



ANNO QUINQUAGESIMO SEPTIMO

GEORGI III. REGIS.

Cap. xxxviii.

An Act for inclosing Lands within the Parishes of *Norton* and *Heckingham*, in the County of *Norfolk*; and for draining certain Lands in the said Parish of *Norton*. [16th June 1817.]

WHEREAS there are within the Parish of *Norton* otherwise *Norton Subcorse*, in the County of *Norfolk*, divers Inclosures and Parcels of Whole Year Land, and certain Open Fields, Commons, Fens, and Waste Grounds, and certain Marshes and Low Grounds: And whereas there are within the Parish of *Heckingham*, in the said County of *Norfolk*, certain intermixed Lands, Commons, and Waste Grounds: And whereas *Thomas Smyth* Esquire is Lord of the Manor of *Norton Subcorse*, in respect whereof he claims to be entitled to the Soil of the said Commons, Fens, and Waste Grounds within the Parish of *Norton* otherwise *Norton Subcorse*: And whereas the said *Thomas Smyth*, as Lord of the said Manor of *Norton Subcorse*, the Reverend *Edward Willes* Clerk, as Lord of the Manor of *Dages with Heckingham*, and *Anthony Freston* the younger, Gentleman, as Lord of the Manor of *Heckingham*, claim, or one of them claimeth, to be entitled to the Soil of the said Commons and Waste Grounds within the said Parish of *Heckingham*: And whereas *Sir Edmund Bacon* Baronet is entitled to the Great or Rectorial Tithes arising within the said Parish of *Norton* otherwise *Norton Subcorse*, and is Patron of the Vicarage thereof; and *James Wall* Clerk is Vicar, and as such entitled to the Parsonage House and to certain Glebe Lands belonging to the said Vicarage: And whereas the said *Thomas Smyth*, *Richard Denny* Esquire, and the said

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Anthony Freston, and divers other Persons respectively, are the Owners and Proprietors of all the Messuages, Cottages, Lands, Tenements, and Hereditaments within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*: 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 some of the said Inclosures, and the said Open Fields within the said Parish of *Norton* otherwise *Norton Subcorse*, are intermixed, and otherwise inconveniently situated for the respective Owners and Occupiers thereof; and the greater Part of the Commons, Fens, and Waste Grounds in the said Parish of *Norton* otherwise *Norton Subcorse*, and the said Marshes and Low Grounds in the said Parish, are frequently overflowed with Water, and in their present State and Condition, for want of sufficient Drainage, yield but little Profit to the several Persons interested therein; and the said intermixed Lands in the said Parish of *Heckingham* are dispersed in small Parcels, and are inconveniently situated for the several Owners and Occupiers thereof; and the said Commons and Waste Grounds in the said Parish of *Heckingham*, in their present uncultivated State, yield very little Profit to the several Persons interested therein: And whereas it would be advantageous to the several Persons entitled to and interested in the Premises, if the Rights of Common and other Rights at present existing over the said Open Fields, intermixed Lands, Commons, Fens, and Waste Grounds, within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, were extinguished, and if all the Lands and Grounds within the said Parish of *Norton* otherwise *Norton Subcorse* were divided, and specific Parts or Shares thereof allotted to the several Persons entitled thereto and interested therein, according to their respective Estates, Rights, and Interests; and if the said intermixed Lands, Commons, and Waste Grounds in the said Parish of *Heckingham* were divided, and specific Parts or Shares thereof allotted to the several Persons entitled thereto and interested therein, according to their respective Estates, Rights, and Interests; and if the said Commons, Fens, and Waste Grounds within the said Parish of *Norton* otherwise *Norton Subcorse*, and the said Marshes and Low Grounds in the same Parish, were properly drained: But as such Extinguishment, Allotment, and Drainage, cannot be made and effected without the Authority of Parliament, may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Chapman* of *Richmond* in the County of *Surrey*, Gentleman, and *Robert Gilbert* of *Postwick* in the said County of *Norfolk*, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed General Commissioners for dividing, allotting, and inclosing the said Whole Year Lands, Open Fields, Marsh Lands, Commons, Fens, and Waste Grounds, within the said Parish of *Norton* otherwise *Norton Subcorse*, and for allotting and inclosing the intermixed Lands, Commons, and Waste Grounds within the said Parish of *Heckingham*, (except a certain Piece of Land called the *Clay Pit Field*, belonging to the said *Richard Denny*, containing by Admeasurement Three Roods and Twenty-seven Perches (in which there is a Clay Pit), bounded by Land belonging to the said *Anthony Freston* towards the North, by Land belong-

Appointment
of General
Commission-
ers.

ing to the said *Richard Denny* and *Thomas Smyth* respectively towards the East, by Land belonging to the said *Thomas Smyth* towards the South, and by the King's Highway leading from *Norton Staithe* to *Heckingham* towards the West), and for draining the said Commons, Fens, and Waste Grounds within the said Parish of *Norton* otherwise *Norton Subcorse*, and the Marshes and Low Grounds within the same Parish, (except certain Marshes or Meadows belonging to the said *Thomas Smyth* and divers other Persons, and lying on the North Side of the Commons and Waste Grounds in the said Parish of *Norton* otherwise *Norton Subcorse*, and now drained by Mills belonging to the said *Thomas Smyth* and divers other Persons), and for carrying this Act into Execution; subject to such Powers, Authorities, Directions, Clauses, and Provisions contained in the said recited Act, as are not altered, varied, or otherwise provided for in and by this Act.

II. And be it further enacted, That if either of the General Commissioners herein named, or to be appointed by virtue of this Act, shall, before the Execution of all the Powers and Authorities hereby vested in them, die, or refuse, neglect, or become incapable to act in the Execution of this Act and the said recited Act, then and in every such Case it shall be lawful for the surviving or remaining General Commissioner, and he is hereby required, at any Time within Forty Days next after such Death, Refusal, Neglect, or Incapacity shall be known to him, by Writing under his Hand, to appoint another Person (not being interested in the Premises) to be a General Commissioner in the Room or Stead of such General Commissioner so dying, or refusing or becoming incapable to act; and every General Commissioner so to be appointed as aforesaid shall (after the taking and subscribing the Oath or Affirmation prescribed in that Behalf) have the like Powers and Authorities for carrying this Act and the said recited Act into Execution, in all respects, as if he had originally been named and appointed a General Commissioner in and by this Act.

Election of
new General
Commission-
ers.

III. Provided always; and be it further enacted, That whenever the said General Commissioners shall be divided in Opinion touching or concerning any Matter or Thing to be by them done and performed by virtue of this Act or the said recited Act, then and in every such Case the Matter upon which such Division of Opinion shall and may arise shall be referred to *Joseph Sewell*, of the Precinct of the Cathedral Church of *Norwich*, Gentleman, and the same shall be settled and determined by him, and reduced into Writing and subscribed by him shall be deemed and taken to be the Determination of the said General Commissioners; and if the said *Joseph Sewell* shall, before the Execution of all the Powers and Authorities hereby vested in the said General Commissioners, die or become incapable of acting, or refuse or neglect to act as aforesaid, then and in such Case, and whenever the said General Commissioners shall be divided in Opinion touching or concerning any Matter or Thing to be by them done and performed by virtue of this Act or of the said recited Act, the said General Commissioners shall by Writing under their Hands appoint some Person (not being interested in the Premises) to be an Umpire in the Matter upon which such Division of Opinion shall and may arise, and the same shall be settled and determined by such Umpire, whose Determination, being made in Writing and subscribed by him, shall be deemed and taken

Umpire to be
appointed in
case of Dif-
ference.

to be the Determination of the said General Commissioners; and for the Purpose aforesaid, but not for any other Purpose, the said *Joseph Sewell*, and such Umpire as aforesaid, shall have and he is hereby invested with the same Powers and Authorities as by the said recited Act and this Act are given to or vested in the said General Commissioners: Provided always, that no Person shall be capable of acting as Umpire as aforesaid, until he shall have taken and subscribed the following Oath; (that is to say),

Umpire's
Oath.

I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as an Umpire by virtue of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.

Which Oath it shall be lawful for the said General Commissioners or either of them to administer; and such Oath so taken and subscribed by the said *Joseph Sewell* or such Umpire, together with the Writing appointing such Umpire, and the Determination of such Umpire, shall be annexed to the Award to be made by the said General Commissioners in pursuance of the said recited Act.

Allowance to
General Com-
missioners.

IV. And be it further enacted, That each of the said General Commissioners who shall act in the Execution of the Powers and Authorities hereby and by the said recited Act vested in them, and also the said *Joseph Sewell*, and the Umpire to be appointed in the Manner herein-before mentioned, shall be paid the Sum of Four Pounds and Four Shillings, and no more, for each Day he shall be employed therein, including the necessary Days in travelling to and from the said Meetings, such travelling Days not to exceed Four to each Meeting; and which said Sum is to be in full Satisfaction for all the Trouble and Expences which every such General Commissioner, and the said *Joseph Sewell*, and such Umpire as aforesaid, shall be put unto in going to, attending at, and returning from every such Meeting for the Purpose of executing this and the said Act.

For giving
Notice of
Meetings.

V. And be it further enacted, That the said General Commissioners shall and they are hereby required to cause Notice 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 some other Newspaper printed or circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting, (Meetings by Adjournment excepted); and if at any Meeting appointed to be holden by the said General Commissioners not more than One of the said General Commissioners shall attend, then and in such Case, and so often as the same shall happen, it shall and may be lawful for the said General Commissioner to adjourn such Meeting to such Place as he shall think most convenient, giving Notice of such Adjournment to the absent General Commissioner; and that all Meetings of the said General Commissioners in the Execution of this or the said recited Act, shall be held within One of the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, or within Eight Miles thereof.

