XLIII. 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 Powers given by the said recited Act or 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 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 not exceeding Ten Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting 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 levied as aforesaid shall be applied towards defraying the Costs and Expences of obtaining this Act, and of carrying the said recited Act and this Act into Execution.

Commissioners to summon Witnesses.

XLIV. Provided also, and be it further enacted, That if any Person or Persons hath or have advanced or shall advance any Money in discharge of the Fees or other 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.

Money advanced to be repaid with Interest.

XLV. Provided always, That the said Proprietors, their Attornies 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 the said recited Act or this Act.

Proprietors and their Agents to pay their own Expences.

XLVI. And be it further enacted, That once at least in every Year from the Date of the passing of this Act, during the Execution thereof, the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Monies by them received and expended or due to them for their own Trouble and Expences in the Execution of the said recited Act and this Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before *Samuel Heyhoe Le Neve Gilman*, of *Hingham*, in the said County, Gentleman, or in case of his Death before some Justice of the Peace for the said County of *Norfolk*, to be by him examined and balanced, and such Balance shall be by the said *Samuel Heyhoe Le Neve Gilman* or such Justice stated in the Book of Accounts to be kept in the Office of the Clerk to 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 the said *Samuel Heyhoe Le Neve Gilman* or such Justice.

Commissioners to lay their Accounts before *Samuel Heyhoe Le Neve Gilman*, Gentleman, once in every Year.

For inrolling
and deposit-
ing the
Award.

XLVII. And be it further enacted, That the Award which by the said recited Act is directed to be made by the said Commissioners, shall be executed and published within Three Years from the passing of this Act, and that within the Time which is by the same recited Act limited for the Inrolment of such Award a true Copy of the said Award written upon Parchment, and signed and attested by the said Commissioners to be a true Copy thereof, together with a proper Map or Plan thereto annexed, shall be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Three Guineas shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling and no more, shall be paid; and the said Award shall, from and after the Delivery of such Copy thereof, so signed and attested as aforesaid, to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act, and the said Award and the said Copy thereof, or any other Copy thereof, or of any Part thereof, attested by the said Commissioners, or by the said Clerk of the Peace or his Deputy, (for which Copy no more shall be paid than Four-pence *per* Sheet, each Sheet containing Seventy-two Words,) shall from Time to Time and at all Times be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever; and the original Award shall be deposited and kept in the Parish Church of *East Dereham*.

Commis-
sioners to
make an Ex-
tract of so
much of their
Award as re-
lates to His
Majesty's Al-
lotment, and
to transmit
the same to
the Office of
the Commis-
sioners of
Woods, &c.

XLVIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to make an Extract on Parchment under their Hands, of so much of their said Award as relates to any Allotment or Allotments to be made to His Majesty, his Heirs and Successors, or for any Rights and Interests of His Majesty, his Heirs and Successors, in the Lands and Grounds hereby directed to be divided and allotted; and also to make or cause to be made a Map or Plan of such Allotment or Allotments, and transmit the same to the said Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being within One Calendar Month after the Execution of the said Award, and such Extract and Map or Plan on the Receipt thereof, shall be by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being, filed and preserved among the Muniments of their Office, and to be produced and admitted in Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting the Rights or Interests of His Majesty, his Heirs and Successors.

Appeal to the
Sessions.

XLIX. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of the said recited Act or this Act (other than and except as to such Claims, Matters, and Things which shall be ascertained, settled, tried, or determined by the Verdict of a Jury under the Power and Authority hereinbefore contained, or where by any of the Provisions or Clauses of the said recited Act or this Act, the Determinations, Orders, Acts, or Proceedings of the said Commissioners are declared or directed to be final and conclusive), then and in every such Case, he, she, or they may appeal to the 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 or either of them, 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, upon Demand, to the Owner or Owners of such Goods and Chattels after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari* or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

L. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, and his, her, or their Heirs, Successors, and Administrators (except His said Majesty, his Heirs and Successors, and the several Persons and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotments shall be made by virtue or in pursuance of the said recited Act or this Act, for or in respect of such Rights and Interests as are hereby expressed to be meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Estate, Title, and Interest, as they, every, or any of them, could or ought to have held and enjoyed in case this Act had been passed. General Saving.

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

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

