ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 17.

An Act for allotting the Lands in the Parish of *Hempstead*, in the County of *Norfolk*, and for the Drainage of the Marshes or Fen Grounds within the said Parish, and of certain other Marshes, Meadows and Low Grounds, within the several Parishes of *Happisburgh*, *Eccles*, *Palling next the Sea*, *Lessingham*, and *Ingham*, in the County aforesaid.

[20th *March* 1812.]

WHEREAS there are, within the Parish of *Hempstead*, in the County of *Norfolk*, divers Inclosures and Parcels of Whole-year Land, and certain Open Fields, Half-year or Shack Lands, Commons and Waste Grounds; and there are, within the several Parishes of *Happisburgh*, *Eccles*, *Palling next the Sea*, *Lessingham*, and *Ingham*, in the said County, certain Marshes, Meadows and Low Grounds: And whereas *John Littlewood* Gentleman, is Lord of the several Manors of *Hempstead* and *Hempstead Studhaugh*, in the said County, in respect whereof he claims to be entitled to the Soil of the said Commons and Waste Grounds within the said Parish of *Hempstead*: And whereas the said *John Littlewood*, *Anthony Aufrere* Esquire, *Robert Marler*, *John Payne*, and divers other Persons, are respectively the Owners and Proprietors of all Messuages, Lands and Tenements, situate within the said Parish of *Hempstead*: And whereas Sir *John Lombe*, and Sir *George Berney Brograve*, Baronets, *Robert Whaites*, and *Daniel Durrant Scott*, Esquires, *Benjamin*

Cubitt of *Leſſingham*, and *Benjamin Cubitt* of *Ingham*, Gentlemen, and divers other Perſons, are reſpectively the Owners and Proprietors of all the Marſhes, Meadows and Low Grounds, within the ſaid ſeveral Pariſhes of *Happiſburgh*, *Eccles*, *Palling next the Sea*, *Leſſingham*, and *Ingham*: And whereas ſome of the ſaid Incloſures, and the ſaid Open Fields, and Half-year or Shack Lands, are intermixed and otherwiſe inconveniently ſituated for the reſpective Owners and Occupiers thereof, and the greater Part of the ſaid Commons and Waſte Grounds in the ſaid Pariſh of *Hempſtead*, and the ſaid Marſhes, Meadows and Low Grounds, within the ſaid ſeveral Pariſhes of *Happiſburgh*, *Eccles*, *Palling next the Sea*, *Leſſingham*, and *Ingham*, are frequently overflowed with Water, and in their preſent State and Condition, for Want of ſufficient Drainage, yield but little Profit to the ſeveral Perſons intereſted therein: And whereas it would be advantageous to the ſeveral Perſons entitled to and intereſted in the Premiſes, if the Rights of Common, and other Commonable Rights at preſent exiſting, over the ſaid Open Fields, Half-year or Shack Lands, Commons and Waſte Grounds were extinguiſhed, and if all the Lands and Grounds within the ſaid Pariſh of *Hempſtead* were divided, and ſpecific Parts or Shares thereof allotted to the ſeveral Perſons intitled thereto and intereſted therein, according to their reſpective Eſtates, Rights and Intereſts, and if the Commons and Waſte Grounds within the ſame Pariſh, and the ſaid Marſhes, Meadows, and Low Lands, within the ſaid ſeveral Pariſhes of *Happiſburgh*, *Eccles*, *Palling next the Sea*, *Leſſingham*, and *Ingham*, were properly drained; but ſuch Extinguiſhment, Allotment and Drainage, cannot be effected without the Authority of Parliament: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure; and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: 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 *Joſeph Sewell* of *Catton*, in the County of *Norfolk*, Gentleman, *William Forſter* of *Northwalſham*, in the ſame County, Gentleman, and *Joſeph Muſkett* of *Eaſton*, in the ſame County, Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed General Commiſſioners for dividing and allotting the ſaid Whole-year Lands, Open Fields, and Half-year or Shack Lands, Commons, Commonable Lands, and Waſte Grounds, within the ſaid Pariſh of *Hempſtead*, and for draining certain Parts thereof, and the Marſhes, Meadows and Low Grounds, within the ſaid ſeveral Pariſhes of *Happiſburgh*, *Eccles*, *Palling next the Sea*, *Leſſingham*, and *Ingham*, (except certain Meadows in *Ingham* aforeſaid called *Elſden's Meadows*, belonging to the ſaid *Robert Whaites*, and containing Fifty Acres or thereabouts, and alſo except certain Marſhes, Meadows and Low Grounds in *Palling* aforeſaid, belonging to the ſaid Sir *George Berney Brograve*, and now drained by a Mill belonging to him), and for the ſeveral other Purpoſes herein mentioned, and for carrying this Act into Execution, ſubject to ſuch of the Powers, Authorities, Directions, Regulations, Reſtrictions and Proviſions contained in the ſaid recited Acts, as are not altered, varied or otherwiſe provided for by this Act.