Meetings to
be within
Eight Miles.

VI. And

VI. And be it further enacted, That all other Notices necessary or requisite to be given by the said General Commissioners, in pursuance of this Act or of the said recited Act, for any Purpose whatever (except such Notices as are in and by this Act authorized or particularly directed to be given in any other Manner), shall be given by Advertisement in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed or circulated in the said County of *Norfolk*; and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Parties concerned respecting all the Matters and Things to which such Notices respectively shall relate.

Other Notices how to be given.

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 General 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 General Commissioners, and the other Part thereof to the Party or Parties whose Claims or Accounts 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 General Commissioners shall appoint for that Purpose; and no Objection to any of the said Accounts or Claims shall be afterwards received by the said General Commissioners, unless for some legal Disability or special Cause to be allowed by them.

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

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and 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 and allotted, or concerning any Allowance claimed or to be made for ploughing, sowing, cultivating, 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 or Drainage, it shall be lawful for the said General Commissioners or Umpire, and they and he are and is hereby authorized and required, as well by Examination of Witnesses upon Oath, as upon any other proper and sufficient Inquiry, Evidence, and Satisfaction, to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said General Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

General Commissioners to settle Differences;

not to determine Titles.

IX. And be it further enacted, That in case the said General Commissioners shall, upon the Hearing or Determination of any Claim or Objection to be delivered to them in pursuance of the said recited Act, see Cause to award any Costs, it shall be lawful for the said General 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 General Commissioners shall be made, by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Objection shall be thereby disallowed or over-ruled, or against whom

General Commissioners to assess Costs.

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the said General Commissioners shall have determined as aforesaid; 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 upon Demand, it shall be lawful for the said General 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, Corporate, or Collegiate so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand to the Person or Persons or Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try
Rights by an
Issue at Law.

X. 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, Allotments, and Enclosure, shall be dissatisfied with any Determination of the said General Commissioners or Umpire touching or concerning any such Claim or Claims of the Rights to the Soil, or of any Rights of Common or other Rights or Interests in, to, over, and upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, 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 cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said General Commissioners or Umpire shall have been notified in Writing to the Party or Parties interested, or claiming to be interested; and the Person or Persons so dissatisfied as aforesaid shall proceed to a Trial at Law of the Matter so determined by the said General Commissioners or Umpire at the then next or at the next following Assizes for the said County of *Norfolk*; 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 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 or 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 said Court, the said General Commissioners or Umpire shall and they and he are and is 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.

Actions not
to abate by
the Death of
the Parties.

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

XII. Provided always, and be it further enacted, That all such Orders and Determinations of the said General Commissioners or Umpire, as shall have been 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.

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

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, 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 so dying 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.

Provision in case of Death of Parties before Action brought.

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

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

XV. And be it further enacted, That it shall be lawful for the said General 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, by any Writing under their Hands, to be affixed upon the Principal Doors of the respective Churches of *Norton* otherwise *Norton Subcorse*, and *Heckingham* aforesaid, to order and direct all or any Rights of Common of Pasture or other Rights whatsoever, in, over, and upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, for and during such Time or Times as shall be expressed in such Writing; and that all such Rights as the said General 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 Doors respectively, or any other Time to be appointed

For extinguishing or suspending Rights of Common before the Award.

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by the said General Commissioners in or by such Writing, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Custom, or Usage to the contrary notwithstanding.

No Turves or Flags to be cut after the passing of this Act, without Leave of the Commissioners.

XVI. And it is 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 Reed, Rushes, Fodder, Turf, Flags, Whins, or Furze, in, upon, or from the said Commons, Fens, and Waste Grounds, or any Part thereof, without the Licence of the said General Commissioners first had and obtained in Writing for that Purpose, (which Licence the said General 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 Reed, Rushes, Fodder, Turf, Flags, Whins, or Furze, in, upon, or from any of the said Commons, Fens, and Waste Grounds, or any Part thereof, without such Licence as aforesaid, or having obtained such Licence shall act in any way contrary to the same, the said General Commissioners, or any Justice of the Peace acting in and for the said County, upon due Proof thereof made before the said General Commissioners or Justice upon Oath (which Oath either of the said General Commissioners or Justice is hereby empowered to administer), shall by their or his Warrant, directed to any Person whomsoever, cause any Sum of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of the Persons offending in the Premises, 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.

For ascertaining Boundaries.

XVII. And be it further enacted, That the said General Commissioners shall, with all convenient Speed after the passing of this Act, cause Notice of their Intention to perambulate the Boundaries of the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*, Eight Days at least before the Time of such Perambulation; and after the Expiration of the Time to be specified in such Notice, they the said General Commissioners are hereby authorized and required to perambulate, inquire into, ascertain, fix, determine, and set out the Boundaries of the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, and a Description of the said Boundaries shall, within Forty Days after the same shall be so ascertained, fixed, determined, and set out, 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 Person or Persons interested in the Decision of the said General Commissioners respecting the said Boundaries shall be dissatisfied therewith, such Person or Persons may appeal to the Justices of the Peace acting in and for the said County of *Norfolk*, at any General Quarter Sessions of the Peace to be holden within Four Calendar Months next after the aforesaid Publication of the said Boundaries, on giving to the said General Commissioners Fourteen Days Notice in Writing of such Appeal and of the Matter

Matter thereof, and the Decision of the said Justices therein shall be final and conclusive.

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

For shortening Boundaries.

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

Encroachments within Twenty Years to be allottable, &c.

XX. Provided always, and be it further enacted, That the Lands and Grounds comprized in any Encroachments which shall have been made within Twenty Years last past, shall (without regard to the Value of any Improvement 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 Encroachment shall be deducted from or deemed a Compensation for the Allotment to which such Person or Persons shall be entitled under this Act; but if the Person or Persons in Possession of such Encroachment shall not be entitled to any Allotment, or to an Allotment equivalent to the Value of such Encroachment, then and in either of those Cases the Whole or the Surplus Quantity (as the Case may be) of such Encroachment shall be sold by the said General Commissioners, and conveyed by them in Fee Simple to any Person or Persons who shall become the Purchaser or Purchasers thereof, and

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

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the Money arising from such Sale shall be applied towards defraying the Costs, Charges, and Expences of obtaining and executing this Act: Provided always, that if any Surplus Money shall remain, such Surplus shall be divided and apportioned between the several Proprietors and Persons interested in the said Commons, Fens, and Waste Grounds, in such Shares as shall be in Proportion to their respective Property and Interest therein; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively; and the Shares of such other Proprietors and Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act in those Cases wherein any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Licensed
Encroach-
ments not
prejudiced.

XXI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice or diminish the Right of any Person or Persons whomsoever to any Encroachments upon the said Commons and Waste Lands, which have been made within Twenty Years now last past, by virtue of any Grant, Licence, or Consent of or from the Lord of the Manors before mentioned, and which Grant, Licence, or Consent shall before the passing of this Act have been enrolled or entered in the Court Books of one of the aforesaid Manors; and that no Person or Persons who at the passing of this Act shall be in the Possession of any Encroachments heretofore made by virtue of any such Grant, Licence, or Consent as aforesaid, shall at any Time hereafter be liable to the said Claim or Interruption of any other Person or Persons whomsoever, on the Ground of such Encroachment having heretofore been Parcel of the said Commons and Waste Grounds.

Carriage
Roads to be
set out.

XXII. And be it further enacted, That the said General Commissioners shall and they are hereby authorized and required, in the first Place, before they shall proceed to make any of the Divisions and Allotments directed by this Act, to set out and appoint all the public Carriage Roads and Highways in, through, and over the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and to divert, turn, or stop up any of the present Roads or Footpaths in, through, or over any Part of the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, as the said General Commissioners shall judge necessary, so as the Roads and Highways so to be set out and appointed shall be and remain Thirty Feet wide at the least, and be set out in such Directions as shall upon the whole appear to them to be most commodious for the Public; and the said General Commissioners are further required to ascertain the same by Marks and Bounds, and to prepare and sign a Map in which such intended Roads shall be accurately laid down and described, to be left with their Clerk for the Inspection of all Persons concerned; and as soon as may be afterwards, the said General Commissioners shall give Notice in one of the public Newspapers then published or circulated in the County of *Norfolk*, and also in and by Writing to be affixed upon the principal Doors of the Parish Churches of *Norton* otherwise *Norton Subcorse*, and *Heckingham* aforesaid, of their having so set out such Roads, and deposited such Map as aforesaid, and also of the general Lines of such intended Carriage Roads;

Roads; and shall also appoint in and by the same Notice a Meeting of the said General Commissioners at some convenient Place in *Norton* otherwise *Norton Subcorse*, and *Heckingham* aforesaid, or within Eight Miles thereof, and not sooner than Fourteen Days from the Date and Publication of such Notice; and if any Person who may be injured or aggrieved by the setting out of such Roads shall attend at such Meeting, and object to the setting out of the same, then such General Commissioners, together with a Justice or Justices of the Peace acting in and for the Division in which the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, are situate, and not being interested in the said Division and Allotment, shall hear and determine such Objection and the Objection of any other Person or Persons to any Alterations that the said General Commissioners, with any such Justice or Justices, may in consequence propose to make; and the said General Commissioners, together with any such Justice or Justices, shall and they are hereby required, according to the best of their Judgment upon the whole, to order and finally direct how such Carriage Roads shall be set out, and either to confirm the said Map, or make such Alteration therein as the Case may require, subject nevertheless to the Rules, Orders, and Directions mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of His present Majesty, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty for the Amendment and Preservation of the Public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a Public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*; and all Roads, Ways, and Paths in, through, and over the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, or any Part thereof which shall not be set out or finally ordered and directed as aforesaid, shall be for ever stopped up and extinguished, and shall be deemed and taken as Part of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and shall be divided and allotted accordingly: Provided always, that none of the present Roads within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, shall be shut up and discontinued until the Roads which shall be intended to remain or be the public Roads in future shall be set out in the Manner by this Act directed, and until the same shall be properly formed, and made safe and convenient for Horses, Carts, and Carriages.

