



ANNO QUADRAGESIMO PRIMO

GEORGII III. REGIS.

Cap. 75.

An Act for dividing, allotting, and inclosing, the Open Field, Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds, within the Parishes of *South Walsbam Saint Lawrence*, and *South Walsbam Saint Mary*, in the County of *Norfolk*, and for draining and preserving the same. [20th June 1801.]

WHEREAS there are within the Parishes of *South Walsbam Saint Lawrence*, and *South Walsbam Saint Mary*, in the County of *Norfolk*, a certain Open Field, and certain Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds: And whereas *James Burkin Burroughes* Esquire, is Lord of the Manors of *South Walsbam*, *South Walsbam Chamery Hall*, *Rowthingball* in *South Walsbam*, and *Cattishall* in *South Walsbam*, and as Lord of the said Manors, or of some or One of them, is or claims to be entitled to the Soil of the said Commons and Waste Grounds: And whereas the Master and Fellows of *Queen's College*, in the University of *Cambridge*, are Patrons of the Rectory of *South Walsbam*, of which *James Marsh* Clerk, is the present Rector, who, as such Rector, is Lord of the Manor of *South Walsbam* Rectory; and the Mayor, Sheriffs, Citizens, and Commonalty of the City of *Norwich*,
[Loc. & Per.] 15 U

Preamble:

General Com-
missioners.

which, are Patrons of the Vicarage of *South Walsham Saint Mary*, of which *Richard Day* Clerk is the present Vicar: And whereas the said Open Field, Commonable Marsh Lands, and Half Year Shack Lands, are inconveniently situated for the respective Owners thereof; and the said Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds, are frequently overflowed with Water, and in their present State and Condition yield very little Profit to the several Persons interested therein: And whereas, it would be advantageous to the several Persons interested in the Premises, if the said Open Field, Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds were divided, and specifick Parts and Shares thereof allotted to the several Persons interested therein, according to their respective Rights and Interests, under the Directions in this Act contained, and if the said Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds were drained: But as these several Objects cannot be attained without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Henry Burton* of *Langley* in the County of *Norfolk*, *William Unthank* of *Heigham*, in the County of the City of *Norwich*, *John Futter* of *Ketteringham*, in the said County of *Norfolk*, Gentlemen, shall be and they are hereby appointed General Commissioners for dividing and allotting the said Open Field, Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds, and for the several other Purposes herein-after mentioned; and if any 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 him or them, die, or refuse or become incapable to act in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the surviving or remaining General Commissioners or Commissioner, and they and he are and is hereby required, at any Time within Forty Days next after such Death, Refusal, or Incapacity shall be known to them or him, by Writing under their or his Hands or Hand, to appoint another Person (not being interested in the Premises) to be a General Commissioner in the Place of each General Commissioner so dying, or refusing or becoming incapable to act; and every General Commissioner, so to be appointed as aforesaid, shall, after taking the Oath herein-after mentioned, have the like Powers and Authorities for carrying this Act into Execution, in all Respects, as if he had been named and appointed a General Commissioner in and by this Act.

Notice of General Commis-
sioners Meet-
ings.

II. And be it further enacted, That the said General Commissioners shall, and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspapers printed and circulated within the said County of *Norfolk*, Eight Days at least before every such Meeting; (Meetings by Adjournment only excepted); and all Acts, Matters, and Things, authorized or necessary to be done and executed by the said General Commissioners, may be done and executed by any Two of them, and the same shall

be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the said General Commissioners.

III. Provided always, That if at any Meeting appointed to be holden by the said General Commissioners, it shall happen that no more than One General Commissioner shall attend, such General Commissioner may adjourn such Meeting to such Time and Place, within either of the said Parishes of *South Walsham Saint Lawrence*, or *South Walsham Saint Mary*, or within Twelve Miles of One of them, as he shall think most convenient.

One General Commissioner may adjourn.

IV. Provided also, That no Person shall be capable of acting as a General Commissioner in the Execution of this Act, unless it be in the Power hereby given of appointing the First Meeting, and administering the following Oath to the other General Commissioners, until he shall have taken the following Oath; (that is to say),

Qualification of General Commissioners.

‘ I Do swear, that I will faithfully, impartially, and honestly, examine into, hear, and determine all such Matters and Things as shall be brought before me as a General Commissioner, by virtue of an Act of Parliament for dividing, allotting, and inclosing the Open Field, Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds, within the Parishes of South Walsham Saint Lawrence, and South Walsham Saint Mary, in the County of Norfolk, and for draining and preserving the same, and otherwise execute the Powers thereby in me reposed, according to the best of my Skill and Judgement, and without Favour or Affection to any Person or Persons whomsoever.

General Commissioners Oath.

‘ So help me GOD.’

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

V. And be it further enacted, That with all convenient Speed, after the passing of this Act, a true and perfect Admeasurement of all the Lands and Grounds lying within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, shall be made and laid down as a Survey or Plan, by such Person or Persons (not interested in the Premises) as the said General Commissioners shall appoint; and that a true and perfect Valuation of all the Messuages, Cottages, Lands, and Tenements, situate, lying, and being within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, shall be made and reduced into Writing by the said General Commissioners, or by such Person or Persons (not interested in the Premises) as the said General Commissioners shall appoint; which said Plan or Survey and Valuation shall contain and set forth the Number of Messuages, Cottages, Acres, Roods, and Perches, in Statute Measure, belonging to each Proprietor, and also the Number of Acres, Roods, and Perches contained in the said Commons and Waste Grounds; and the said Valuation shall also set forth the annual Value of the Messuages, Cottages, Lands, and Tenements belonging to each Proprietor, and the annual Value of the said Commons and Waste Grounds; and the said Plan or Survey and Valuation shall be

Valuation and Survey to be made.

be used by the said General Commissioners as often as Occasion shall require; and the said Plan or Survey, and also the said Valuation, (in case the same shall be made by any other Person or Persons than the said General Commissioners), together with all other Acts, Matters, and Things to be done by the Person or Persons so to be appointed as aforesaid, shall be verified by his or their Oath, which Oath any One of the said General Commissioners is hereby empowered to administer; and the said General Commissioners, and Surveyor or Surveyors, their Assistants and Servants, and all and every other Person or Persons employed by the said General Commissioners, shall, and they hereby have full and free Liberty and Power, at any Time before the Execution of their Award, to enter into, view, examine, survey, admeasure, plan, and value the Lands and Grounds lying within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, and to fix Stakes or Land Marks thereon, and to do all Matters and Things which shall in the Judgment of the said General Commissioners be requisite for carrying this Act into Execution.

For ascertaining Boundaries.

VI. And whereas Disputes may happen to arise touching the Boundaries of the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*; in order to settle such Disputes, be it therefore enacted, That the said General Commissioners shall, and they are hereby required to perambulate the Boundaries of the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, and of each of them, and to cause Notice of such their Intention to be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*, Ten 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 enquire into, set out, ascertain, fix, and finally determine the Boundaries of the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*; and a Description of the said Boundaries shall, within Forty Days afterwards, be inserted in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*.

Appeal to Sessions against Boundaries.

VII. Provided always, That if any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, interested in the Determination of the said General Commissioners respecting the said Boundaries, shall be dissatisfied with such Determination, such Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, may appeal to the Justices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Session of the Peace to be holden within Four Calendar Months next after the aforesaid Publication of the said Boundaries, the Party or Parties making such Appeal giving Ten Days Notice of such Appeal, and of the Matter thereof, in Writing, to the said General Commissioners, or any Two of them; and the Decision of the said Justices therein shall be final and conclusive.

For shortening the Boundary Fences, against adjoining Parishes.

VIII. And whereas it may shorten the Boundary Drains or Fences between the Lands and Grounds hereby directed to be divided and allotted, and the Lands lying in the Parish or Parishes adjoining thereto, if the said

said General Commissioners were empowered to cause such Drains or Fences to be made or raised in such Direction as they shall think most proper and convenient for shortening and making the same regular; be it therefore enacted, That it shall and may be lawful to and for the said General Commissioners, with the Consent in Writing under the Hand or Hands of the major Part in Value of the Land Owners in any Parish or Parishes adjoining to the said Parishes of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary*, or either of them, and also under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in any such adjoining Parish or Parishes, and of the Owner or Owners of the Land upon which such Drain or Drains, Fence or Fences, shall or may be intended to be made, to set out, ascertain, and determine the Boundary Drains or Fences to be made between the Lands and Grounds hereby directed to be divided and allotted, and the Lands lying in such adjoining Parish or Parishes, as they shall judge proper for the Purposes aforesaid; and after such Boundary Drains or Fences shall be so set out, ascertained, and determined as aforesaid, the same shall be made 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 respective Parishes of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary*, and such adjoining Parish or Parishes; any Law, Usage, or Custom to the contrary notwithstanding.