41 G. 3.

General Commiſſioners appointed.

For appointing new General Commiſſioners.

II. And be it further enacted, That if any of the General Commiſſioners named in 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 become incapable of acting, or refuſe or neglect to act in the Execution of this Act and the ſaid recited Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſurviving or remaining General Commiſſioner or Commiſſioners, and they or he are or is hereby required, at any Time within Forty Days next after ſuch Death, Incapacity, Refuſal or Neglect ſhall be known to them or him, by Writing under their or his Hands or Hand, to appoint any other Perſon, not intereſted in the Premiſes, to be a General Commiſſioner in the Room or Stead of each General Commiſſioner ſo dying or becoming incapable or refuſing or neglecting to act, and every General Commiſſioner ſo to be appointed ſhall, after taking the Oath preſcribed in that Behalf, have the like Powers and Authorities for carrying the ſaid recited Act and this Act into Execution, in all Reſpects, as if he had been originally named and appointed a General Commiſſioner in and by this Act.

Notice of Meetings.

III. And be it further enacted, That the ſaid General Commiſſioners ſhall and they are hereby required to cauſe Notice of the Time and Place of their Firſt and every other Meeting for the Execution of this Act, to be inſerted in the *Norfolk Chronicle*, or *Norwich Mercury*, or in ſome other Newſpaper generally 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; and if at any Meeting appointed to be holden by the ſaid General Commiſſioners, it ſhall happen that no more than One of ſuch General Commiſſioners ſhall attend, ſuch General Commiſſioner may adjourn ſuch Meeting to ſuch Time and Place, within the ſaid Pariſh of *Hempſtead*, or within Eight Miles thereof, as he ſhall think moſt convenient, giving Notice of ſuch Adjournment to the abſent General Commiſſioners; and that all Meetings of the ſaid General Commiſſioners, in the Execution of this Act or the ſaid recited Act, ſhall be held within the ſaid Pariſh of *Hempſtead*, or within Eight Miles of the ſame.

Other Notices how to be given.

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

Surveyor.

V. And be it further enacted, That *Robert Summers* of *Happiſburgh* aforeſaid, Land Surveyor, ſhall be and he is hereby appointed the Surveyor under this Act.

VI. And

General Commissioners to settle Differences;

VI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights, Interests, Shares or Proportions, which they or any of them shall have or claim to have of and in the Lands and Grounds hereby directed to be divided and allotted, or concerning any other Matter or Thing relating to the said Division and Allotment, it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said General Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not to determine Titles.

General Commissioners to assess Costs.

VII. 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 the said recited Act or of this Act, or upon the Hearing and Determination of any Difference or Dispute as aforesaid, 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 the Party or Parties in whose Favour any such Determination shall be made, to be paid to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled, or against whom the said General Commissioners shall have made any Determination as aforesaid; and in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, 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 or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus, (if any) upon Demand, to the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try Rights by an Issue at Law.

VIII. Provided always, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, or 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 of or for any Rights of Soil or Common, or other Commonable 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 Politic, Corporate, or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said General Commissioners, at the Assizes to be holden for the said County of *Norfolk* next after the Expiration of Two Calendar Months from the making of such Determination; and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate,

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 Politic, Corporate or Collegiate, in whoſe Favour any 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 ſhall name, and he, ſhe, or they, is or 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 ſhall be commenced, in caſe the Parties ſhall differ about the ſame); and the Verdict which ſhall be given in ſuch Action ſhall be final, binding and concluſive upon all and every Perſon and Perſons, Body and Bodies Politic, Corporate and Collegiate, unleſs the Court wherein ſuch Action ſhall be brought ſhall ſet aſide ſuch Verdict, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do in caſe the ſaid Court ſhall think proper; and that after the ſaid Verdict ſhall be obtained, and not ſet aſide by the Court, the ſaid General Commiſſioners ſhall act in Conformity thereto, and allow or diſallow the Claim or Claims ſo litigated according to the Event of ſuch Trial.

Determination of the General Commiſſioners, not over-ruled by the Event of an Action, to be final.