All Roads not set out shall be allotted.

Present Roads not to be stopped till new Roads made.

XXIII. And be it further enacted, That the said General Commissioners shall assign, set out, and allot unto the respective Surveyors of the Highways within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, such Part or Parts of the said Commons, Fens, and Waste Grounds in the same Parishes respectively hereby directed to be divided and allotted, as the said General Commissioners shall think necessary, as and for public Watering Places for Cattle, and as and for public Sand, Gravel, Stone, Clay, Marl, and Chalk Pits; and the same Allotment or Allotments when set out shall for ever thereafter be used by the respective Surveyors of the Highways, and by the Proprietors of Lands and Tenements within the said Parishes of *Norton* otherwise *Norton Subcorse* and *Heckingham* respectively, and their Tenants for the Time being, in such Manner and under such Rules and Regulations as the said General Commissioners shall by their Award direct and appoint, and not otherwise.

Allotments to be made to the Surveyors of the Highways.

XXIV. And

Allotment to
the Trustees
for the Poor.

XXIV. And be it further enacted, That the said General Commissioners shall in the next Place assign, set out, and allot unto the Lord of the said Manor of *Norton Subcorse*, and to the Vicar of the said Vicarage of *Norton* otherwise *Norton Subcorse*, and to the Churchwardens and Overseers of the Poor of the said Parish of *Norton* otherwise *Norton Subcorse*, such Part of the said Commons, Fens, and Waste Grounds hereby directed to be divided and allotted, lying within the said Parish, as they the said General Commissioners shall judge and deem to be equal in Value *per Annum* to the annual average Value of Ten Acres of the said Commons, Fens, and Waste Grounds lying in the said Parish of *Norton* otherwise *Norton Subcorse*; and such Allotment shall from and after the Execution of the Award of the said Commissioners be vested in the Lord of the said last-mentioned Manor, the Vicar of the said Vicarage of *Norton* otherwise *Norton Subcorse*, and the Churchwardens and Overseers of the Poor of the said Parish of *Norton* otherwise *Norton Subcorse* for the Time being, for ever, as Trustees for the Poor of the same Parish; and the said General Commissioners shall also assign, set out, and allot unto the Lords of the said Manors of *Norton Subcorse*, *Dages with Heckingham*, and *Heckingham*, and to the Perpetual Curate of the Curacy of *Heckingham*, and the Churchwardens and Overseers of the Poor of the said Parish of *Heckingham*, such Part of the said Commons and Waste Grounds hereby directed to be divided and allotted, lying within the said Parish of *Heckingham*, as they the said General Commissioners shall judge and deem to be equal in Value *per Annum* to the annual average Value of Four Acres of the said Commons and Waste Grounds lying in the said Parish of *Heckingham*; and such Allotment shall from and after the Execution of the said Award be vested in the respective Lords of the said Manors of *Norton Subcorse*, *Dages with Heckingham*, and *Heckingham*, and the Churchwardens and Overseers of the Poor of the said Parish of *Heckingham* for the Time being, for ever, as Trustees for the Poor of the same Parish; and the Trustees in whom the said respective Allotments for the Benefit of the Poor shall for the Time being be respectively vested, or the major Part of such respective Trustees, are hereby empowered and required from Time to Time, by any Writing or Writings under their Hands and Seals, to lease or demise the said Allotment or Allotments so vested in them respectively as aforesaid, to any Person or Persons whomsoever, for any Term of Years not exceeding Twenty-one Years, so as in every such Lease there be reserved and made payable to the Trustees for the Time being of the Allotment or Allotments thereby demised, or the major Part of them, by Two equal Half-yearly Payments in every Year, the most improved yearly Rent or Rents that can be obtained for the same, without taking any Income, Fine, Premium, or Foregift in consideration of granting such Lease or Leases; and that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations, and such Security for the Performance of the same, as the said respective Trustees or the major Part of them shall think proper to be inserted therein; and the Rents and Profits arising from the Allotment or Allotments so leased or demised respectively shall from Time to Time be laid out in purchasing Fuel, or in any other Way, and shall be distributed amongst the poor Inhabitants of the said respective Parishes of *Norton* otherwise *Norton Subcorse* and *Heckingham*, who shall be residing therein, and shall not occupy Lands or Tenements of more than the Yearly Value of Five Pounds, in such Manner in all Respects, at such Times in every Year,

and

and according to such Rules and Orders as the said respective Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise: Provided always, that it shall and may be lawful to and for the several Lords and Ladies of the said Manors, the Vicar of the said Vicarage, and the Curate of the said Curacy for the Time being, to act in the Execution of the Trusts hereby reposed in them, by his, her, or their Agents or Proxies respectively to be appointed by Writing under his, her, or their respective Hand or Hands, such Agents or Proxies producing their respective Appointments at the Time of their acting by virtue thereof.

Lords of Manors, Curate, and Vicar, to act by Proxy.

XXV. Provided also, and be it further enacted, That the Allotment or Allotments hereby directed to be made to the Trustees of the Poor of the said Parish of *Norton* otherwise *Norton Subcorse* shall from the passing of this Act be held free and exempt of and from the Payment of any Tithes either Great or Small, or any Composition, Satisfaction, or Compensation in lieu thereof.

Allotments to the Trustees for the Poor to be free of Tithes.

XXVI. And be it further enacted, That the said General Commissioners shall in the next place assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Manors or any of them, or unto any other Person or Persons, being Owner or Owners of or entitled to the Soil of the said Commons, Fens, and Waste Grounds, such Parts of the said Commons, Fens, and Waste Grounds as in the Judgment of the said General Commissioners shall be equal in Value to One Eighteenth Part thereof; and such Allotments shall be a full Compensation and Recompence to him, her, or them respectively for his, her, and their Right in and to the Soil of the said Commons, Fens, and Waste Grounds, or any Part or Parts thereof: Provided always, that the said Allotment or Allotments shall be made and taken out of the Commons, Fens, and Waste Grounds lying in each of the said respective Parishes, for the Right to the Soil of the same.

Allotments for Right of Soil.

XXVII. And be it further enacted, That the said General Commissioners shall then assign, set out, and allot all the Residue and Remainder of the Lands and Grounds hereby directed to be divided and allotted, unto and amongst all and every Person and Persons, and Body and Bodies Politic, Corporate, and Collegiate, having any Rights of Common, or other Rights or Interests in, over, or upon the same, or any Part or Parts thereof, in such Parts, Shares, and Proportions as the said General Commissioners shall think fit, and shall adjudge and determine to be proportionate to the Value of and a full Satisfaction and Compensation to him, her, or them respectively for his, her, or their respective Shares, Rights of Common, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part or Parts thereof.

Allotment of the Residue.

XXVIII. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted shall be inclosed, hedged, ditched, and fenced by such Person or Persons, and Body or Bodies Politic, Corporate, or Collegiate, (save and except the Vicar of the Vicarage of *Norton* otherwise *Norton Subcorse* aforesaid for the Time being, in respect of any Allotment to be made to him in Right of the said Vicarage, and save and except the said Surveyors of the Highways, and the said Trustees

For fencing Allotments.

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for the Poor, for or in respect of the Allotments hereby directed to be made to them respectively as aforesaid), within such Time and in such Manner as the said General Commissioners shall in and by their said Award order, direct, and appoint; and the Hedges, Ditches, Drains, and Fences which shall be made pursuant to the said Award, shall at all Times thereafter be maintained and kept in Repair, and cleansed, scoured, and kept open by such Person or Persons, and Body or Bodies, Politic, Corporate, or Collegiate, as the said General Commissioners shall by their said Award order and direct.

Allotments to the Vicar and Trustees for the Poor, &c. to be ring-fenced by the General Commissioners.

XXIX. And be it further enacted, That the Lands and Grounds which shall be set out and allotted unto and for the Vicar of *Norton*, otherwise *Norton Subcorse* aforesaid, for the Time being, in respect of his Glebes, and to the several Persons herein-before mentioned as Trustees for the Poor, and to the Surveyors of the Highways as aforesaid, shall be inclosed and ring-fenced on the outward Boundaries thereof respectively, as the said General Commissioners shall direct, at the Expence of all the other Proprietors entitled to Allotments by virtue of this Act; and the said last-mentioned Fences shall be thereafter maintained and supported by such Persons and in such Manner as the said General Commissioners shall in and by their said Award order and direct.

The Vicar, with the Consent of the Bishop, may Lease Allotments.

XXX. And be it further enacted, That it shall be lawful for the Vicar for the Time being of the said Parish, by Indenture or Indentures under his Hand and Seal, with the Consent and Approbation of the Bishop of the Diocese, and of the Patron of the said Vicarage respectively, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to such Vicar by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the passing of this Act, so that the Rent or Rents for the same shall be thereby reserved and made payable to the Vicar for the Time being by Four equal Quarterly Payments in every Year; and so as that there be thereby also reserved and made payable to such Vicar the best and most improved Rent or Rents that can reasonably be had or gotten for the same, without taking any Fine, Foregift, Premium, Sum of Money, or other Consideration for the making or granting any such Lease or Demise; and so as that no such Lessee by any such Lease or Demise be made punishable for Waste by any express Words to be therein contained; and so as that there be inserted in every such Lease Power of Re-entry on Non-payment of the Rent or Rents to be thereby reserved, within a reasonable Time to be therein limited, after the same shall become due; and so as that a Counterpart of each such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid; and every such Lease shall be valid and effectual, any Thing in the said recited Act, or any Law or Usage to the contrary notwithstanding.