IX. And be it further enacted, That all Encroachments which at any Time, within Twenty Years now last past, have been made upon the Commons and Waste Grounds to be divided and allotted by virtue of this Act, shall be, and be deemed to be Part of the said Commons and Waste Grounds, and shall be divided and allotted accordingly by the said General Commissioners; and in case any Dispute shall arise touching any such Encroachment, or the Extent thereof, such Dispute shall be finally determined by the said General Commissioners.

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

X. And be it further enacted, That all and every Person and Persons, Body or Bodies Politick, Corporate, or Collegiate, having or claiming to have any Estate or Property, or any Right of Common, or other Right or Interest whatsoever, in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, shall, by himself, herself, or themselves, or by his, her, or their Guardians, Trustees, Agents, or Tenants, and he, she, and they is and are hereby respectively required, at the First or Second Meeting of the said General Commissioners, to be holden in pursuance of this Act, to deliver in Writing to the said General Commissioners a true and just Account of the Messuages, Cottages, Lands, and Tenements, belonging to him, her, or them respectively, for or in respect of which such Estate, Property, Right of Common, or other Right or Interest shall be claimed, describing the Quantity of the Freehold, Copyhold, and Leasehold Parts thereof respectively, and the Manor or Manors of which such Copyhold Parts are holden, and also a true and just Account of his, her, and their respective Claims, Rights, and Interests, in, to, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof; and that no such Accounts or Claims shall be received by the said General Commissioners after such their Second Meeting, except for

Claims to be delivered at the First or Second Meeting of the General Commissioners.

some special Cause to be allowed by them; and that all and every Person and Persons, Body and Bodies Politick, Corporate, or Collegiate, neglecting or refusing to deliver such Accounts as aforesaid, shall be, and is and are hereby excluded and debarred from all Estate, Property, Rights or Common, and other Right or Interest whatsoever, in, to, over, or upon the Lands and Grounds herein directed to be divided and allotted, or in, to, over, or upon any Part or Parts of the same to be assigned or allotted to any other Person or Persons by virtue of or under this Act; and if any One or more of the said Owners and Proprietors or other Persons interested in the said intended Division and Allotments, shall have any Objection or Objections to the said Accounts or Claims, or any of them, such Objection or Objections shall be reduced into Writing, and delivered to the said General Commissioners and to such other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, whose Account or Accounts, Claim or Claims shall be objected to in such Manner and at such Time or Times as the said General Commissioners shall appoint.

General Commissioners to settle Differences.

XI. 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 Right to the Soil of the Commons and Waste Grounds hereby directed to be divided and allotted, or touching or concerning the respective Rights or Interests which they or any of them shall claim to have of and in the said Lands and Grounds hereby directed to be divided and allotted, or touching any Wood, Underwood, Bushes, Reeds, Thorns, Whins, or Furze growing thereon, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required, as well by Examination of Witnesses upon Oath (which Oath any One of the said General Commissioners is hereby empowered to administer) as upon any other proper and sufficient Enquiry and Evidence, to examine into, hear, and determine the same.

General Commissioners may summon Witnesses.

XII. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby required, from Time to Time as they shall see Occasion, by any Writing under their Hands, to summon and require any Person or Persons to appear before them, at any Time and Place in such Writing mentioned, and to testify the Truth upon Oath, (which Oath any One of the said General Commissioners is hereby empowered to administer), touching any Matter in Difference or Dispute between any of the said Proprietors or Persons interested, or concerned in any Matter or Thing wherein any Doubt or Difficulty shall occur to the said General Commissioners, and to cause a Duplicate or Copy of such Writing to be delivered to every such Person required to testify, or left at his or her last or usual Place of Abode; and if any Person or Persons, having been so summoned as aforesaid, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said General Commissioners, to defray the Charges of his, her, or their Attendance or Attendances, shall, without any just and reasonable Excuse, neglect or refuse to appear before the said General Commissioners, pursuant to such Summons or Writing, or shall refuse to be sworn, or to be examined and give Evidence touching the Premises, the said General Commissioners (due Proof being made before them upon Oath

Oath, which Oath any One of the said General Commissioners is hereby empowered to administer, of the Service of such Summons upon any Person or Persons who shall not appear before them, and of his, her, or their having been paid or tendered a sufficient Sum of Money to defray the Charges of his, her, or their Attendance) shall cause, and they are hereby required to cause, by Warrant under their Hands and Seals, directed unto any Person or Persons whomsoever, any Sum of Money not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of every Person so neglecting or refusing to appear, or to be sworn or to give Evidence, rendering the Overplus, (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid, shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

XIII. And be it further enacted, That in case the said General Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, see Cause to award any Costs, it shall and may be lawful to and 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 and Charges 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, or Body or Bodies Politick, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politick, 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 Politick, 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.

General Commissioners to assess Costs.

XIV. Provided always, and be it enacted, That in case any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said General Commissioners, touching or concerning any Claim or Claims of the Right of the Soil of the said Commons and Waste Grounds, or of any Estate, Property, 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 thereof, it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, to proceed to a Trial at Law of the Matter so determined by the said General Commissioners, at the then next or at the following Assizes to be holden for the

Power to try Rights by an Issue at Law.

the said County of *Norfolk*, and for that Purpose the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said General Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within One Calendar Month after such Determination of the said General Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and that after such Trial or Trials the said General Commissioners shall, and they are hereby required to act in Conformity to the Verdict or Verdicts thereupon given, and to allow or disallow of the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

Commissioners not to determine Titles.

XV. Provided always, That nothing in this Act contained shall authorise the said General Commissioners to determine the Title to any Messuages, Cottages, Lands, or Tenements whatsoever.

Disputes about Titles not to impede the Proceedings or the Execution of this Act.

XVI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted, touching or concerning the Title of any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, in or to any Messuages, Lands, or Tenements, in the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, or either of them, such Suit or Suits shall not impede, delay, or hinder the said General Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Division and Allotments shall be proceeded in notwithstanding such Dispute or Suits, and the Allotment or Allotments to which any such Dispute or Suits shall relate, may be had and taken by the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who, upon the Determination of such Difference or Suit, shall become entitled to the same.

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

XVII. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Reed, Rushes, Turf, or Flags, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without or contrary to 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 Rules, Orders, Regulations, and Restrictions as they shall think proper to insert therein), then and in every such Case the said General Commissioners, upon due Proof thereof made before them upon Oath, (which Oath any One of the said General Commissioners is hereby authorized to administer), shall cause, and they are hereby required to cause, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of every Person so offending in the Premises, rendering the Overplus, (if any), upon Demand, to the Person or Persons whose Goods and

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 and executing this Act.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized, at any Time before the Execution of the Award herein directed to be made by the said General Commissioners, by Writing under their Hands, to be affixed upon the principal Doors of the Churches of *South Walsham Saint Lawrence* and *South Walsham Saint Mary* aforesaid, to order and direct all or any Part of the Rights of Common, 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 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, cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

For extinguishing or suspending Rights of Common before the Award.

XIX. And be it further enacted, That the said General Commissioners shall make and erect, and they are hereby authorized and required to make and erect, by such Agents, Workmen, and Labourers, as they shall think fit to employ, all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, in, through, upon, and over the Lands and Grounds 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 such Parts of the said Lands and Grounds, as in their Judgement shall require to be drained, and to erect 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, or for depositing Stores or Materials necessary for the making and maintaining of such Works, as they the said General Commissioners shall think proper; and also to make a Dike through any Part of the said Lands and Grounds to the common River adjoining thereto, to be used as a common or publick Boat Dike, by the Owners and Occupiers of Estates within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, or either of them, for the Time being, for the Conveyance of Corn, Manure, and other Things to and from the said River; 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, and other Works, Houses, Buildings, and Boat Dike, to to be made and erected by them, and such Parts of the Lands and Grounds to be divided, allotted, or drained by virtue of this Act, as they shall think proper, for the maintaining, repairing, or preserving of the same; and also a Piece or Pieces of Land adjoining to the said Boat Dike, to be used as a publick Staith or publick Staithes, by the Owners and Occupiers of Estates within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, or either of them, for the Time being, for the

Drainage Clause.