IX. Provided always, and be it further enacted, That the Determination of the ſaid General Commiſſioners, touching the Right to Soil of the ſaid Commons and Waſte Grounds, and the other Rights and Intereſts in, over, or upon the ſame, which ſhall not be over-ruled by the Event of any ſuch Trial as aforeſaid, ſhall be final and concluſive upon all Parties.

Proceedings not to abate by the Death of any of the Parties.

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

Proviſion in caſe of Death of Parties before Action brought.

XI. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing the ſame, it ſhall be lawful for the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought ſuch Action or Actions againſt the Perſon or Perſons ſo dying, to bring the ſame within the Time ſo limited as aforeſaid, againſt ſuch Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid General Commiſſioners with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear to and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Rights of Persons not to be determined by the General Commissioners contrary to their Possessions.

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

For extinguishing or suspending Rights of Common before the Execution of the Award.

XIII. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and empowered, at any Time or Times before the Execution of the Award directed to be made by them by the said recited Act, by Notice in Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Hempstead* aforesaid, to order and direct all or any Part of the Rights of Sheepwalk, or of Common of Pasture, or other Commonable Rights whatsoever, in, over, and upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Notice; and that all such Rights as the said General Commissioners shall, by such Notice, order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time mentioned in such Notice in that Behalf, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

No Turf, Flags, Whins, or Furze to be cut without Leave of the Commissioners.

XIV. And be it further enacted, That if any Person or Persons shall after the passing of this Act, cut, dig, pare, grave, flay, take or carry away any Reed, Rushes, Fodder, Turf, Flags, Whins, or Furze, in, upon, or from the said Commons, Commonable Lands, and Waste Grounds hereby directed to be divided and allotted, 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 and they are hereby required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of every Person so offending in the Premises, rendering the Overplus (if any) upon Demand to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

For ascertaining Boundaries.

XV. And be it further enacted, That the said General Commissioners shall, with all convenient Speed after the passing of this Act, cause Notice of their Intention to perambulate the Boundaries of the said Parish of *Hempstead*, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in

in ſome other Newſpaper printed and circulated within the ſaid County of *Norfolk*, Eight Days at leaſt before the Time of ſuch Perambulation; and after the Expiration of the Time to be ſpecified in ſuch Notice, they the ſaid General Commiſſioners are hereby authorized and required to perambulate, enquire into, aſcertain, fix, determine, and ſet out the Boundaries of the ſaid Pariſh of *Hempſtead*, and a Deſcription of the ſaid Boundaries, ſhall, within Forty Days after the ſame ſhall be ſo aſcertained, fixed, determined and ſet out, be inſerted in the ſaid *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper printed and circulated within the ſaid County of *Norfolk*: Provided always, that if any Perſon or Perſons intereſted in the Deciſion of the ſaid General Commiſſioners reſpecting the ſaid Boundaries ſhall be diſſatisfied therewith, ſuch Perſon or Perſons may appeal to the Juſtices of the Peace acting in and for the County of *Norfolk*, at any General Quarter Seſſions of the Peace to be holden within Four Calendar Months next after the aforeſaid Publication of the ſaid Boundaries, on giving to the ſaid General Commiſſioners Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof, and the Deciſion of the ſaid Juſtices therein ſhall be final and concluſive.

For ſhortening Boundary Fences.

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

Limitation of Rights of Common.

XVII. And be it further enacted, That all Owners of Meſſuages and Cottages now ſtanding in the ſaid Pariſh of *Hempſtead*, which have been erected and uſed as Meſſuages and Cottages for the Space of Forty Years before the paſſing of this Act, or which have been erected upon the Scite or in lieu of more ancient Meſſuages or Cottages, and alſo all Owners of Lands in the ſaid Pariſh of *Hempſtead* which have not within Sixty Years laſt paſt been Part or Parcel of the ſaid Commons and Waſte Grounds, ſhall, on their preferring their reſpective Claims in the Manner preſcribed by the ſaid recited Act in that Behalf, have and be allowed a Right or Rights of Common over or upon all the Commons and Waſte Grounds within

within the ſaid Pariſh of *Hempſtead*, in Proportion to the annual Value of ſuch Meſſuages, Cottages, and Lands reſpectively.

Encroachments within Twenty Years to be allottable. Beyond Twenty Years confirmed.