Whichever Right be sold, Allotment to be made to the Purchaser.

XXXI. Provided always, and be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time before the Execution of the Award to be made by the said General Commissioners, sell his, her, or their Right, Interest, and Property in the Lands hereby directed to be divided and allotted, or any Part or Parts thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful to and

for the said General Commissioners, and they are authorized and required, to make an Allotment of Land unto the Vendee or Purchaser mentioned in every such Sale, or to his, her, or their Heirs, Executors, Administrators, or Assigns, for and in respect of such Rights, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his, her, or their Heirs, Executors, Administrators, or Assigns, may and shall 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 named in any such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Rights, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

XXXII. And be it further enacted, That the said General 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 and Grounds hereby directed to be divided and allotted, shall cause the several Allotments proposed to be made by them to be distinctly laid down and delineated upon a Map or Plan, for the Inspection and Examination of the several Parties interested in the said Allotments; and in case any Objection or Objections shall be made to the proposed Allotments, the Party or Parties making the same shall sign and deliver a Statement thereof in Writing to the said General Commissioners, who shall immediately, or within a convenient Time afterwards, take the same into their Consideration, and determine the Matter thereof, and the Determination of the said General Commissioners therein shall be final, binding, and conclusive.

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

XXXIII. And be it further enacted, That in case any Proprietor or Proprietors of any Messuages, Lands, or Tenements within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham* respectively, shall hold the same by different Tenures, for different Estates, in different Rights, or under different Titles, the said General Commissioners shall, upon the Request in Writing of any such Proprietor or Proprietors, ascertain and distinguish the Messuages, Lands, Tenements, and Hereditaments holden by each of such Tenures for each of such Estates and under each of such Rights or Titles respectively, and shall accordingly in their said Award assign and set out distinct and several Allotments, by distinct and several Descriptions, for such Messuages, Lands, or Tenements respectively, and shall in their said Award also declare in Right of what respective Estates such Allotments shall have been respectively made; and in case the said General Commissioners, from Want of necessary Information or any other Cause, shall have omitted to ascertain and distinguish such different Rights or Titles, Estates, or Tenures in their said Award, it shall be lawful for the said General Commissioners, and they are hereby required, at any Time within Twelve Calendar Months from the Execution of their said Award, upon the Request in Writing of any Person or Persons interested in the Premises, to do all proper and necessary Acts for enabling him, her, or them to ascertain and distinguish the same, in like Manner as they the said General Commissioners might or could have done if their said Award had not been executed; and when within the Time aforesaid the said General Commissioners shall have obtained sufficient Information in their Judgment for the Purposes aforesaid, they are hereby authorized and required, by any Deed or Instrument in Writing under their Hands and

Separate Allotments to be made for Estates held under different Titles.

Seals,

Seals, to ascertain and distinguish such Tenures, Estates, Rights, and Titles respectively, and to make distinct and several Allotments, in the same Manner as they are hereby required to do by their said Award; and every such Deed or Instrument shall have the same Force and Effect as if the Contents thereof had been inserted in the said Award, and shall be delivered to the Person or Persons upon whose Request the same shall have been executed, or to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall in the Opinion of the said General Commissioners at the Time of such Delivery belong; and all the Charges and Expences occasioned in making such Ascertainment and Distinction, and of preparing or executing any such Deed or Instrument, or in anywise relating thereto, shall be paid by the Person or Persons making such Request as aforesaid, or by his, her, or their Heirs, Executors, or Administrators, to such Person or Persons and at such Time and Place as the said General Commissioners shall direct and appoint; and in case the said Charges and Expences shall not be paid upon Demand thereof made, then the same shall and may be raised and levied in such Manner and by such Ways and Means as the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act, can or may be raised and levied.

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

XXXIV. And be it further enacted, That all the Lands and Grounds which shall be allotted to any Person or Persons by virtue of this Act, or of the said recited Act, for or in respect of any Messuages, Buildings, Lands, and Grounds holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall from and after the Execution of the said Award of the said General Commissioners be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenures, Rents, Payments, Fines, Customs, and Services, as the Copyhold and Leasehold Messuages, Buildings, Lands, or Tenements respectively, for or in respect of which such Allotments shall be made, are now holden; and that all and every Person and Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid, shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant and Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors, (save and except for the Stamp Duties and Parchment to be used for the Copies of such Admissions respectively, and such reasonable Fees to the Steward or Stewards of the said Manor or Manors as the said General Commissioners shall by their said Award order and direct); but in case any Person or Persons to whom such Copyhold Lands and Premises shall be allotted shall die without Admission within the said Six Calendar Months, then the Customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons then entitled to such Lands and Premises, and after every such First Admission, the Copyhold Premises to be allotted as aforesaid shall at all Times be holden under and subject to the same Tenure, Fines, and other Payments, under and subject to which the Copyhold Messuages, Cottages, Lands, or Tenements, in respect whereof such Lands and Grounds shall be allotted, are now holden; and the said General Commissioners shall by their said Award, and by the

Map

Map or Plan to be annexed thereto, determine, describe, and abut the Lands and Grounds respectively which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this Act or the said recited Act (except what shall be ascertained by the said General Commissioners to be Copyhold and Leasehold), shall be thenceforth deemed, taken, and enjoyed as Freehold Lands and Grounds, subject nevertheless to such Free Rents and Services as are now payable for the same.

XXXV. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners to set out, allot, and award any Lands, Tenements, and Hereditaments within the said Parishes of *Norton*, otherwise *Norton Subcorse*, and *Heckingham*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the same Parishes, or within any adjoining Parish, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award to be made by the said General Commissioners, and made with the Consent of the Person or Persons claiming before the said General Commissioners to be the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, and Hereditaments which shall be so exchanged, whether such Person or Persons claiming to be 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 (by and with the Consent of the Lessor or Lessors thereof, but not otherwise), or with the Consent of the Guardians, Trustees, or Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Person or Persons claiming before the said General Commissioners to be such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so 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, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be: Provided also, that all Costs, Charges, and Expences attending the making any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said General Commissioners shall by their Award order and direct.

For allowing Exchanges to be made.

XXXVI. 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 Open Fields which shall be allotted by virtue of this Act, or of any old inclosed Lands which shall be Exchanged by virtue of this Act, shall, immediately after the Allotments

Tenants to give up exchanged Lands, having Satisfaction.

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shall

shall be made by the said General Commissioners, or within such further Time, not exceeding One Year from the signing of the said Award, as the said General Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose, deliver up the full and peaceable Possession of such allotted or 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 General Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively, by way of Reduction of Rent, or by Payment of a Sum of Money as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof, it shall and may be lawful to and for the said General Commissioners, and they are hereby required, to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised or levied: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said respective Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, and Part in any adjoining Manor or 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, comprizing no other Land, and wholly situated in an adjoining Manor or Parish, the Lease of such last-mentioned Lands shall not be vacated.

Certain
Leases and
Agreements
at Rack Rents
not to be void.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to determine or make void any Leases or Agreements for Leases at Rack or Extended Rents now subsisting, and which respect any of the Messuages, Buildings, Lands, or Tenements within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, either alone or jointly with any other Messuages, Lands, or Tenements in any adjoining Parish or Place, save and except only so far as the same Leases or Agreements respect any Lands and Grounds within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, which shall be allotted to any other Person or Persons than the Proprietor or Proprietors thereof at the Time of making such Allotments; but the Tenant or Tenants under such Leases or Agreements respectively shall, within such Time as shall be appointed for that Purpose by the said General Commissioners, relinquish and give up the Possession of all such Lands and Grounds in his, her, or their Occupation, as shall be allotted to any other Person or Persons than the former Proprietor or Proprietors thereof, to the Person or Persons to whom the same shall be so allotted; and the said General Commissioners shall ascertain, order, and direct what Sum or Sums of Money shall be paid by any such Tenant or Tenants to his, her, or their Landlord or Landlords, by way of Increase of Rent, for any Addition which may be made in the Quantity, or Benefit or Advantage in the Quality, or Convenience of Occupation by Allotment or Inclosure of the Lands and Grounds set out and allotted for or in lieu or in respect of the Lands held or occupied by such Tenant or Tenants respectively, immediately before the making of
such

such Allotments or any Part thereof; and also what Sum or Sums of Money shall be paid by such Landlord or Landlords respectively to his, her, or their Tenant or Tenants, by way of a Reduction in Rent, or Payment in Money as a Compensation and Satisfaction for any Loss or Disadvantage which such Tenant or Tenants may sustain by reason of any Diminution in the Quantity or Deterioration in the Quality of any Lands and Grounds allotted for or in lieu or in respect of the Lands then held or occupied by him, her, or them, or any Part thereof; such increased Rents to be paid in the same Manner, and recoverable by the like Ways and Means, as the original Rents payable under such Leases or Agreements respectively are thereby reserved and made payable, and as the same are thereby and by Law recoverable; and the Sum or Sums to be paid by such Landlord and Landlords as aforesaid shall be raised, levied, and recovered for the Use of the Person or Persons entitled thereto, by the same Ways and Means as the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act, can or may be raised, levied, and recovered.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall 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, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Lands, Grounds, and Hereditaments to be divided and allotted by virtue of this Act, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Person or Persons was or were seised or possessed at or before the Execution of the Award to be made by such General Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made: Provided always, 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 Persons keeping the same shall first, at his and their own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotments respectively, from being hurt or damaged by such Sheep or Lambs (whether such Fences be made and set out 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 into any such Allotment or Allotments, without raising and keeping up such Fences as aforesaid, it shall be lawful for the Owner or Occupiers of any adjoining Allotment or Allotments, in case the said Sheep or Lambs should trespass upon the said adjoining Allotment or the Fences thereof, to take, drive away, and impound the same, as Cattle Damage feasant.