[Loc. & Per.]

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laying

laying and depositing thereon of the Corn, Madder, and other Things which shall be conveyed, or shall be intended to be conveyed, to or from the said common River, by means of the said Boat Dike.

Roads.

XX. And be it further enacted, That the said General Commissioners shall set out and appoint such publick and private Roads and Ways, through and over the Lands and Grounds hereby directed to be divided and allotted, as they shall think necessary and proper, so that all new publick Carriage Roads, so to be set out and appointed as aforesaid, shall contain Thirty Feet in Breadth between and exclusive of the Ditches, and shall be well and sufficiently fenced out on both Sides, in such Manner and within such Time as the said General Commissioners shall direct and appoint; and that it shall not be lawful for any Person to erect any Gate across any of the said publick Roads, or to plant any Trees in or near the Hedges or Drains on the Sides thereof, at a less Distance from each other than Fifty Yards; and after such publick Carriage Roads shall have been set out as aforesaid, the said General Commissioners shall and they are hereby required, by Writing under their Hands, to appoint some proper Person or Persons to be a Surveyor or Surveyors thereof, and such Surveyor or Surveyors shall cause the said new Roads to be formed and put in good and sufficient Repair, and shall be allowed such Salary or Reward for his or their Trouble therein as the said General Commissioners shall by Writing under their Hands direct and appoint, a proportionable Part of which Salary or Reward, to be ascertained by the said General Commissioners, and also the Expences (over and besides the Statute Duty) of forming the said new Roads in each of the said Parishes of *South Walsham*, *Saint Lawrence* and *South Walsham Saint Mary* respectively, and of putting the same into good and sufficient Repair, shall be borne and paid by the several Persons, and Body or Bodies Politick, Corporate, or Collegiate Owners of Estates in each of the said Parishes, who are hereby charged with or made liable to the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, and shall be raised by a Rate or Rates to be laid on such Persons, or Body or Bodies Politick, Corporate, or Collegiate respectively, according to the annual Value of their respective Estates within each of the said Parishes respectively, such Rate or Rates to be made and assessed by the said General Commissioners either before or after the Execution of the said Award, or by any Justice of the Peace for the County of *Norfolk*, upon Application made for that Purpose by the said Surveyor or Surveyors, and to be collected and received by such Person or Persons as the said General Commissioners or Justice, by whom such Rate or Rates shall be made and assessed, shall by Writing appoint; and in case any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall neglect or refuse to pay his, her, or their Share or Shares of the said Rate or Rates, within Ten Days next after Demand thereof made, the same shall and may be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, so neglecting or refusing, by Warrant under the Hands and Seals of the said General Commissioners, or the Hands and Seal of any Justice of the Peace for the said County, (as the Case may be) which Warrant the said General Commissioners, or any Justice, are and is hereby empowered, and required to grant, upon Proof on Oath of such Neglect or Refusal, and of such Demand as aforesaid, which Oath the said

said General Commissioners, or such Justice, are and is hereby empowered to administer; and the Overplus (if any) after such Share or Shares of the Rate or Rates, and the Charges of levying the same shall have been deducted, shall be returned, on Demand, to the Owner or Owners of such Goods and Chattels; and that none of the Inhabitants of the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, or either of them, other than the several Persons, and Body or Bodies Politick, Corporate, or Collegiate, who is and are hereby charged with or made liable to the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, shall be charged or chargeable (over and above the Statute Duty) towards the forming or repairing such new publick Roads, until the same shall be made fit for the Passage of Travellers and Carriages, and shall have been certified so to be by such Surveyor or Surveyors, in Writing under his or their Hand or Hands, to be delivered to the Justices at some General Quarter Sessions of the Peace to be holden for the said County, and such Certificate or Certificates shall have been allowed and confirmed by them; which said Certificate or Certificates shall be delivered to the said Justices, at their General Quarter Sessions to be holden next after the said Roads shall be formed and put in Repair as aforesaid, and within the Space of Two Years next after the Execution of the said Award, unless sufficient Reason be given, to the Satisfaction of the said Justices, that a further Time is necessary for that Purpose, in which Case the said Justices may, and they are hereby empowered to allow such further Time for the Delivery of the said Certificate or Certificates as they shall think proper, not exceeding One Year; and in case the said Surveyor or Surveyors shall neglect or refuse to deliver the said Certificate or Certificates within the Time before limited, every such Surveyor so neglecting or refusing shall forfeit and pay the Sum of Twenty Pounds, to be recovered by Distress and Sale of his Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace of the said County, rendering the Overplus (if any) to the said Surveyor or Surveyors, after deducting the Charges and Expences of such Warrant, Distress, and Sale; and such Penalty, when recovered, shall be applied in Aid of the Rate to be made as aforesaid; and that when such Certificate shall have been delivered to the said Justices by the said Surveyor or Surveyors as aforesaid, and shall have been by them allowed and confirmed, the said Roads shall be for ever thereafter repaired and kept in Repair in such Manner as other publick Highways are by Law to be repaired; and that when the said publick Roads and Ways shall be so set out, appointed, and made as aforesaid, it shall not be lawful for any Person or Persons to use any other Roads or Ways, either publick or private, over or upon the said Lands and Grounds, on Foot, or with Horses, Cattle, or Carriages; and all Roads and Ways, which shall not be so set out and appointed as the Roads and Ways through or over the said Lands and Grounds, shall be deemed to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly: and all the publick Bridle or Footways, and all private Ways, and also the Drains and Fences next the publick Highways or Roads, shall be made and raised, and at all Times hereafter maintained and kept in Repair in such Manner and Form, at such Charges and Expences, and by such Person and Persons as the said General Commissioners shall by their said Award order, direct, and appoint; and all and every Owner and Owners of Lands so charged with such Repairs, shall respectively be liable and deemed

deemed chargeable therewith, by reason of the Tenure of his, her, or their respective Lands; and the Grass and Herbage growing and renewing on all the said publick Roads or Ways shall be taken and enjoyed by such Person or Persons as the said General Commissioners shall appoint, and by no other Person or Persons whomsoever.

Present Roads
not to be shut
up, till others
are set out.

XXI. Provided always, That none of the present Roads shall be shut up and discontinued, until the said General Commissioners shall have caused the said publick Roads to be set out as aforesaid, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle, and Carriages.

Notice to be
given of
Roads being
set out.

XXII. Provided also, and be it enacted, That the said General Commissioners shall, before the setting out any new Roads or Highways, cause a Notice of their Intention in that Behalf, and a Description of the Roads and Highways so intended to be set out and appointed by them, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, if then published, and if not then in some other Newspaper circulated in the said County of *Norfolk*; and in such Notice the said General Commissioners shall appoint some Meeting for receiving Objections to such Roads and Highways; (but no such Meeting so to be appointed shall be holden sooner than Ten Days after the Publication of such Notice); and if any Person or Persons shall have any Objection to the Roads or Highways so intended to be set out, or any of them, or shall propose any other Roads or Highways, such Person or Persons shall deliver his, her, or their Objections or Proposals to the said General Commissioners at such Meeting, and the said General Commissioners shall thereupon hear the Allegations and Evidence offered and produced in support of the said Objections and Proposals; and in case the said General Commissioners shall refuse or shall not agree to set out any other Roads or Highways to the Satisfaction of the Person or Persons so objecting or making such Proposals as aforesaid, then and in every such Case it shall and may be lawful to and for the Person or Persons who shall be dissatisfied with the Setting out, Appointment, or Disposition of any such publick Roads or Highways as aforesaid, to appeal against all or any of such publick Roads or Highways to some General Quarter Sessions of the Peace to be holden in and for the said County of *Norfolk*, within Four Calendar Months next after such Meeting; (Notice in Writing of such Appeal being first given to any Two of the said General Commissioners, within Ten Days after such Meeting, and the Party or Parties intending to make such an Appeal, within Four Days after such Notice, entering into a Recognizance before One Justice of the Peace for the said County of *Norfolk*, with Two sufficient Sureties, in any Sum not exceeding Fifty Pounds, nor less than Twenty Pounds, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded by such Justices at such Quarter Sessions); and he, she, or they shall be heard by himself, herself, or themselves, or by his, her, or their Counsel, Agents, Attornies, and Witnesses, and that the said General Commissioners, or One of them, or their Surveyor or Clerk, shall attend at such Sessions; and the Justices before whom such Appeal shall be made, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall, on hearing the Evidence, finally determine whether the said Roads or Highways so appealed

appealed against shall be made, or whether any other Roads or Highways shall be set out, and shall make and give such Orders and Directions touching the Matter before them, and award such Costs, as to them shall seem necessary and expedient in that Behalf; and such Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case no such Notice shall be given to Two of the said General Commissioners as aforesaid, or such Recognizance shall not be entered into, or such Appeal shall not be proceeded in as aforesaid, then such Setting out, Appointment, and Disposition of the said Roads and Highways, by the said General Commissioners as aforesaid, shall be final and conclusive to all and every Person and Persons whatsoever.