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

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

XIX. Provided always, and be it enacted, That the Lands and Grounds comprized in any Encroachments which ſhall have been made within Twenty Years laſt paſt, ſhall (without Regard to the Value of any Improvements ſince made thereon) be allotted to the Perſon or Perſons in Poſſeſſion thereof, ſo far as he, ſhe, or they ſhall be entitled to any Allotment of ſufficient Value by virtue of this Act, and in that Caſe the Value of ſuch Encroachment ſhall be deducted from, or deemed a Compenſation for the Allotment to which ſuch Perſon or Perſons ſhall be entitled under this Act; but if the Perſon or Perſons in Poſſeſſion of ſuch Encroachment ſhall not be entitled to any Allotment, or to an Allotment equivalent to the Value of ſuch Encroachment, then and in either of thoſe Caſes the whole, or the ſurplus Quantity (as the Caſe may be) of ſuch Encroachment ſhall be ſold by the ſaid General Commiſſioners, and conveyed by them in Fee Simple to any Perſon or Perſons who ſhall become the Purchaſer or Purchaſers thereof; and the Money ariſing from ſuch Sale, ſhall be applied towards defraying the Coſts, Charges, and Expences, of obtaining and executing this Act.

Licenſed Encroachments not prejudiced.

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

Carriage Roads to be ſet out.

XXI. And be it further enacted, That the ſaid General Commiſſioners ſhall and they are hereby authorized and required, in the firſt Place, before they ſhall proceed to make any of the Diviſions and Allotments directed by this Act, to ſet out and appoint all the public Carriage Roads and Highways, in, through, and over the ſaid Lands and Grounds hereby directed

directed to be divided and allotted, and to divert, turn, or ſtop up, any of the preſent Roads or Footpaths, in, through, or over any Part of the ſaid Pariſh of *Hempſtead*, as the ſaid General Commiſſioners ſhall judge neceſſary, ſo as the Roads and Highways ſo to be ſet out and appointed, ſhall be and remain Thirty Feet wide at the leaſt, and be ſet out in ſuch Directions as ſhall, upon the Whole, appear to them to be moſt commodious for the Public; and the ſaid General Commiſſioners are further required to aſcertain the ſame by Marks and Bounds, and to prepare and ſign a Map in which ſuch intended Roads ſhall be accurately laid down and deſcribed, and to cauſe the ſame, when ſo ſigned, to be depoſited with their Clerk, for the Inſpection of all Perſons concerned; and as ſoon as may be afterwards, the ſaid General Commiſſioners ſhall give Notice in one of the Public Newſpapers then publiſhed or circulated in the County of *Norfolk*; and alſo in and by Writing to be affixed upon the principal Door of the Pariſh Church of *Hempſtead* aforeſaid, of their having ſo ſet out ſuch Roads, and depoſited ſuch Map as aforeſaid; and alſo of the general Lines of ſuch intended Carriage Roads; and ſhall alſo appoint in and by the ſame Notice, a Meeting of the ſaid General Commiſſioners, at ſome convenient Place in *Hempſtead* aforeſaid, or within Eleven Miles thereof, and not ſooner than Fourteen Days from the Date and Publication of ſuch Notice; and if any Perſon who may be injured or aggrieved by the ſetting out of ſuch Roads, ſhall attend at ſuch Meeting, and object to the ſetting out of the ſame, then ſuch Commiſſioners, together with any Juſtice or Juſtices of the Peace acting in and for the Diviſion in which the ſaid Pariſh of *Hempſtead* is ſituate, and not being intereſted in the ſaid Diviſion and Allotment, ſhall hear and determine ſuch Objection, and the Objections of any other Perſon or Perſons to any Alteration that the ſaid General Commiſſioners, with any ſuch Juſtice or Juſtices, may in conſequence propoſe to make; and the ſaid General Commiſſioners, together with ſuch Juſtice or Juſtices, ſhall and they are hereby required, according to the beſt of their Judgement upon the whole, to order and finally direct how ſuch Carriage Roads ſhall be ſet out, and either to confirm the ſaid Map, or make ſuch Alteration therein as the Caſe may require; and all Roads, Ways, and Paths, in, through, and over the ſaid Pariſh of *Hempſtead* or any Part thereof, which ſhall not be ſet out or finally ordered and directed as aforeſaid, ſhall be for ever ſtopped up and extinguiſhed, and ſhall be deemed and taken as Part of the Lands and Grounds to be divided and allotted by virtue of this Act, and ſhall be divided and allotted accordingly: Provided alſo, that none of the preſent Roads within the ſaid Pariſh of *Hempſtead* ſhall be ſhut up and diſcontinued until the Roads which ſhall be intended to remain or be the public Roads in future, ſhall be ſet out in the Manner by this Act directed, and until the ſame ſhall be properly formed, and made ſafe and convenient for Horſes, Carts, and Carriages.

All Roads not ſet out ſhall be allotted.

Preſent Roads not to be ſtopt till new Roads made.