Wills and Settlements not to be affected.

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

XXXIX. And be it further enacted, That it shall be lawful for the said General Commissioners, and they are hereby required, upon Application

General Commissioners may make Satisfaction in

tion for im-
proving and
over-cropping
Lands.

in Writing made to them for the Purpose, to ascertain, order, and direct what Sum or Sums of Money shall be paid by any Person or Persons to whom any of the Lands and Grounds hereby directed to be allotted shall be set out and awarded, or by his, her, or their Tenant or Tenants respectively to any other Person or Persons, by way of Recompence and Satisfaction for the Benefit and Advantage accruing to the Person or Persons to whom such Lands and Grounds shall be allotted, or to his, her, or their Tenant or Tenants respectively, by reason of any ploughing, manuring, claying, under-draining, or other Improvement thereof, and also what Sum or Sums of Money shall be paid by any Person or Persons interested in the Lands hereby directed to be allotted, or his, her, or their Tenant or Tenants, to any Person or Persons interested therein, or to his, her, or their Tenant or Tenants respectively, by way of Recompence and Satisfaction for any Loss or Disadvantage which he, she, or they may sustain by reason of any over-cropping, over-sowing, or Usage of the said Lands and Grounds, or any Part thereof, contrary to the usual Course of Husbandry; and in case any Person who shall be directed to pay any such Sum or Sums of Money shall neglect or refuse to pay the same on Demand, it shall be lawful for the said General Commissioners, and they are hereby empowered, to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by the same Ways and Means as the Costs, Charges, and Expences of obtaining this Act, and executing this and the said recited Act, can or may be raised and levied.

General Com-
missioners to
direct the
Course of
Husbandry.

XL. And be it further enacted, That from and after the First Day of *August* One thousand eight hundred and seventeen, until the Allotments are made and confirmed by the said General Commissioners, no Part of the Meadow or Pasture Lands hereby directed to be divided and allotted shall be ploughed or converted into Tillage without the Consent of the said General Commissioners first had and obtained in Writing for that Purpose; and that all the Lands hereby directed to be divided, allotted, and inclosed, shall during that Time be used and managed in such Manner, and shall be subject and liable to such Directions and Regulations as the said General Commissioners shall from Time to Time by Writing under their Hands, to be affixed upon the principal outer Doors of the respective Churches within the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, appoint, as well with regard to the ploughing, folding, tilling, sowing, and laying down the same, as to the cutting of Thorns and Bushes thereon; and that it shall be lawful to and for the said General Commissioners to order and direct such Sum and Sums of Money in respect thereof, not exceeding Five Pounds *per* Acre, to be paid by any Person or Persons interested in the said Lands and Grounds, or any Part thereof, or by his, their, or any of their Tenant or Tenants, as they the said General Commissioners shall think reasonable; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said General Commissioners, and they are hereby authorized and required, to 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 this Act, or any Part thereof, can or may be raised or levied; and if any Person shall act contrary to such Directions and Regulations of the said General Commissioners, he or she shall for every such Offence forfeit and

and pay to the said General Commissioners such Sum of Money, not exceeding Five Pounds for every Acre of the said Lands and Grounds which shall be used or managed contrary to the Directions of the said Rules and Regulations, as the said General Commissioners, or any Justice of the Peace acting in and for the said County of *Norfolk*, shall order and direct; such Penalties and Forfeitures to be recovered, levied, and applied in the same Manner, and by the same Ways and Means, as any other Penalty or Forfeiture is by this Act directed to be recovered, levied, and applied.

XLI. And be it further enacted, That the said General Commissioners shall and they are hereby authorized and empowered, by such Agents, Workmen, and Labourers as they shall think fit to employ, to make and erect all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works in, through, over, and upon the Lands and Grounds in the said Parish of *Norton* otherwise *Norton Subcorse*, hereby directed to be divided and allotted, or any Part thereof, as they the said General Commissioners shall judge proper and expedient for effectually draining all or such Part of the said Lands and Grounds as in their Opinion shall require to be drained, and to purchase any Mill or Mills or other Works for that Purpose, and to erect or cause to be erected such Houses or Buildings for the Habitation of the Person or Persons who shall have the Care or Superintendence of the said Works of Drainage, or any of them, as they the said General Commissioners shall think proper; and that the said General Commissioners shall set out and allot unto the Commissioners for Drainage herein-after appointed the Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, Houses, Buildings, and other Works so to be made and erected or purchased by them, and such Parts of the Lands and Grounds to be drained by them by virtue of this Act as they shall think proper, for the maintaining, repairing, or preserving the same.

General Commissioners to make Works of Drainage in Norton Subcorse.

XLII. And be it further enacted, That the said General Commissioners shall, at or before the Execution of the Award hereby directed to be made by them, make or cause to be made such Compensation in Money as they shall think proper for any Land or Ground which shall be taken or used for the making or erecting the said Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, Houses, Buildings, or other Works, or any of them, or set out or allotted for repairing or preserving the same to the Proprietor or Proprietors of the Land or Ground to be taken, used, set out, or allotted for the Purposes above mentioned, or any of them; and such Money shall be applied by the said General Commissioners in Discharge of such Proportion of the Charges and Expences of obtaining and executing this Act, as the Proprietor or Proprietors whose Lands shall have been so taken, used, set out, or allotted, shall be subject or liable to pay; and the Overplus (if any) shall be by them paid to the Person or Persons entitled to the same: Provided always, that if any Body Politic, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, or any Person acting as Guardian, Committee, or Trustee for or on the Behalf of any Infant, Lunatic, Idiot, Feme Covert, or other Cestuique Trust, or any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, shall be entitled to such Sum of Money or Overplus, the same shall be by the said General Commissioners applied and disposed of in Manner directed by the said recited Act in those Cases where any

Compensation to be made for Lands taken.

[Local.]

11 P

Money

Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

For defraying the Costs and Charges of obtaining and executing this Act.

XLIII. And be it further enacted, That all the Costs, Charges, and Expences of inclosing and fencing the Lands and Grounds which shall by virtue of this Act be allotted to the Vicar of the said Vicarage in respect of the said Vicarage, and to the Surveyors of the Highways, and Trustees for the Poor of the said Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, as such Trustees and Surveyors, and to the Commissioners for Drainage herein-after appointed, and all the Costs and Charges incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, allotting, and draining the Lands and Premises hereby directed to be surveyed, measured, planned, valued, divided, allotted, and drained, and of preparing the said Award, and of making Counterparts or Copies thereof, and all the Charges and Expences of the said General Commissioners, their Assistants and Servants, and all other necessary Charges and Expences of the several Persons to be employed by the said General Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said General Commissioners within the said respective Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, and all other Expences of carrying this Act and the said recited Act into Execution (save and except such Charges and Expences as shall be incurred by virtue of this Act after making the said Award) shall be borne and defrayed by the several Persons and Body or Bodies Politic, Corporate, or Collegiate interested in the Premises, (save and except the Vicar of the said Vicarage for the Time being, for or 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 and the Trustees for the Poor of the said respective Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, for and in respect of any Allotments which shall be made to them respectively as such Trustees and Surveyors as aforesaid, and the said Commissioners for Drainage for the Time being, for or in respect of the Allotments hereby directed to be made to them respectively as aforesaid, and also save and except such Persons whose respective Property in Lands and Buildings shall not, in the Judgment of the said General Commissioners, exceed the yearly Value of Five Pounds at the Time of making the said Allotment, or who shall not be possessed of Personal Property to the Amount of One hundred Pounds); which said Costs, Charges, and Expences, together with the Shares and Proportions thereof to be paid by the several Persons and Body or Bodies Politic, Corporate, or Collegiate hereby made liable to the Payment thereof, shall be settled and adjusted by the said General Commissioners, and shall be paid at such Time and Place, to such Person or Persons, and in such Manner, as the said General Commissioners shall direct and appoint, and shall and may be recovered in the Manner directed by the said recited Act.

How Expences shall be raised upon Copyholds.

XLIV. Provided always, and be it further enacted, That when and as often as it shall be necessary to charge any Allotment or Allotments, Messuages,

Messuages, Cottages, Lands, or Tenements which shall be allotted or charged by virtue of this or the said recited Act, and which are or shall become Copyhold, with any Sum or Sums of Money by way of Mortgage, for paying or defraying any Share or Shares of such Costs, Charges, and Expences as are by the said recited Act authorized to be charged thereon, and such Allotment or Allotments shall be Copyhold, then and in such Case such Copyhold Lands and Premises shall be surrendered for the due Payment thereof, with Interest, to the use of such Person or Persons who shall advance and lend such Sum and Sums of Money by way of Mortgage, his, her, or their Heirs and Assigns, according to the Custom or Customs of the Manor or Manors whereof the same shall be holden, instead of being mortgaged or surrendered to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, for a Term of Years, as mentioned in the said recited Act.