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 *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary*, such Parts of the Lands and Grounds hereby directed to be divided and allotted, not exceeding Two Acres in the Whole as the said General Commissioners shall think necessary, as and for publick watering Places for Cattle, and as and for publick Sand, Gravel, Clay, and Chaik 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 Estates within the said Parishes of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary* respectively, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the Commissioners for Drainage herein-after appointed shall from Time to Time direct and appoint.

Allotment for
publick Sand
and Gravel
Pits.

XXIV. 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 any other Person or Persons, being Owner or Owners of, or entitled to the Soil of the said Commons and Waste Grounds, such Parts of the said Commons and Waste Grounds as in the Judgement of the said General Commissioners shall be equal in Value to One Eighteenth Part of the said Commons and Waste Grounds; and such Allotments shall be a full Compensation and Recompence for the Right of such Lord or Lords, Lady or Ladies of such Manor or Manors respectively, in and to the Soil of the said Commons and Waste Grounds: Provided always, That the said Allotment or Allotments shall be made and taken out of the Commons 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.

XXV. 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 *South Walsbam*, and to the Rector of the said Rectory of *South Walsbam*, and the Churchwardens of the said Parish of *South Walsbam Saint Lawrence*, such Part of the Commons and Waste Grounds hereby directed to be divided and allotted, lying within the said Parish of *South Walsbam Saint Lawrence*, 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 and Waste

Allotment to
Trustees for
the Poor of
South Walsbam.

[Loc. & Per.]

15 Z

Grounds,

Grounds, lying in the said Parish of *South Walsbam Saint Lawrence*, and such Allotment shall, from and after the Execution of the Award hereinafter mentioned, be vested in the Lord of the said Manor of *South Walsbam*, the Rector of the said Rectory of *South Walsbam*, and the Churchwardens and Overseers of the Poor of the said Parish of *South Walsbam Saint Lawrence*, for the Time being, for ever, as Trustees for the Poor of the said Parish of *South Walsbam Saint Lawrence*, and shall be used as a Common by such poor Inhabitants of the same Parish who shall be legally settled therein, at such Times of the Year, for such Purposes, in such Manner, and subject to such Rules, Orders, and Regulations as the Trustees of the same for the Time being, or the major Part of them, shall from Time to Time nominate, direct, appoint, or prescribe; and the said General Commissioners shall in the next Place assign, set out, and allot unto the Lord of the said Manor of *South Walsbam*, the Vicar of the said Vicarage of *South Walsbam Saint Mary*, and the Churchwardens and Overseers of the Poor of the said Parish of *South Walsbam Saint Mary*, such Part of the said Commons and Waste Grounds lying within the said Parish of *South Walsbam Saint Mary*, 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 and Waste Grounds lying within the said Parish of *South Walsbam Saint Mary*; and such Allotment shall, from and after the Execution of the said Award, be vested in the Lord of the said Manor of *South Walsbam*, the Vicar of the said Vicarage of *South Walsbam Saint Mary*, and the Churchwardens and Overseers of the Poor of the said Parish of *South Walsbam Saint Mary* for the Time being for ever, as Trustees for the Poor of the said Parish of *South Walsbam Saint Mary*, and shall be used as a Common by such poor Inhabitants of the same Parish who shall be legally settled therein, at such Times of the Year, for such Purposes, in such Manner, and subject to such Rules, Orders, and Regulations, as the Trustees of the same for the Time being, or the major Part of them, shall from Time to Time nominate, direct, appoint, or prescribe.

Lord of the
Manor, Rec-
tor, and Vicar
to act by
Proxy.

XXVI. Provided always, That it shall and may be lawful to and for the Lord of the said Manor of *South Walsbam*, and the said Rector and Vicar respectively for the Time being, to act in the Execution of the Trusts hereby reposed in them as aforesaid, by their Agents or Proxies respectively, to be appointed by Writing under their respective Hands.

Allotment of
the Residue.

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

XXVIII. Pro-

XXVIII. Provided always, That in making the said Allotments the said General Commissioners shall have a due Regard, as well to the Quality and Quantity of the Lands and Grounds so to be divided and allotted as aforesaid, as also to the Situation and Contiguity of the same to the respective Habitations, Messuages, Barns, and other Property of the several Parties to or for whom such Lands and Grounds shall respectively be assigned and allotted.

For laying the Allotments conveniently together.

XXIX. Provided also, That if any Person or Persons (save and except the said Rector and Vicar, in respect of the said Rectory and Vicarage) hath or have sold, or contracted or agreed to sell, or shall at any Time, before the Execution of the said Award, sell, or contract or agree to sell, his, her, or their Right, Interest, and Property in the said Commons and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful for the said General Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract, or Agreement, or to his or her Heirs or Assigns, for and in Respect of such Right, Interest, and Property, so sold or contracted, or agreed to be sold as aforesaid, and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement 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.

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

XXX. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners to make Partition of any Messuages, Tenements, Lands, or other Hereditaments, within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, or either of them, belonging to any Persons as Coparceners, or as Joint Tenants, or as Tenants in Common, so as every such Partition be made upon Application from, and by and with the Consent and Approbation of the several Proprietors thereof, to be signified in Writing under their Hands, or under the Hands of the Husbands, Guardians, Trustees, Committees, or Attornies duly authorized, of such of the said Proprietors as are under Coverture, Minors, Lunatics, or beyond the Seas, or under any other Disability or Incapacity of acting for themselves, and be specified and declared in the Award of the said General Commissioners, or by any Instrument signed by them, to be inrolled with the said Award; and every such Partition shall be good, valid, and effectual, to all Intents and Purposes whatsoever.

General Commissioners may make Partition of undivided Estates.

XXXI. And be it further enacted, That from and after the passing of this Act, until the Execution of the said Award, no Part of the Pastures or Marsh Grounds hereby directed to be divided and allotted, shall be ploughed up 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 Arable Lands hereby directed to be divided and allotted, shall, during that Time, be subject and liable to such Directions

General Commissioners to direct the Course of Husbandry.

rections and Regulations as the said General Commissioners shall from Time to Time by Writing under their Hands appoint, as well with regard to the stocking, as to the plowing, tilling, sowing, and laying down the same; and it shall be lawful for the said General Commissioners to order and direct such Sum or Sums of Money in respect thereof, to be paid by any Person or Persons interested in the said Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her, or their Tenant or Tenants, as they the said 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 raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

For exchanging Lands.

XXXII. And be it further enacted, That it shall and may be lawful to and for the Rector of the said Rectory of *South Walsham*, and the Vicar of the Vicarage of *South Walsham Saint Mary* respectively, and for the Trustee or Trustees, Feoffee or Feoffees, and also for any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who is, are, or shall be Owner or Owners of any Messuages, Buildings, and Grounds within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, or either of them, and also for the Husbands, Guardians, Committees, and Trustees of any of the said Owners being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable to act for themselves, and also for all Persons acting as Guardians, Trustees, or Committees of such Owners respectively, being under any Disability whatsoever, whether such Owner or Owners be 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, to exchange all or any of his, her, or their Messuages, Cottages, Buildings, Lands, and Grounds, or any Lands or Grounds to be allotted to him, her, or them respectively by virtue of this Act, for any other Messuages, Cottages, Buildings, Lands, or Grounds, within the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, or either of them, or any adjoining Parish or Parishes, or for any other Lands or Grounds to be allotted by virtue of this Act, so that all and every such Exchange and Exchanges be made with the Consent and Approbation of the said General Commissioners, and be described and ascertained in their said Award; and all and every such Exchange and Exchanges, shall be, and is, and are hereby declared to be valid in the Law, to all Intents and Purposes whatsoever: Provided always, That nothing herein contained shall extend, or be construed to extend, so as to enable the said Rector or Vicar, or any other Person or Persons having any Ecclesiastical Preferment, and holding any Lands, Tenements, or Hereditaments in right of any Church or Chapel, to make any such Exchange or Exchanges without the Consent of the Diocesan, and of the Patron or Patrons thereof, expressed in Writing under their Hands and Seals.