XXII. And be it further enacted, That the ſaid General Commiſſioners ſhall aſſign, ſet out, and allot unto the Surveyor of the Highways in the ſaid Pariſh of *Hempſtead* for the Time being, ſuch Part or Parts of the Lands and Grounds hereby directed to be divided and allotted, as they the ſaid General Commiſſioners ſhall think neceſſary, as and for a public Watering Place or public Watering Places for Cattle, and as and for public Sand, Gravel, Clay, and Chalk Pits; and the ſame Allotments, when ſo ſet out, ſhall for ever thereafter be uſed by the Surveyors of the

Allotments for public watering Places, Gravel Pits, etc.

Highways, and by the Proprietors of Lands and Eſtates within the ſaid Pariſh of *Hempſtead* and their Tenants for the Time being, in ſuch Manner and under ſuch Rules and Regulations as the ſaid General Commiſſioners ſhall by their Award direct or appoint, and not otherwiſe.

Allotments to Truſtees for poor Inhabitants legally ſettled.

XXIII. 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 aforeſaid Manors, and to the Rector of the Rectory of *Hempſtead*, and to the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Hempſtead* for the Time being, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Grounds as in the Judgement of the ſaid General Commiſſioners ſhall be equal in Value to One-twentieth Part of the ſame Commons and Waſte Grounds; and ſuch Allotment or Allotments ſhall, on the Execution of the Award of the ſaid General Commiſſioners, be veſted in the Lord of the ſaid Manors, and the Rector of the ſaid Rectory, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Hempſtead* for the Time being, for ever, as Truſtees for the poor Inhabitants of the ſaid Pariſh of *Hempſtead*, to the Intent that the ſaid Truſtees for the Time being ſhall permit and ſuffer the poor Inhabitants of the ſaid Pariſh of *Hempſtead*, who ſhall be legally ſettled therein, and who ſhall not occupy any Lands or Tenements of more than the yearly Value of Three Pounds, to cut and take Turf, Peat, and Fuel, on and from ſuch Part or Parts of the ſaid laſt-mentioned Allotment or Allotments, in ſuch Quantities, and at ſuch Time or Times in every Year, and under ſuch Regulations and Reſtrictions, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall direct or appoint, and not otherwiſe; and the Part or Parts of ſuch Allotment or Allotments which ſhall not be ſo appropriated for taking Turf, Peat, and Fuel as aforeſaid, ſhall be uſed and enjoyed ſolely and excluſively by the poor Inhabitants of the ſaid Pariſh of *Hempſtead*, who ſhall be legally ſettled therein, and ſhall not occupy any Lands or Tenements of more than the yearly Value of Three Pounds, as a Common Paſture for all Cattle, Geeſe, or other Stock, which ſhall really and *bonâ fide* be the Property of ſuch poor Inhabitants reſpectively, in ſuch Manner and at ſuch Time or Times, and according to ſuch Rules and Regulations as the ſaid Truſtees for the Time being, or the major Part of them ſhall appoint and preſcribe for that Purpoſe, and not otherwiſe: Provided alſo, that it ſhall be lawful for the Lord of the ſaid Manors and the Rector of the ſaid Rectory for the Time being reſpectively to act in the Execution of the Truſts hereby repoſed in them as aforeſaid, by their reſpective Agents or Proxies, ſuch Agents or Proxies reſpectively to be appointed by Writing under the Hands of the ſaid Lord and Rector reſpectively, and producing their reſpective Appointments at the Time of their acting by virtue thereof, if requeſted ſo to do; but no Perſon ſhall act as Agent or Proxy for more than one Truſtee at the ſame Time.

Reſidue of Allotment (if any) for Common.

Allotment for Right of Soil.

XXIV. And be it further enacted, That the ſaid General Commiſſioners ſhall in the next Place aſſign, ſet out and allot unto the Lord of the ſaid ſeveral Manors, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Grounds as ſhall, in the Judgement of the ſaid General Commiſſioners, be equal in Value to One Eighteenth Part thereof, as a Compenſation and full Satisfaction for his Right of, in and to the Soil of the ſame Commons and Waſte Ground.

XXV. And

Allotment of the Reſidue.

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

For feneing Allotments.