XLV. And be it further enacted, That it shall be lawful for the said General Commissioners, on Application in Writing made to them by the Husbands, Guardians, Trustees, Committees, or Attornies, or for any of the said Proprietors or Persons interested in the Premises, being under Coverture, Minors, Idiots, Lunatics, beyond the Seas, or under any other Disability, or by any of the said Proprietors or Persons interested, being Tenant or Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency, or otherwise (except the said Vicar for the Time being), to sell and dispose of any Part of the Allotment or Allotments which shall be made by virtue of this Act, to such incapacitated Persons, for the Purpose of defraying his, her, or their Share or Proportion of the Costs, Charges, and Expences of obtaining and passing this Act, and of carrying this and the said recited Act into Execution, and also the Expences of inclosing, fencing, and subdividing his, her, or their Allotment or Allotments, and of making and completing such Sale or Sales; and such Sale or Sales shall be made by the said General Commissioners in the same Manner and subject to the same 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 every Allotment for which the full Purchase Money shall be paid to the said General Commissioners shall be conveyed by them by Lease and Release, or Bargain and Sale (as the Case may require), at the Expence of the said Purchaser or Purchasers, unto and to the Use of or in Trust for him, her, or them, and his, her, or their Heirs and Assigns respectively, or as he, she, or they shall appoint, and shall be inclosed and holden by such Purchaser or Purchasers respectively in Fee Simple in Severalty, and discharged of all Commonable and other Rights thereon; and the Receipt of the said General Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers for the Money therein expressed to be received by them; and the said Purchase Money shall be applied by the said General Commissioners in or towards defraying such last-mentioned Costs, Charges, and Expences; and such Purchaser or Purchasers shall not be liable to see to the Application, or be answerable for any Misapplication or Non-application thereof; and if any Surplus of the said Purchase Money shall remain after answering the Purposes aforesaid, the same shall be applied and disposed of by the said General Commissioners in like Manner as is provided and directed by the said

Power for certain Persons to sell Part of their Allotments for defraying Expences.

said recited Act with respect to the Surplus of any Sum of Money paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which ought to be laid out in the Purchase of other Lands, Tenements; or Hereditaments, to be settled to the same Uses: Provided nevertheless, that it shall not be lawful to raise by such Sale or Sales any further or greater Sum of Money than the Person or Persons (Part of whose Allotment shall be so sold as aforesaid) would have been empowered or authorized to borrow or charge upon his, her, or their Allotment or Allotments under or by virtue of the said recited Act, reckoning Five Pounds for each and every Acre of such Allotment or Allotments: Provided also, that in all Cases where any Land shall be deducted from the Allotment of any of the said Proprietors or Persons towards Payment of the Expences aforesaid, it shall not be lawful for the said Proprietors or Persons, from whose Allotments Land shall be deducted as aforesaid, to charge his or her Lands, Tenements, or Hereditaments, by virtue of the said Act or this Act, with any Money towards Payment of such Expences.

Proprietors and their Agents to pay their own Expences.

XLVI. Provided always, and be it further enacted, That the several Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said General Commissioners at any of their Meetings to be held in pursuance of the said recited Act or this Act.

Money advanced to be repaid with Interest.

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

General Commissioners to lay Accounts before a Justice.

XLVIII. 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 passing thereof,) the said General 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 and Expences in the Execution of this Act and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before *Thomas Blofeld* Esquire, one of His Majesty's Justices of the Peace, or any one or more of His Majesty's Justices of the Peace for the said County of *Norfolk* (not interested in the said Division and Inclosure), to be by him or them examined and balanced, and such Balance shall be by the said *Thomas Blofeld*, or such other Justice or Justices, stated in the Books of Accounts by the said recited Act required to be kept in the Office of the Clerk to the said General Commissioners; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by the said *Thomas Blofeld*, or such other Justice or Justices as aforesaid.

General Commissioners to declare by their Award

XLIX. And be it further enacted, That the said General Commissioners shall and they are hereby required by their Award to ascertain the Lands and Grounds which in the Judgment of the said General Commissioners

missioners shall require to be drained by virtue of this Act; which Lands and Grounds so ascertained and described shall for ever thereafter be deemed to be the Lands and Grounds to be drained by virtue of this Act; and the said General Commissioners shall also direct and declare in what Manner and by whom the Fences and Drains between the said Lands and Grounds shall be made, and by whom the same shall for ever thereafter be kept in Repair.

the Lands to be drained, and by whom the Fences and Drains are to be kept in Repair.

L. And be it further enacted, That the Award to be made by the said General Commissioners under the Authority of this Act and the said recited Act, together with a proper Map or Plan of each of the said respective Parishes of *Norton* otherwise *Norton Subcorse*, and *Heckingham*, thereto annexed, shall within Twelve Calendar Months after the Execution thereof, be delivered to the Clerk of the Peace of 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 no more, 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 thereof to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said recited Act; and a Copy of such Part of the said Award as shall relate to the said Parish of *Norton* otherwise *Norton Subcorse*, fairly transcribed in a Book, with a proper Map or Plan of the last-mentioned Parish, shall within the Time aforesaid, be deposited in the Parish Church of *Norton* otherwise *Norton Subcorse* aforesaid; and a Copy of such Part of the said Award as shall relate to the Parish of *Heckingham*, fairly transcribed in a Book, with a proper Map or Plan of the last-mentioned Parish, shall within the Time aforesaid be deposited in the Parish Church of *Heckingham* aforesaid; and the said Award, and the Copies thereof, and any other Copy of the said Award, or any Part or Parts thereof, attested by the said Clerk of the Peace or his Deputy (for every Sheet of which Copy, containing Seventy-two Words, Four-pence and no more shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained, in all Courts whatsoever; and the several Allotments, Partitions, Orders, Directions, Provisions, Matters, and Things contained in the said Award, shall be binding and conclusive upon all and every the Parties interested in the Premises; and all Commonable Rights and Interests whatsoever in, over, or upon the said Commons, Fens, and Waste Grounds in the said respective Parishes, shall from and after the Execution of the said Award cease, determine, and be for ever extinguished, and the same Lands and Grounds shall for ever be held and enjoyed in Severalty by the respective Owners and Proprietors thereof.

Award to be deposited.

LI. And be it further enacted, That the Lord or Lords, Lady or Ladies of the said Manors of *Norton Subcorse* and *Heckingham*, and the Vicar of the said Vicarage of *Norton* otherwise *Norton Subcorse* for the Time being, and every Owner or Proprietor of Twenty Acres of Land to be drained by virtue of this Act, shall, from and after the Execution of the Award to be made by the said General Commissioners, be and are hereby appointed

Commissioners for Drainage appointed.

[Local.]

11 Q

Commissioners

Commissioners for the Purpose of draining the Lands and Grounds directed to be drained by virtue of this Act.

Appointment of Deputy Commissioners for Drainage.

LII. And be it further enacted, That it shall and may be lawful to and for every such Commissioner for Drainage, by Writing under his or her Hand, from Time to Time, and for such Time as he or she shall think fit, to nominate and appoint an Agent or Deputy to act in his or her Absence as a Commissioner for Drainage; and every such Agent or Deputy shall and may, in the Absence of the Person by whom he shall be so nominated and appointed, act as a Commissioner for Drainage, and shall have the like Power and Authority as the Person by whom such Agent or Deputy shall be appointed; but no such Agent or Deputy shall be capable of acting as Agent or Deputy for the Purposes of this Act for more than One Commissioner for Drainage at any one Time.

Commissioners to take Oath or Affirmation.

LIII. And be it further enacted, That no Person shall be capable of acting as a Commissioner for Drainage (except it be in administering the Oath or Affirmation herein-after mentioned to any of the other Commissioners) until he or she shall have taken the Oath, or, being of the People called Quakers, make the Affirmation following, viz.

I do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Commissioner for Drainage, appointed in and by an Act made in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled [*here insert the Title of this Act*]. So help me GOD.

Which Oath it shall and may be lawful to and for any One of the said Commissioners for Drainage to administer, and such Commissioner for Drainage is hereby required to administer the same to the other Commissioners.

Penalty on Persons acting not being qualified.

LIV. And be it further enacted, That in case any Person shall presume to act as a Commissioner for Drainage before he or she shall have taken the said Oath, or made Affirmation as aforesaid, or if any Person not being duly qualified as required by this Act shall have acted, or shall have appointed an Agent or Deputy who shall have acted as such Agent or Deputy in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, by Action of Debt or on the Case, Bill, Plaint, or Information, in any of His Majesty's Courts of Record at *Westminster*, wherein no *Essoign*, Protection, Wager of Law, or more than One *Imparlance*, shall be allowed; and the Person so prosecuted shall prove that he or she has taken such Oath, or made such Affirmation, and is qualified as aforesaid, or otherwise shall pay the said Penalty of Twenty Pounds, without any other Proof or Evidence on the Part of the Prosecutor than that such Person has acted as a Commissioner for Drainage in the Execution of this Act, or has appointed an Agent or Deputy who has acted in the Execution of this Act;

Act; one Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied towards the Purposes of this Act.

LV. And be it further enacted, That the said Commissioners for Drainage shall and they are hereby required to hold their First Meeting for carrying this Act into Execution in the said Parish of *Norton* otherwise *Norton Subcorse*, on the First *Monday* in the Month next after the Execution of the said Award by the said General Commissioners, between the Hours of Ten and Twelve of the Clock in the Forenoon; and the said Commissioners for Drainage shall meet on the First *Monday* in the Month of *June* in each and every Year, between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon, in the said Parish of *Norton* otherwise *Norton Subcorse*, which last-mentioned Meeting shall be called 'The General Annual Meeting of the Commissioners for Drainage;' and the said Commissioners for Drainage shall and may from Time to Time adjourn themselves to meet at any convenient Place within the Parish of *Norton* otherwise *Norton Subcorse*, or within Eight Miles thereof, which they the said Commissioners for Drainage, or the major Part of them present at any such Meeting, shall appoint; and if it shall so happen that there shall not appear a sufficient Number of the said Commissioners for Drainage at any such Meeting to act at such Meeting, to adjourn to another Day (Two Commissioners for Drainage to be deemed sufficient for the Purpose of Adjournment), or if they shall refuse or neglect to adjourn, or if any Two or more of the said Commissioners for Drainage shall deem a Meeting of the said Commissioners for Drainage to be necessary or proper before the Time appointed for the then next General Annual Meeting, or any Meeting by Adjournment of such Commissioners, then and in every or any such Case it shall and may be lawful to and for any Two or more of such Commissioners for Drainage to call a Meeting to be holden within the said Parish of *Norton* otherwise *Norton Subcorse*, by publishing the same in *The Norfolk Chronicle* or *Norwich Mercury*, or some other Newspaper printed and circulated in the said County of *Norfolk*, Eight Days at least previous to the Time of such Meeting; and no Act of the said Commissioners for Drainage shall be good, valid, and effectual, unless done at some public Meeting to be holden by virtue of this Act (save as herein may be excepted); and that all Powers and Authorities granted to or vested in the said Commissioners for Drainage shall and may from Time to Time be exercised by the major Part of them present at any Meeting, the whole Number present at such Meeting not being less than Three; and the said Commissioners for Drainage shall at their Meetings in pursuance of this Act be allowed Ten Shillings each *per Day* out of the Monies to arise by virtue of this Act, and no more, towards their Expences, so that no such Allowance do in the whole exceed the Sum of Four Pounds *per Day* at any such Meeting of the said Commissioners for Drainage.