XXXIII. And

XXXIII. And be it further enacted, That the several Allotments to be made unto and for the several Persons, and Body or Bodies Politick, Corporate, or Collegiate, who by virtue of this Act shall be entitled to the same, shall be in full Satisfaction and Compensation for their several Parts and Shares of the Lands and Grounds hereby directed to be divided and allotted, and for their respective Rights and Interests out of, in, over, or upon the said Lands and Grounds; and that from and immediately after the Execution of the said Award, all Rights of Common and other Interests whatsoever, belonging to or claimed by any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, out of, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, shall cease, determine, and be for ever extinguished.

Allotments to be in Bar of former Rights.

XXXIV. And be it further enacted, That the several Persons, and Body or Bodies Politick, Corporate, or Collegiate, to whom any Lands or Grounds shall be allotted by virtue of this Act, shall accept of their respective Allotments, by taking Possession thereof within the Space of Six Calendar Months next after the Execution of the said Award, and Notice thereof in Writing to them respectively given by the said General Commissioners, or left at their respective usual or last Places of Abode, or given to or left at the usual Place of Abode of the known Agent or Clerk of any Body Politick, Corporate, or Collegiate; and in case any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall neglect or refuse to accept his, her, or their Allotment or Allotments within the Time herein for that Purpose mentioned, such Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall be totally excluded from, and debarred of any Estate, Interest, Right of Common, or any other Property whatsoever, in, to, over, or upon any Lands or Grounds which shall be assigned or allotted to any other Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, in pursuance of this Act.

For obliging Persons to accept Allotments within a limited Time.

XXXV. Provided always, That the Guardians, Husbands, Committees, Trustees, or Attornies of any Persons being Minors, under Coverture, Lunatics, or beyond the Seas, or otherwise incapable by Law to accept such Shares and Allotments as aforesaid, shall, and they are hereby enabled and required to accept thereof for the Use of such Persons so incapacitated as aforesaid; and such Acceptance shall be, and is hereby declared to be as valid and effectual as if the Persons for or to whom such Allotments shall be made respectively were capable of acting for themselves and had accepted such Shares and Allotments as aforesaid; any Law or Usage to the contrary notwithstanding.

Guardians, &c. may accept for Persons incapable.

XXXVI. Provided also, That the Non-claim or Non-acceptance of any Guardian, Husband, Executor, Committee, or Trustee, shall not exclude or prejudice the Right or Claim of any Infant, Feme Covert, or Person under any Disability as aforesaid; who shall claim or accept his or her Share or Allotment within the Space of Twelve Calendar Months next after such Disability or Incapacity shall be removed; nor shall any such Non-claim or Non-acceptance exclude or prejudice the Claim or Right of any Person entitled as Heir or in Remainder after the Death of any Person dying under such Disability or Incapacity, the Person or Persons so entitled

But their Non-acceptance shall not prejudice Persons who shall accept within a certain Time after their Disabilities are removed.

led claiming or accepting his, her, or their Share or Allotment within the Space of Six Calendar Months next after his, her, or their Right, Title, or Interest shall have descended or accrued.

For fencing
Allotments.

XXXVII. 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 Politick, Corporate, or Collegiate (save and except the Rector and Vicar of the said Rectory and Vicarage for the Time being, in respect of any Allotments to be made to them in Right of the said Rectory and Vicarage respectively, and save and except the said Surveyors of the Highways, Trustees for the Poor, and Commissioners for Drainage, for and 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 by such Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, as the said General Commissioners shall by their said Award order and direct; and if any Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, shall neglect or refuse to make and raise such Hedges, Ditches, Drains, or Fences, according to the Award of the said General Commissioners, it shall and may be lawful to and for the said General Commissioners, and they are hereby empowered and required to cause such Hedges, Ditches, Drains, or Fences, to be raised and made by such Person or Persons, in such Manner, and at such Time or Times as they the said General Commissioners shall think proper; and if the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who ought to have raised and made such Hedges, Ditches, Drains, or Fences, shall neglect or refuse to pay the Costs and Expences of raising and making the same (such Costs and Expences being settled by the said General Commissioners) within Ten Days after Demand made thereof, then and in such Case it shall be lawful for the said General Commissioners, and they are hereby required to raise and levy the same by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied; and for better preserving the Hedges, Ditches, Banks, Plants, Quicksets, and Fences, of the said intended Inclosures, it shall and may be lawful to and for the respective Persons, and Body or Bodies Politick, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act, from Time to Time and at all Times during the Term of Seven Years next after the Execution of the said Award, to set or fix Posts or Rails, or any other Guards, on the Outside of the Hedges, Ditches, Banks, and Fences bounding their respective Allotments, not exceeding Three Feet from such Hedges, Ditches, Banks, and Fences; and at all seasonable Times before the End of the said Term, to remove, take, and carry away such Posts, Rails, and other Guards, and to convert the same to their respective Uses.

Fences may be
made before
the Execution
of the Award.

XXXVIII. And be it further enacted, That when the said General Commissioners shall have staked out the several Allotments intended to be made by them by virtue of this Act, it shall and may be lawful for any Person

Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, to whom any Allotment or Allotments is or are intended to be made, to inclose or fence such Allotment or Allotments in such Manner as the said General Commissioners shall by Writing under their Hands appoint, although the said Award shall not then have been executed.

XXXIX. Provided always, That convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Twelve Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts, and Carriages into and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced in, made up, and inclosed.

For leaving
Gaps.

XL. And be it further enacted, That all and every Lease and Leases of any Messuages, Lands, or Tenements, within the said respective Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary*, shall, as far as such Lease or Leases affect or concern any Allotment or Allotments to be made in respect of any such Messuages, Lands, or Tenements comprized in such Lease or Leases be; and the same is and are hereby declared to be null and void as to such Allotment and Allotments; and such Allotment and Allotments shall be made and assigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees; and such Allotment and Allotments shall be freed and discharged from all the Right and Interest which may or otherwise might be claimed in or to the same by virtue of such Lease or Leases; and the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, to whom the Messuages, Lands, or Tenements, comprized in such Lease or Leases shall belong as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same under such Lease or Leases as the said General Commissioners shall by Writing under their Hands direct, for the Right of Common, or any other Rights or Interests in, over, or upon the said Commons and Waste Grounds, or any Part thereof, appendant or appurtenant to such Messuages, Lands, or Tenements, and which shall be extinguished by this Act, and for the Part or Shares of the Lands and Grounds hereby directed to be divided and allotted, which shall be comprized in such Lease or Leases; and if any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto on Demand, then and in such Case it shall be lawful for the said General Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Leases void as
to Allotments.

XLI. And be it further enacted, That all the Messuages, Cottages, Lands, and Grounds, which shall be allotted or exchanged by virtue of this Act, to or with any Person or Persons, for or in lieu or in respect of any Messuages, Cottages, 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

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

to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, be deemed and taken to be Copyhold or Leasehold, and shall be held as such, by and under the same Tenure, Rents, Payments, Fines, Customs, and Services, as the Copyhold or Leasehold Messuages, Cottages, Lands, or Tenements respectively, for or in lieu or in respect whereof such Allotments or Exchanges shall be made, are now held; and that all and every Person or Persons to or with whom such Copyhold Lands and Premises shall be allotted or exchanged as aforesaid, shall, within Six Calendar Months next after the Execution of the said Award, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or Manors (save and except for the Stamp Duties and Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the respective Steward or Stewards of the said Manor or Manors, as the said General Commissioners shall by their said Award order and direct); but in case any Person or Persons, to whom such Lands and Premises shall be allotted, shall die without Admission within the said Six Calendar Months, then the customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons entitled to such Lands and Premises; and after every such first Admission, the Copyhold Premises so to be allotted as aforesaid, shall at all Times be held under and subject to the same Tenure, Fines, and other Payments, as the present Copyhold Messuages, Cottages, Lands, or Tenements, in lieu or in respect whereof such Lands and Premises shall be allotted, are now held under and subject to; and the said General Commissioners shall by their said Award determine, describe, and abut the Messuages, Buildings, Lands, and Grounds respectively, which are to be and remain Copyhold or Leasehold; and all other Messuages, Buildings, Lands, and Grounds to be allotted or exchanged by virtue of this Act (except what shall be so ascertained by the said General Commissioners to be Copyhold or Leasehold) shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Buildings, Lands, and Grounds, subject nevertheless to such Free Rents and Services as are now payable out of the respective Messuages, Buildings, Lands, Tenements, or Hereditaments, for or in respect whereof the same shall or may be allotted or exchanged.