XXVI. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted, ſhall be incloſed, hedged, ditched and fenced, by ſuch Perſon or Perſons, and Body or Bodies Politic, Corporate or Collegiate (ſave and except the Rector of the Rectory of *Hempſtead* aforeſaid for the Time being, in reſpect of any Allotment to be made to him in right of the ſaid Rectory, and ſave and except the ſaid Surveyors of the Highways, and the ſaid Truſtees for the Poor, for or in reſpect of the Allotments hereby directed to be made to them reſpectively as aforeſaid), within ſuch Time and in ſuch Manner as the ſaid General Commiſſioners ſhall in and by their ſaid Award order, direct and appoint; and the Hedges, Ditches, Drains and Fences, which ſhall be made purſuant to the ſaid Award, ſhall at all Times thereafter be maintained and kept in Repair, and cleanſed, ſcoured and kept open, by ſuch Perſons and Body or Bodies Politic, Corporate or Collegiate, as the ſaid General Commiſſioners ſhall by their ſaid Award order and direct.

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

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

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

XXVIII. Provided always, and be it further enacted, That if any Perſon or Perſons (ſave and except the Rector of the ſaid Rectory) hath or have ſold, or ſhall at any Time before the Execution of the Award of the ſaid General Commiſſioners directed to be made by the ſaid recited Act, ſell his, her or their Right, Intereſt and Property, in the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, to any other Perſon or Perſons, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid General Commiſſioners, and they are hereby authorized and required, upon Notice in Writing delivered to them of any ſuch Sale, to make an Allotment of Land unto the Vendee or Purchaſer, or Vendees or Purchaſers, mentioned in every ſuch Sale, or to his, her or their Heirs, Executors, Adminiſtrators or Aſſigns, for and in reſpect of ſuch Right,

Intereſt

Intereſt and Property, ſo ſold as aforeſaid; and ſuch Vendee or Purchaſer, or Vendees or Purchaſers, and his, her, or their Heirs, Executors, Adminiſtrators or Aſſigns, ſhall, 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 or Vendors in every ſuch Sale might, could or ought to have held and enjoyed the ſame in caſe ſuch Sale had not been made, or ſuch Right, Intereſt or Property, had been veſted in ſuch Vendor or Vendors at the Time of making ſuch Allotment as aforeſaid.

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

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

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

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

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

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

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

General Commiſſioners to be Copyhold and Leaſehold), ſhall be thenceforth deemed, taken and enjoyed, as Freehold Lands and Grounds, ſubject nevertheleſs to ſuch Free Rents and Services as are now payable for the ſame.

For allowing Exchanges to be made.

XXXII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid General Commiſſioners to ſet out, allot and award, any Meſſuages, Buildings, Lands, Tenements or Hereditaments whatſoever, in the ſaid Pariſh of *Hempſtead*, in lieu of and in Exchange for any other Meſſuages, Buildings, Lands, Tenements or Hereditaments whatſoever, within that Pariſh, or within any adjoining Pariſh, Hamlet, Townſhip or Place, provided that all ſuch Exchanges be aſcertained, ſpecified and declared in the Award of the ſaid General Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, general or ſpecial, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal or Seals of the Body or Bodies Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges to to be made ſhall be good, valid and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Meſſuages, Buildings, Lands, Tenements or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Meſſuages, Buildings, Lands, Tenements or Hereditaments ſo to be exchanged, ſhall lie or be ſituate: Provided alſo, that all Coſts, Charges and Expences, attending the making of any Exchanges or Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges or Partitions, in ſuch Manner and in ſuch Proportions as the ſaid General Commiſſioners ſhall by their ſaid Award order and direct.

Leaſes and Agreements at Rack Rent not to be void.

XXXIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to determine or make void any Leaſes or Agreements for Leaſes at Rack or extended Rents now ſubſiſting, and which reſpect any of the Meſſuages, Buildings, Lands or Tenements within the ſaid Pariſh of *Hempſtead*, either alone or jointly with any other Meſſuages, Lands or Tenements in any adjoining Pariſh or Place, ſave and except only ſo far as the ſame Leaſes or Agreements reſpect any Lands and Grounds within the ſaid Pariſh of *Hempſtead*, which ſhall be allotted to any other Perſon or Perſons than the Proprietor or Proprietors thereof at the Time of making ſuch Allotment; but the Tenant or Tenants under ſuch Leaſes or Agreements reſpectively ſhall,