Time and Place of holding Meetings.

LVI. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Commissioners for Drainage, relative to the Execution of this Act, and of the Names of the Commissioners for Drainage who shall be present at the respective Meetings, and the same shall be signed with the Name of the

Entries of Proceedings good Evidence.

the Clerk to the said Commissioners for Drainage; and all such Entries so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Cases of Suits and Actions touching any Thing done in pursuance of this Act.

Actions to be brought in the Name of the Clerk.

LVII. And be it further enacted, That the said Commissioners for Drainage shall and may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said Commissioners for Drainage, or any of them, by virtue or on account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk without the Consent of the said Commissioners for Drainage, but the Clerk for the Time being to the said Commissioners for Drainage shall always be deemed Plaintiff or Defendant in such Action (as the Case may be); except in such Action or Actions as shall be prosecuted between the said Commissioners for Drainage and their Clerk for the Time being, in which Action any One of the said Commissioners for Drainage shall or may be made Plaintiff or Defendant, as the Case may be: Provided always, that every such Clerk or Commissioner for Drainage, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or chargeable with by reason of his being so made Plaintiff or Defendant therein.

For appointing Officers.

LVIII. And be it further enacted, That the said Commissioners for Drainage shall and may, at their First or any other subsequent Meeting, appoint a Clerk or Clerks, Treasurer, Surveyor, and such other Officers for the Execution of this Act as the said Commissioners for Drainage shall think proper, and from Time to Time to remove them or any of them, and appoint others, as they shall think proper; and by and out of the Monies to be raised by virtue of this Act may and they are hereby empowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by them the said Commissioners for Drainage employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners for Drainage shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as afore said as the said Commissioners for Drainage shall think proper; and all such Officers and Persons so to be appointed as afore said shall under their Hands, at such Time or Times and in such Manner as the said Commissioners for Drainage shall direct, deliver to such Commissioners for Drainage, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers, Person and Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint; and if any such Officer or Person shall not make and render such Account or Accounts, or shall refuse to produce or deliver up the
Receipts

Receipts or Vouchers relating to the same, or shall not deliver to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint, within Twenty Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands to the said Commissioners for Drainage, or as they shall direct or appoint, then and in any of the Cases aforesaid such Commissioners for Drainage may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid; or if any Complaint shall be made by the said Commissioners for Drainage, or by such other Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be and reside, such Justices may and are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons so neglecting or refusing, to be brought before them, and upon his or their appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), it shall appear to such Justices that any of the Money that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justices, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath the said Justice or Justices are hereby empowered to administer), that any such Officer or Person shall not have made and rendered, or shall have refused to verify upon Oath any such Account, or refused to produce or deliver up the Receipts or Vouchers relating to the same, or shall not have delivered to the said Commissioners for Drainage, or to such Person or Persons as they shall have appointed to receive the same, within Twenty Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County of *Norfolk*, there to remain without Bail or Mainprize until he shall make, give, and verify a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners for Drainage, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners for Drainage are hereby empowered to make), and until he shall deliver up such Books, Papers,

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Vouchers,

Vouchers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners for Drainage: Provided always, that no such Officer or Person shall be so committed to Prison, by virtue of this Act, for Want of sufficient Distress, for more than Three Calendar Months.

Office of Clerk and Treasurer not to be held by the same Person.

LIX. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners for Drainage to continue or to appoint the Person who has been or who may be appointed to act as their Clerk in the Execution of the said recited Act and this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Act or this Act, or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees for executing the said recited Act or this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of the said recited Act or this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Works of Drainage to be kept in Repair.

LX. And be it further enacted, That the said Commissioners for Drainage shall be and they are hereby fully empowered from Time to Time, by such Agents or Persons as they shall think proper to employ, to support, maintain, repair, and improve all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works as shall be made or erected by the said General Commissioners in, through, over, upon, or near the Lands or Grounds to be drained by virtue of this Act, for the Purpose of draining the same, and from Time to Time to renew such of them as shall fall into Decay, and become incapable of being repaired, and also to make, erect, and repair all such other Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, as shall appear to the said Commissioners for Drainage to be necessary for effectually draining the said Lands and Grounds; all which Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works to be made or erected by the said General Commissioners, or by the said Commissioners for Drainage, for the Purpose of draining the Lands and Grounds to be drained by virtue of this Act, and the Right and Property to and in the same, and the Materials of which the same shall consist, and also the Piece or Pieces of Land to be set out and allotted by the said General Commissioners to the said Commissioners for Drainage for maintaining, repairing, and preserving the same, shall be and the same is and are hereby vested in the said Commissioners for Drainage for the Time being, and they are hereby authorized and required from Time to Time to insure from Fire all and every such Mills, Engines, Edifices, and Buildings as shall at any Time or Times be erected by virtue of this Act.

Money for maintaining Works to be raised.

LXI. And be it further enacted, That the said Commissioners for Drainage shall and may from Time to Time and at all Times after the said

faid Award of the faid General Commissioners shall be made and executed, at any of their Meetings to be holden in pursuance of this Act, assess, rate, tax, and charge all and every the Owners and Occupiers of the faid Lands and Grounds to be drained by virtue of this Act, with such equal and proportional Rates and Assessments upon their respective Parts and Shares thereof as they the faid Commissioners for Drainage shall judge necessary for the making, maintaining, repairing, and supporting of the several Works for the Drainage of the faid Lands and Grounds or any Part thereof, and for making any necessary Alterations or Enlargements thereon or thereto, as Occasion shall require; all which said Rates, Taxes, and Assessments shall be collected by and paid to such Collector or Collectors, or other Person or Persons, and at such Times, as they the faid Commissioners for Drainage shall appoint, and shall be applied by them in Discharge of all such Expences as they shall incur in the Execution of this Act.

LXII. And be it further enacted, That all Tenants and Occupiers of all and singular the Lands and Grounds to be drained by virtue of this Act shall pay and are hereby authorized and required to pay such Sums of Money as shall be so assessed on the Lands in their respective Occupations by the faid Commissioners for Drainage, to the Collector or Collectors or other Person or Persons appointed by the faid Commissioners for Drainage for the Purpose of receiving the same; and it shall and may be lawful to and for every such Tenant and Occupier to deduct and retain the same out of his, her, or their Rent or Rents, and the several Owners are hereby required to allow such Deductions; and every such Tenant paying such Rate or Assessment shall be discharged of so much Money as the same shall amount to, as fully as if the same had been paid to his or her Landlord.

All Tenants
to pay Taxes.

LXIII. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of any Lands or Grounds to be drained by virtue of this Act, shall make Default in Payment of the Whole or any Part of the Sum or Sums of Money to be rated, assessed, taxed, or charged upon him, her, or them, for or in respect of such Lands or Grounds, or any Part thereof, and shall continue in such Default by the Space of Ten Days next after the Time appointed by the faid Commissioners for Drainage for such Payment, and after such Demand of such Rates or Assessments made by the Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Writing left at the usual Place or Places of Abode of such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, who ought to pay the same; or if such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, shall not have any Place of Abode within the faid Parish of Norton otherwise Norton Subcorse, or within Four Miles of the same, then after Demand made by the faid Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Notice in Writing affixed upon some conspicuous Part of the Premises chargeable with such Rates and Assessments, it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons authorized as aforesaid, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the faid Commissioners for Drainage (which

For Recovery
of Taxes.

Warrant

Warrant or Precept any Three or more of the said Commissioners for Drainage are hereby empowered and required to make and give as there shall be Occasion, though not assembled at any Meeting in pursuance of this Act), to enter into and upon all or any Part of the Lands and Grounds so rated and assessed as aforesaid, and into or upon all or any Messuages or Tenements thereupon standing, and there or in any Part or Parts of the Lands, Grounds, Messuages, or Tenements upon which such Entry shall be made, to distrain all or any such Goods, Chattels, or Cattle as shall be there found; and it shall and may be lawful for such Collector or Collectors, or other Person or Persons authorized as aforesaid, to impound the Goods, Chattels, or Cattle so distrained on any Part of the Messuages or Lands whereon the same shall be found, or otherwise to take, lead, drive, or carry away and keep the same for the Space of Five Days, leaving Notice in Writing of the Cause of such Distress or Distresses at the Messuage or Tenement, Messuages or Tenements, or in some conspicuous Part of the Lands or Grounds upon which such Distress shall be taken, or otherwise at the usual Place or Places of Abode of the Owner or Owners of such Goods, Chattels, or Cattle so distrained; and if such Owner or Owners of such Goods, Chattels, or Cattle so distrained shall not pay the Sum or Sums of Money so assessed, rated, and distrained for as aforesaid, together with the Costs and Charges of such Warrant, and taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, and Cattle so distrained, according to the Laws now in force for Non-payment of Rent within the said Five Days, that then the said Goods, Chattels, and Cattle so distrained, shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made (who is hereby authorized and required to administer an Oath for that Purpose), to appraise the same according to the best of their Judgments; and that after such Appraisement as aforesaid, the said Goods, Chattels, and Cattle shall be sold by the said Collector or Collectors, or other Person or Persons as aforesaid, for Payment of the said Sum or Sums of Money so assessed, rated, and distrained for, and of the said Costs and Charges, and also of the Costs and Charges of appraising and selling such Distress; and that the Overplus arising from such Sale (if any) after Payment of the said Sum or Sums of Money, shall be returned on Demand to the Owner or Owners of such Goods, Chattels, and Cattle.