Wills and
Settlements
not to be af-
fected.

XLII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Messuages, Buildings, Lands, and Grounds to be divided, allotted, or exchanged by virtue of this Act, or any Part thereof; but that each and every Proprietor shall stand and be seised of the several Messuages, Buildings, Lands, and Grounds, to be allotted to or exchanged with him or her as aforesaid to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Messuages, Buildings, Lands, and Grounds, whereof such Proprietor was seised or possessed at or immediately before the Execution of the said Award, would have been subject to, charged with or affected by, in case this Act had not been made, or such Exchange or Exchanges had not taken place.

XLIII. And

XLIII. And be it further enacted, That all Costs, Charges, and Expences of inclosing the Lands which shall by virtue of this Act be allotted to the said Rector and Vicar respectively; in respect of the said Rectory and Vicarage, and of inclosing the Allotment or Allotments hereby directed to be made to the Surveyors of the Highways, and to the Trustees for the Poor of the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary* respectively, and to the Commissioners for Drainage herein-after appointed, and all the Costs and Charges incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, allotting, draining, and exchanging the Lands and Premises hereby directed to be surveyed, measured, planned, valued, divided, allotted, drained, and exchanged, and of preparing and inrolling the said Award, and of the Copies thereof, and all the Charges and Expences of the said General Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said General Commissioners in and about the Premises, and all other Expences of carrying this 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, defrayed, and paid by the several Persons, and Body or Bodies Politick, Corporate, or Collegiate, interested in the Premises (save and except the said Rector and Vicar of the said Rectory and Vicarage for the Time being, for or in respect of any Allotment or Allotments which shall be made to them respectively in right of the said Rectory and Vicarage, and also save and except the Surveyors of the Highways, and the Trustees for the Poor of the said Parishes of *South Walsham Saint Lawrence* and *South Walsham Saint Mary* respectively and the said Commissioners for Drainage for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them respectively as aforesaid, and also save and except such Person or Persons whose Property within the said Parishes, or either of them, shall not, in the Judgement of the said General Commissioners, exceed the yearly Value of Five Pounds at the Time of making the said Allotments) in such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said General Commissioners shall appoint; and if any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall refuse or neglect to pay his, her, or their Share or Shares of the said Costs, Charges, and Expences, to the Person or Persons authorized to receive the same, at the Time or Times which shall be appointed by the said General Commissioners for the Payment thereof, then and in such Case the said General Commissioners shall and may, by Warrant under their Hands and Seals, directed unto any Person or Persons whomsoever, cause the same to be levied by Distress, and Sale of the Goods and Chattels of the Person or Persons, or Bodies Politick, Corporate, or Collegiate, so neglecting or refusing as aforesaid, rendering the Overplus (if any) after deducting the Charges and Expences attending such Warrant, Distress, and Sale, to the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold; or otherwise it shall be lawful for the said General Commissioners, by Writing under their Hands and Seals, to authorize and empower One or more Person or Persons to enter into and upon the Lands and Grounds to be allotted, or belonging to the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, so refusing or neglecting as aforesaid, and to take and receive the Rents, If-

Directions
for defraying
the Expences
of this Act.

sues, and Profits of the same Premises, until thereby or therewith the Share or Shares of the said Costs, Charges, and Expences so appointed to be paid by such Person or Persons, or Body or Bodies Politick, [Corporate or Collegiate, so neglecting or refusing as aforesaid, with lawful Interest thereupon from the Time the same shall become due, and also all the Costs and Expences occasioned by or attending such Entry on, and Perception of the Rents and Profits of the said Premises, shall respectively be fully paid and satisfied.

Proprietors
and their
Agents to
pay their own
Expences.

XLIV. Provided also, That the said 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 this Act.

Money ad-
vanced to be
repaid with
Interest.

XLV. Provided also, That if any of the Persons interested in the Lands and Grounds hereby directed to be divided and allotted, or any other Person or Persons, shall advance and pay any Money in discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said General Commissioners, together with lawful Interest for the same.

Award to be
made.

XLVI. And be it further enacted, That so soon as conveniently may be after the said General Commissioners shall have completed the Division and Allotments of the Lands and Grounds hereby directed to be divided and allotted, and the Works which they shall deem necessary for draining the same, pursuant to the Directions of this Act, they shall form and draw up an Award or Instrument in Writing, which shall ascertain and describe the Boundaries of the said Parishes of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary* respectively, and shall express and denote the Quantity, in Statute Measure, of Acres, Roods, and Perches of the said Lands and Grounds, and the Quantity of each and every Part and Parcel thereof, which shall be assigned and allotted to each of the Parties entitled to or interested in the same, and of the Parts thereof which shall be allotted for the said Surveyors of the Highways, Trustees for the Poor, and Commissioners for Drainage respectively, in pursuance of the Directions herein contained; and shall contain a Description of the Situation, Abutments, and Boundaries of the same Parcels and Allotments respectively, and of the Messuages, Cottages, Buildings, Lands, and Grounds, and of the Quantity of such Lands and Grounds which shall be given or received in Exchange by any Person, or Body Politick, Corporate, or Collegiate, by virtue of this Act; and shall ascertain and describe such Parts of the Lands and Grounds hereby directed to be divided and allotted, as shall, in the Judgement of the said General Commissioners, be drained by virtue of this Act; which Parts of the said Lands and Grounds, so to be ascertained and described as last-mentioned, shall be for ever thereafter deemed to be the Lands and Grounds to be drained by virtue of this Act; and the said Award shall also contain such Orders and Directions for raising and maintaining Fences on the Lands and Grounds hereby directed to be divided and allotted, and for laying out, making, and maintaining proper Roads, Ways, Passages, Bridges, Ditches, Gates, Stiles, and Drains, over and upon the said Lands and Grounds, and also such other Orders and Regulations as the said

said General Commissioners shall think proper and necessary to be inserted in such Award, conformable to the Purport and Tenor of this Act; and the said Award, with a reduced Map or Plan of the said Parishes of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary* thereto annexed, shall be fairly ingrossed or written on Parchment, and signed, sealed, and delivered by the said General Commissioners; and the said Award shall, within Six Calendar Months after the Execution thereof, be inrolled in One of His Majesty's Courts of Record at *Westminster*, or by the Clerk of the Peace for the said County of *Norfolk*, so that Recourse may be had to such Inrolment by any Person or Persons interested in the Premises (for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid); and both Parts of the said Award, or a true Copy thereof, or of any Part thereof, attested by the said General Commissioners, or by the said Clerk of the Peace, or his Deputy, or by the proper Officer of the Court where the same shall be inrolled, for which Copy no more shall be paid than Two Pence *per* Sheet, each Sheet containing Seventy-two Words, 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 said Award, so inrolled as aforesaid, shall be delivered to such Person or Persons, and shall be deposited and kept in such Place or Places, as the said General Commissioners shall appoint; and the said Award, and the several Allotments, Partitions, Exchanges, Orders, Directions, Matters, and Things therein contained, shall be, and are hereby declared to be binding and conclusive unto and upon all and every Person and Persons, Body and Bodies Politick, Corporate, or Collegiate, interested in and entitled unto the said Premises so to be divided, allotted, drained, and exchanged as aforesaid.

XLVII. Provided always, and be it enacted, That the said Award shall be read and executed by the said General Commissioners, in the Presence of the Proprietors of the said Lands and Grounds, who may attend at a Special General Meeting to be called for that Purpose, of which Special General Meeting Ten Days Notice at the least shall be given in the *Norfolk Chronicle* or *Norwich Mercury*, if then printed, and if not, then in some other Newspaper printed and circulated in the said County of *Norfolk*; which Execution of such Award shall, on the following *Sunday*, be proclaimed in the Parish Churches of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary* aforesaid; and from and after such Proclamation only, and not before, the said Award shall be and be considered as complete.