within such Time as shall be appointed for that Purpose by the said General Commissioners, relinquish and give up the Possession of all such Lands and Grounds in his, her, or their Occupation, as shall be allotted to any other Person or Persons than the former Proprietor or Proprietors thereof, to the Person or Persons to whom the same shall be so allotted; and such Tenant or Tenants shall also accept and take all such Lands and Grounds as shall be allotted to his, her, or their Landlord or Landlords, for or in lieu or in respect of all or any of the Lands and Grounds then held or occupied by him, her, or them, under such Leases or Agreements respectively, and hold and occupy the same for and during the then Residue of the Term or Terms of Years granted or agreed to be granted by the said Leases or Agreements, subject to the same Covenants, Agreements, Stipulations, Provisoes and Conditions, as are mentioned in such Leases or Agreements respectively, or to such further or other Covenants or Agreements, in regard to any Allotment or Allotments of the said Commons and Waste Grounds, which may be made in respect of any of the said Messuages, Buildings, Lands or Tenements, as the said General Commissioners shall by their said Award, or by any Writing or Writings under their Hands, direct and appoint; and the said General Commissioners shall ascertain, order and direct, what Sum or Sums of Money shall be paid by any such Tenant or Tenants, to his, her, or their Landlord or Landlords, by Way of Increase of Rent, for any Addition which may be made in the Quantity, or Benefit or Advantage in the Quality of the Lands and Grounds set out and allotted for or in lieu, or in respect of the Lands held or occupied by such Tenant or Tenants respectively, immediately before the making of such Allotments or any Part thereof; and also what Sum or Sums of Money shall be paid by such Landlord or Landlords respectively, to his, her, or their Tenant or Tenants, by Way of Compensation and Satisfaction for any Loss or Disadvantage which such Tenant or Tenants may sustain by Reason of any Diminution in the Quantity, or Deterioration in the Quality of the Lands and Grounds allotted for or in lieu, or in respect of the Lands then held or occupied by him, her, or them, or any Part thereof; such increased Rents to be paid in the same Manner, and recoverable by the like Ways and Means as the original Rents payable under such Leases or Agreements respectively are thereby reserved and made payable, and as the same are thereby and by Law recoverable, and the Sum or Sums to be paid by such Landlord or Landlords as aforesaid, shall be raised, levied and recovered, for the Use of the Person or Persons entitled thereto, by the same Ways and Means as the Costs, Charges and Expences of obtaining this Act, and executing this and the said recited Act, can or may be raised, levied and recovered.

Wills and Settlements not to be affected.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter or annul, any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt or Incumbrance, out of, upon or affecting any of the Messuages, Buildings, Lands, Grounds or Hereditaments, within the said Parish of *Hempstead*, or which shall be exchanged by virtue of this Act, or any Parts thereof respectively; but that 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,

Uſes, for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures and Charges, and no other, as the Meſſuages, Buildings, Lands and Grounds, whereof ſuch Proprietor ſhall be ſeiſed or poſſeſſed at or immediately before the Execution of the ſaid Award, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

Fences to be made where Sheep are kept in new Incloſures.

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

General Commiſſioners may make Satisfaction for improving and over-cropping Lands.

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

General Commiſſioners to direct Courſe of Huſbandry.

XXXVII. 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 Meadow or Paſture Lands hereby directed to be divided and allotted, ſhall be ploughed or converted into Tillage without the Conſent of the ſaid General Commiſſioners

Commiſſioners firſt had and obtained in Writing for that Purpoſe, and that all the Lands hereby directed to be divided and allotted, ſhall, during that Time, be uſed and managed in ſuch Manner, and ſhall be ſubject to ſuch Directions and Regulations as the ſaid General Commiſſioners ſhall from Time to Time, by Writing under their Hands, to be affixed upon the principal outer Door of the Church within the ſaid Pariſh of *Hempſtead* appoint, as well with Regard to the ploughing, manuring, tilling, ſowing, and laying down the ſame, as to the cutting of Thorns and Buſhes thereon; and that it ſhall be lawful for the ſaid General Commiſſioners to order and direct ſuch Sum or Sums of Money in reſpect thereof, not exceeding Five Pounds per Acre, to be paid by any Perſon or Perſons intereſted in the ſaid Lands and Grounds, or any Part thereof, or by his, her, or their Tenant or Tenants, to any other Perſon or Perſons intereſted therein, or his, her, or their Tenant or Tenants, as the ſaid General Commiſſioners ſhall think reaſonable; and in caſe any Perſon or Perſons who ſhall be directed to pay any ſuch Sum of Money, ſhall neglect or refuſe to pay the ſame on Demand, it ſhall be lawful for the ſaid General Commiſſioners, and they are hereby 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 this Act, and executing this and the ſaid recited Act, can or may be raiſed and levied; and if any Perſon ſhall act contrary to any ſuch Directions and Regulations of the ſaid General Commiſſioners, he ſhall, for every ſuch Offence, forfeit and pay to the ſaid General Commiſſioners ſuch Sum of Money, not exceeding Five Pounds for every Acre of the ſaid Lands and Grounds which ſhall be uſed or managed contrary to the ſaid Directions and Regulations as the ſaid General Commiſſioners, or any Juſtice of the Peace acting in and for the ſaid County, ſhall order and direct; ſuch Penalties or Forfeitures to be recovered, levied, and applied, in the ſame Manner and by the ſame Ways and Means as any other Penalty or Forfeiture is by this Act directed to be recovered, levied, and applied.