Lands un-
tenanted to
remain a
Security for
Rates.

LXIV. Provided always, and be it further enacted, That in case any of the Lands or Grounds to be drained as aforesaid shall at any Time hereafter be untenanted or unoccupied, so that no sufficient Distress can be made for levying the said Rates and Assessments, then the said Lands and Grounds chargeable therewith shall remain a Security for Payment of such Rates and Assessments; and all Goods, Chattels, and Cattle which shall at any Time thereafter be found thereon, shall and may be distrained, impounded, kept, and sold in Manner aforesaid, until such Rates and Assessments, and all Arrears thereof, and the Charges incident to such Distress, shall be fully paid and satisfied.

Punishment
for destroying
Works.

LXV. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, demolish, or destroy any Bank, Mill, Engine, Dam, Floodgate, Bridge, Sluice, or Tunnel already made
or

or which shall at any Time hereafter be made or erected, supported, maintained, or used for answering any of the Purposes of this Act, every Person so offending, and being convicted thereof, shall be deemed guilty of Felony; and the Court before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for Seven Years, or in Mitigation of such Punishment may award such Punishment as the Law directs in Cases of Petit Larceny.

LXVI. And be it further enacted, That if any Person or Persons shall wilfully or maliciously stop, dam up, or damage any Drain, Watercourse, Dam, Bridge, Stile, or other Work or Works, which shall at any Time hereafter be making or erecting; or made or erected, supported, maintained, or used for any of the Purposes of this Act, every Person so offending, and being thereof convicted before any Two or more Justices of the Peace for the said County of *Norfolk* on the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby empowered to administer), shall forfeit and pay any Sum not exceeding Fifty Pounds, to be levied by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hands and Seals of such Justices; and such Money, when so levied, shall be paid to any One or more of the said Commissioners for Drainage, or to their Clerk or Treasurer, and shall be applied towards the Discharge of the Expences attending the Execution of this Act; and for Want of sufficient Distress such Offender or Offenders shall by the said Justices be committed to the Common Gaol for the said County of *Norfolk*, for any Time not exceeding Twelve Calendar Months, at the Discretion of the said Justices.

Penalty on
Persons
damaging
Works.

LXVII. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any Part or Parts of the Lands and Grounds to be drained by virtue of this Act, to which any Ditch or Ditches, Drain or Drains, shall belong, shall neglect or refuse sufficiently to scour, cleanse, open, or repair any such Ditch or Drain, or to make the same of a sufficient Depth or Width, after Ten Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place of Abode from Time to Time for that Purpose, by the Collector or other Officer appointed under or by virtue of this Act, (such Collector or other Officer having an Order in Writing for that Purpose under the Hands of Two or more of the said Commissioners for Drainage), every such Owner or Owners, Occupier or Occupiers, shall for every such Neglect or Refusal forfeit and pay the Sum of Five Shillings for every Rod of the Ditch or Drain so neglected to be scoured, cleansed, opened; repaired, deepened, or widened; and it shall and may be lawful from Time to Time for such Collector or other Officer to cause such Ditches and Drains, at the Charge and Expence of such Owners or Occupiers, to be scoured, cleansed, opened, repaired, and deepened in a sufficient Manner; and where a Way shall have been made over any Ditch or Drain without a sufficient Tunnel, to cause such Way to be taken up, and such Ditch or Drain to be made of a proper Width or Depth, and by Warrant or Précept under the Hands of Three or more of the said Commissioners for Drainage, which Warrant they have hereby full Power to grant, although they shall not be assembled at any Meeting under this Act, to levy such Penalty,

Penalty on
Neglect to
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Dikes.

[Local.]

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and

and also such Charges and Expences upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels, and such Penalties shall be applied for the Purposes of this Act.

No Trees to be planted or Buildings erected within Two hundred Yards of any Engine to be erected, except by the Order of the Commissioners.

LXVIII. And be it further enacted, That no Tree or Trees shall at any Time or Times hereafter be planted, or any Building, Stack, or Rick erected or built (except by the Order or Permission of the said Commissioners for Drainage) nearer to any Mill or Engine which shall be made, erected, or employed as aforesaid, than Two hundred Yards; and if any Tree or Trees shall be planted, or any Building, Stack, or Rick shall be hereafter made, erected, or built within the Distance aforesaid of any such Mill or Engine, and if the Owner or Owners of any such Tree or Trees, Building, Stack or Rick, shall neglect to take down and remove or cause to be taken down and removed such Tree or Trees, Building, Stack or Rick, for the Space of Fourteen Days after Notice in Writing shall have been given to him, her, or them for that Purpose, or left at his, her, or their last or usual Place or Places of Abode, signed by any Three or more of the said Commissioners for Drainage, then and in such Case it shall and may be lawful to and for the said Commissioners for Drainage to cause such Tree or Trees to be taken down and carried away, and such Building, Stack, or Rick to be pulled down and removed.

Herbage of Doves to be let annually.

LXIX. And be it further enacted, That the Grass and Herbage growing, arising, and renewing upon such Parts of the Lands and Grounds hereby directed to be divided and allotted, as shall be vested in the said Commissioners for Drainage, shall be let by the said Commissioners for Drainage, at their General Annual Meetings to be holden as aforesaid, for the best Rent or Rents that can or may be gotten for the same; and such Rents shall be applied by the said Commissioners for Drainage for the general Purposes of Drainage under this Act, in such Manner as they shall at such Annual Meetings direct.

Recovery of Penalties by Distress and Sale.

LXX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (for the Recovery and Application whereof no particular Mode has been directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the County of *Norfolk*, (which Warrant such Justice is hereby empowered to grant), upon the Conviction of the Party or Parties on his, her, or their Confession, or upon the Evidence of One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), and the Overplus (if any), after deducting the Costs and Charges of such Distress and Sale, shall be rendered to the Owner or Owners of such Goods and Chattels; and such Penalties and Forfeitures when recovered shall be paid to the Treasurer or Clerk of the said Commissioners for Drainage, and shall be applied for such of the Purposes of this Act as the said Commissioners for Drainage shall think fit; but nevertheless it shall and may be lawful to and for the said Commissioners for Drainage, at any of their Meetings, to pay or cause to be paid such Part of the said Penalties or Forfeitures, not exceeding One Moiety thereof, to the Informer or Informers,

done or to be done by virtue of or in pursuance of this Act, until after Thirty Days Notice thereof in Writing, signed by the Party or Parties aggrieved, shall be given to the Party or Parties complained of, or left at his, her, or their last or usual Place or Places of Abode, therein setting forth the Cause of such Action or Suit, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every Action commenced and prosecuted against any Person or Persons for any Thing done in pursuance of this Act shall be brought and laid in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall or may plead, at his or their Election, specially or the General Issue, and if in Replevin, may justify and avow by virtue of this Act as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall be brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants, Avowant or Avowants; and in all Cases where a Verdict or Verdicts shall be found for any Defendant or Defendants, Avowant or Avowants, in any such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, and have such and the same Remedy for recovering the same as any Defendant or Defendants, Avowant or Avowants, hath or have for recovering Costs of Suit in any other Case by Law.

Appeal to
the Sessions:

LXXV. 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 herein-before 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 General Commissioners are declared and directed to be final and conclusive), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to both the said General Commissioners and to the Party or Parties concerned, in case the Appeal shall be made against any Act or Determination of the said General Commissioners, or to the Clerk of the said Commissioners for Drainage, in case the Appeal shall be made against any

any Act or Determination of the Commissioners for Drainage, Fourteen Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not being interested in the Premises) at their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) 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 such Justices shall be final and conclusive upon all Parties concerned, and shall not be removed or removable by *Certiorari*, or 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.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall defeat, lessen, or prejudice, or be construed to defeat, lessen, or prejudice the Right, Title, or Interest of the Lord or Lords, Lady or Ladies of the Manors herein mentioned, or any of them, for the Time being, in or to the Seignories, Royalties, Rights, and Services incident and belonging to the said Manors respectively; but that such Lord or Lords, Lady or Ladies of the said Manors for the Time being, shall and may from Time to Time and at all Times hereafter hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, Mines, Goods and Chattels of Felons, Fugitives, Felons of themselves, Persons put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdctions, Rights, and Pre-eminences whatsoever to the said Manors or any of them, or to the Lord or Lords, Lady or Ladies thereof for the Time being respectively, incident, appendant, appurtenant, or in anywise appertaining, (save and except such Right to the Soil of the said Commons and Waste Grounds, and such Rights of Common of Pasture, and other Rights of Common and Interests, as before the passing of this Act belonged to or could or might have been claimed or exercised by such Lord or Lords, Lady or Ladies, in, over, or upon the said Commons and Waste Grounds, and save and except such Rights and Interests for which Satisfaction or Recompence shall have been made by virtue of this Act), in as full, ample, and beneficial Manner as he, she, or they could or might have held and enjoyed the same in case this Act had not been passed.

Saving the
Rights of
Lords of
Manors.

LXXVII. 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, and Collegiate, and 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 Lands and Grounds hereby directed to be divided, al-

General
Saving.

[Local.]

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lotted, and inclosed, as they, every, or any of them, could or ought to have enjoyed in case this Act had not been made and passed.

Public Act.

LXXVIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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