Award to be read in the Presence of the Proprietors.

XLVIII. And be it further enacted, That the said General Commissioners shall, and they are hereby required to enter in a Book or Books to be provided for that Purpose, an Account of all Monies whatever received from the Proprietors or others during the said Division and Inclosure, and also of all the Charges and Expences in the Execution of this Act, which Book or Books of Accounts shall be kept at the Office of the Clerk to the said General Commissioners, and shall be open at all reasonable Times during the Progress of the said Division and Inclosure, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case the said General Commissioners, or their said Clerk, shall neglect to procure and keep such Book or Books

Book of Accounts to be left with the Clerk for the Proprietors Inspection.

of Accounts, or shall refuse the Inspection thereof to any of the Proprietors at all reasonable Times, the Party or Parties so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Ten Pounds nor less than Forty Shillings; and in case of Non-payment thereof on Conviction of the Offenders respectively on the Oath of any credible Witness or Witnesses, or by the Confession of the Party or Parties offending, before any Justice of the Peace for the said County of Norfolk, the same shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal of such Justice; and all such Fines and Forfeitures shall be applied towards discharging the Costs and Charges of executing this Act; and the Overplus of the Money raised by such Distress and Sale, after deducting the Fines, Penalties, or Forfeitures, and the Expences of such Distress and Sale, shall be rendered to the Owner of the Goods and Chattels so distrained; and for Want of sufficient Distress, and in case the Fine or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to commit such Offender to the Common Gaol or House of Correction, there to remain, without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Fine or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied.

Monies received when amounting to 50*l.* to be put in a Banker's Hands, or such other Person as shall be approved by the Majority of the Proprietors.

XLIX. And be it further enacted, That all and every the Monies to be raised and received under and by virtue of the Powers of this Act, until the signing of the said Award, shall, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who shall be present at the First Meeting of the said General Commissioners, and in the Notice of such Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons as aforesaid; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them without an Order in Writing, signed by the said General Commissioners, specifying the Person or Persons to whom the same are respectively payable; and the Service or Consideration for which the same are to be paid; and that the Balance (if any) upon the final Settlement of all Accounts by the said Commissioners, shall be immediately repaid to the several Land Owners, Proprietors, or Persons interested, in Proportion to the several Sums paid and advanced by them respectively.

For borrowing Money.

L. And be it further enacted, That it shall and may be lawful for the Trustee or Trustees, Feoffee or Feoffees, and so and for the respective Owners and Proprietors of any Messuages, Lands, Tenements, or Hereditaments, within the said Parishes of *South Walsham*, *Saint Lawrence*, and *Saint Mary*, or either of them (save and except the Rector and Vicar of the said Rectory and Vicarage for the Time being, the Surveyors of the Highways, and Trustees for the Poor of the said respective Parishes, and Commissioners for Drainage, in respect of any Allotment or Allotments made to him or them as Rector, Vicar, Surveyors, Trustees, or Commissioners for Drainage) and also to and for the *Husbands*,

Husbands, Guardians, Trustees, and Committees of any of the said Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or labouring under any Disability whatever; and also to and for all Persons acting as Guardians, Trustees, or Committees, of any Owners or Proprietors being under any Disability or Incapacity whatever, whether such Owners and Proprietors respectively be Tenants 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 any Deed or Deeds, Writing or Writings, under their respective Hands and Seals, to be duly executed in the Presence of, and attested by Two or more credible Witnesses, to charge the Lands and Grounds allotted to them respectively by virtue and in pursuance of this Act, with any Sum or Sums of Money, not exceeding Three Pounds for every Acre thereof, for defraying their respective Proportions of the Costs, Charges and Expences incident to and attending the obtaining and executing of this Act, and of inclosing and fencing their respective Allotments; and for securing the Re-payment of such Sum or Sums of Money, with Interest for the same, to grant, mortgage, lease, and demise, or otherwise subject the said Premises, being Freehold or Leasehold, or any Part thereof, unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, this, her, or their Executors, Administrators, or Assigns, for any Term or Number of Years, and also to surrender the Copyhold Part or Parts of the said Premises, unto or for the Use of any such Person or Persons, his, her, or their Heirs and Assigns; so that every such Grant, Demise, or Surrender, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof shall be fully satisfied and paid; and so that in every such Grant, Mortgage, Demise, or Surrender, which shall be made by such Trustee or Trustees, Feoffee or Feoffees, or by any Person or Persons interested in or entitled unto the Premises for the Term of their natural Lives only, or by his, her, or their Husband or Husbands, Guardian or Guardians, Trustee or Trustees, Committee or Committees, there be contained a Proviso or Covenant that the Proprietor or Proprietors of the said Premises shall duly pay and keep down the Interest of any Sum or Sums of Money to be thereby secured, during their respective Lives, or the Lives of the Tenants in Possession of such Premises; and no Person afterwards becoming possessed of the Premises shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall commence; and every such Grant, Mortgage, Demise, or Surrender of the said Premises, or any Part thereof, shall be good, valid, and effectual in the Law for the Purposes thereby intended.

LI. And be it further enacted, That the Lord or Lords, Lady or Ladies of the said Manor of *South Walsham*, the Rector of the said Rectory of *South Walsham*, the Vicar of the said Vicarage of *South Walsham Saint Mary* for the Time being, and each 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 herein directed to be made by the said General Commissioners, be, and are hereby appointed Commis-

Commission-
ers for Drain-
age appointed.

[Loc. & Per.]

16 C

sioners

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

Appointment
of Deputy
Commission-
ers for Drain-
age.

LII. And be it further enacted, That it shall and may be lawful to and for each and 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 if the Person by whom such Agent or Deputy shall be appointed were present; but no such Agent or Deputy shall be capable of acting as Agent or Deputy for the Purposes of this Act, for any more than One Commissioner for Drainage at any One Time.

Commission-
ers to take an
Oath or Affir-
mation.

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 following, or being, of the People called Quakers made Affirmation; (*videlicet*),

‘ I, A. B. do swear, [or, being 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 appointed in and by an Act made in the Forty-first Year of the Reign of His Majesty King George the Third, intituled, *An Act for dividing, allotting, and inclosing the Open Field, Commonable Marsh Lands, Half Year Shack Lands, Commons, and Waste Grounds, within the Parishes of South Walsham, Saint Lawrence and South Walsham Saint Mary, in the County of Norfolk, and for draining and preserving the same.*

‘ 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.

Persons act-
ing not being
qualified, to
forfeit 20 l.

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, 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 Effoign, Protection,

Protection, or Wager of Law, or any more than One Impar lance 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 Sum 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, One Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied to 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 Parish of *South Walsbam Saint Lawrence* or *South Walsbam Saint Mary* aforesaid, on the First Monday in the Month which shall next happen after the Execution of the said Award by the said General Commissioners, between the Hours of Ten and Twelve in the Forenoon; and the said Commissioners for Drainage shall meet on the First Monday in the Month of *March* in each and every Year, between the Hours of Ten and Twelve in the Forenoon, in the said Parish of *South Walsbam Saint Lawrence* or *South Walsbam Saint Mary*, which last-mentioned Meeting shall be called *The General Annual Meeting of the said 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 either of the said Parishes, or within Six 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, or 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 Meeting by Adjournment, of such Commissioners, then and in every or any such Case, any Two or more of the said Commissioners for Drainage, shall and may call a Meeting to be holden within the said Parish of *South Walsbam Saint Lawrence* or *South Walsbam Saint Mary* by Writing under their Hands, affixed to the principal Doors of the Parish Churches of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary* aforesaid, and by publishing the same in One of the *Norwich Weekly Newspapers* Ten Days at the least previous to the Time of such Meeting; and no Act of the said Commissioners for Drainage shall be good or valid, unless done at some publick Meeting to be holden by virtue of this Act; (save as may be herein excepted); and that all the 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 all their Meetings in pursuance of this Act, be allowed Five Shillings each *per Day*, out of the Monies to arise by virtue of this Act, and no more, towards their Expences,

so

so that such Allowance do not in the Whole exceed the Sum of Two Pounds per Day at every such Meeting of the said Commissioners for Drainage.

Entries of
Proceedings
good Evi-
dence.

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

Actions to be
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 of 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 any One of the said Commissioners for Drainage shall or may be made Plaintiff or Defendant, as the Case shall 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 or she shall be put to, or become chargeable with, by reason of his or her being so made Plaintiff or Defendant therein.

For appoint-
ing Officers.

LVIII. And be it further enacted, That the said Commissioners for Drainage shall and may, at their First or any subsequent Meeting, appoint a Clerk or Clerks, Treasurer, Surveyor, and such other Officer or Officers, for the Execution of this Act, as the said Commissioners for Drainage shall think proper, and from Time to Time remove them or any of them and appoint others, as they shall find necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, may and 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 aforesaid, as the said Commissioners for Drainage shall think proper; and all such Officers and Persons so to be appointed as aforesaid, shall, under their Hands, at such Time and Times, and in such

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, and Person or 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 all the said Officers or Persons so accounting as aforesaid shall, upon Oath, verify their said Accounts; (which Oath any of the said Commissioners for Drainage is hereby enabled to administer); and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the 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 Ten Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his 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 his 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 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 Complaint shall be made by the said Commissioners for Drainage, or by such 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 a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting, to be brought before them, and upon his or their appearing, or not being 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 are hereby authorized and required, upon Non-payment thereof, by a 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 such Goods or Chattels of 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 Justices are hereby empowered to administer) that any such Officer or Person shall not have made and rendered, or shall refuse to verify upon

[Loc. & Per.]

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Oath

Oath any such Account, or shall refuse 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, within Ten Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in any or either 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 give and make a true and perfect Account and Payment as aforesaid, or until he shall compound 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, Vouchers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners for Drainage.

Works of
Drainage to
be kept in
Repair.

LIX. 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, and upon the Lands and 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 and erect 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, the Boat Dike and Staiths to be allotted to the said Commissioners for Drainage, 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 or Engines, Edifices and Buildings as shall at any Time or Times be erected by virtue of this Act.

To raise Mo-
ney for main-
taining
Works.

LX. 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 Award of the said 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 said Lands and Grounds to be drained by virtue of this Act, with such equal and proportionate

portionate Rates and Assessments upon their respective Parts and Shares thereof, as they the said Commissioners for Drainage shall judge necessary for the making, maintaining, repairing, and supporting of the several Works for the Drainage of the said Lands and Grounds, or any Part thereof, and for making any necessary Alterations or Enlargements therein 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 said 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.

LXI. 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 said Commissioners for Drainage, to the Collector or Collectors, or other Person or Persons appointed by the said 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 or her Rent or Rents; and the several Owners are hereby required to allow such Deduction; 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.

Tenants to
pay Taxes.

LXII. 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 assessed, rated, 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 Fourteen Days next after the Time appointed by the said Commissioners for Drainage for such Payment, and after 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, or Occupier or Occupiers, who is, are, or ought to pay the same; or if such Owner or Owners, Tenant or Tenants, or Occupier or Occupiers, shall not have any Place of Abode within the said Parishes of *South Walsbam Saint Lawrence* and *South Walsbam Saint Mary*, or One of them, or within Two Miles of the same, then (after Demand made by the said Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Notice in Writing affixed on 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 Two or more of the said Commissioners for Drainage, (which Warrant or Precept such Two or more 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

For Recovery
of Taxes.

or any Part of the Lands or Grounds so rated and assessed as aforesaid, and into and 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 there be 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 on 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; and if the 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, or 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 Judgment; and that after such Appraisement as aforesaid, the said Goods, Chattels, or 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, or Cattle.

Lands untenanted to remain a Security for the Rates.

LXIII. Provided always, and be it enacted, That in case any of the said 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 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.

LXIV. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, damage, break down, demolish, or destroy any Bank, Mill, Engine, Dam, Floodgate, Bridge, Sluice, or Tunnel already made, or which shall at any Time hereafter be made or erected, supported, maintained, or used, for answering the Purposes of this Act, every Person so offending, and being convicted, shall be guilty of Felony, and

and the Court before whom such Person or Persons 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 Sentence as the Law directs in Cases of Petty Larceny.

LXV. 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 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 authorized 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, 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 of the said County of *Norfolk*, for any Time not exceeding Twelve Calendar Months, at the Discretion of the said Justices.

Persons damaging Works to forfeit a Sum not exceeding 50*l*.

LXVI. 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 and Width, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, from Time to Time for that Purpose, by the Collector or other Officer to be appointed under and 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 Occupier shall, for every such Neglect or Refusal, forfeit and pay the Sum of Two Shillings for every Rod of the Ditch or Drain so neglected to be scoured, cleansed, opened, repaired, deepened, and widened; and it shall 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 and Depth, and by Warrant or Precept under the Hands of Two or more of the said Commissioners for Drainage, to levy such Penalty, 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.

Penalty on Neglect to cleanse Ditches

[*Loc. & Per.*]

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LXVII. And

No Trees to
be planted, or
Building
erected, within
100 Yards of
any Engines
to be erected
by this Act,
except by Or-
der of the
Commission-
ers.

LXVII. 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 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 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 every such Case it shall and may be lawful 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
Droves, &c.
to be let An-
nually.

LXVIII. 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 in future be let by the said Commissioners for Drainage, at their General Annual Meetings to be held as aforesaid, in case they deem it expedient to let the same, 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.

Appeal to the
Sessions.

LXIX. And be it further enacted, That if any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act (other than and except such Orders and Determinations of the said General Commissioners as are herein declared to be final or conclusive, and except in such Cases wherein an Issue at Law shall be tried, as herein-before mentioned), then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said General Commissioners, or any Two of them, 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 Act or Determination of the said Commissioners for Drainage, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded,

awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned; but in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

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 Method is herein-before 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 said 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 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, as the said Commissioners for Drainage shall think reasonable; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall be lawful for such Justice, and he is hereby authorized and required by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County of *Norfolk*, there to remain, without Bail or Mainprize, for any Time not exceeding Six Calendar Months nor less than One Calendar Month, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

Recovery of Penalties by Distress and Sale.

or Offenders
may be com-
mitted.

LXXI. And be it further enacted, That in all Cases where any Conviction shall be had for any Offence or Offences committed against this Act, or any Matter in pursuance of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

Form of Conviction.

BE it remembered, That on this Day of in the
Year of the Reign of of King of Great Britain
A. B. is convicted before of His Majesty's Justices of the Peace for the [or County
as

“ as the Case shall happen] of having [as the Offence shall be] and I [or, We] the said do adjudge him [her, or them] to forfeit and pay for the same the Sum of Given under my Hand and Seal [or, our Hands and Seals] the Day and Year aforeaid’.

Proceedings not to be quashed for Want of Form, nor removable by *Certiorari*.

LXXII. And be it further enacted, That no Order, Determination, Judgment, Conviction, Warrant, or other Proceeding to be had touching the Conviction of any Offender or Offenders against this Act, or any Order, Rate, or Assessment to be made, or any other Matter or Thing to be done or transacted, in or relating to the Execution of this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*; any Statute, Law, or Usage to the contrary thereof in anywise notwithstanding.

Distress not unlawful for Want of Form.

LXXIII. And be it further enacted, That where any Distress shall be made for any Tax, Rate, or Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on Account of any Defect or Want of Form in the Rate or Assessment to be made, or in the Information, Summons, Conviction, Warrant, Distress, or other Proceedings relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on Account of any Irregularity which shall be afterwards done by the Party or Parties so distraining; but the Person or Persons so aggrieved by such Irregularity, shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Limitation of Actions.

LXXIV. Provided always, and be it enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, until after Thirty Days Notice thereof in Writing, signed by the Party or Parties aggrieved, shall have been given to the Party or Parties complained of, or left at his, her, or their last or usual Place or Places of Abode, thereby 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 said County of *Norfolk*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and 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 or by 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 aforeaid, or after sufficient Satisfaction made or tendered as aforeaid, or after the Time limited

mitted for bringing the same as aforesaid, or be brought or laid, in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants, Avowant or Avowants; and in all Cases where a Verdict 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 Defendant shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants, Avowant or Avowants, shall recover Double Costs, and have such and the like Remedy for recovering the same, as any Defendant or Defendants, Avowant or Avowants, hath or have for recovering the Costs of Suit in any other Case by Law.

LXXV. Provided always, 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, Jurisdictions, 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, belonging, 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) in as full, large, 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 Ma-
nors.

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

General
Saving.

Publick Act.

LXXVII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW STEPHAN, Printers to the King's most Excellent Majesty: 1800.