Drainage Clauſe.

XXXVIII. And be it further enacted, That the ſaid General Commiſſioners ſhall and they are hereby authorized and required, by ſuch Agents, Workmen and Labourers as they ſhall think fit to employ, to make and erect, or cauſe to be made and erected, 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, and in, through, upon, and over the Marſhes, Meadows and Low Grounds in the ſaid ſeveral Pariſhes of *Happiſburgh*, *Eccles*, *Palling next the Sea*, *Leſſingham*, and *Ingham*, or any Part thereof, or other adjoining Lands, as they the ſaid General Commiſſioners ſhall judge proper and expedient for effectually draining ſuch Parts of the Lands and Grounds hereby directed to be divided and allotted, and the Marſhes, Meadows, and Low Grounds in the ſaid ſeveral Pariſhes of *Happiſburgh*, *Eccles*, *Palling next the Sea*, *Leſſingham*, and *Ingham*, which in their Opinion ſhall require to be drained (except the ſaid Meadows called *Elſden*'s Meadows, and the ſaid Lands drained by the ſaid Sir *George Berney Brograve* as herein-before mentioned); and to erect or cauſe to be erected, ſuch Houſes or Buildings for the Habitation of the Perſon or Perſons who ſhall have the Care or Superintendence of the ſaid Works of Drainage or any of them, or for depoſiting Stores or Materials neceſſary for the making or maintaining of ſuch Works, as they the ſaid General Commiſſioners ſhall think

think proper; and that the ſaid General Commiſſioners ſhall ſet out and allot unto the Commiſſioners for Drainage herein-after appointed, the Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, Houſes, Buildings, and other Works ſo to be made and erected by them; and ſuch Parts of the ſaid Lands and Grounds to be drained by virtue of this Act, as they ſhall think proper for the maintaining, repairing, and preſerving of the ſame.

Compenſation to be made for Lands taken.

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

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

XL. And be it further enacted, That all the Coſts, Charges, and Expences of incloſing the Lands and Grounds which ſhall by virtue of this Act be allotted to the Rector of the ſaid Rectory of *Hempſtead*, in reſpect of the ſaid Rectory, and to the Surveyors of the Highways and Truſtees for the Poor of the ſaid Pariſh of *Hempſtead*, and to the Commiſſioners for Drainage herein-after appointed, and the Coſts and Charges incident to and attending the obtaining and paſſing this Act, and of ſurveying, admeaſuring, planning, valuing, dividing, allotting, and draining the Lands and Premiſes hereby directed to be ſurveyed, meaſured, planned, valued, divided, allotted, and drained, and of preparing the ſaid Award, and of making a Counterpart or Copy thereof, and all the Charges and Expences of the ſaid General Commiſſioners, their Aſſiſtants and Servants, and all other neceſſary Charges and Expences of the ſeveral Perſons to be employed by the ſaid General Commiſſioners in and about the Premiſes, and all the Expences of forming, completing and repairing the public Carriage Roads and Highways to be ſet out and appointed by the ſaid General Commiſſioners, and all other Expences of carrying this Act and the ſaid recited Act into

into Execution, (ſave and except ſuch Charges and Expences as ſhall be incurred by virtue of this Act after making the ſaid Award), ſhall be borne and defrayed by the ſeveral Perſons and Body or Bodies Politic, Corporate or Collegiate, intereſted in the Premiſes, (ſave and except the Rector of the ſaid Rectory for the Time being, for or in reſpect of any Allotment or Allotments which ſhall be made to him in Right of the ſaid Rectory, and alſo ſave and except the Surveyors of the Highways, and the Truſtees for the Poor of the ſaid Pariſh of *Hempſtead*, and the ſaid Commiſſioners for Drainage for the Time being, for or in reſpect of the Allotments hereby directed to be made to them reſpectively as aforeſaid), which ſaid Coſts, Charges, and Expences, together with the Shares and Proportions thereof to be paid by the ſeveral Perſons, and Body or Bodies Politic, Corporate or Collegiate, hereby made liable to the Payment thereof, ſhall be ſettled and adjuſted by the ſaid General Commiſſioners, and ſhall be paid at ſuch Time and Place, to ſuch Perſon or Perſons, and in ſuch Manner as the ſaid General Commiſſioners ſhall direct and appoint, and ſhall and may be recovered in Manner directed by the ſaid recited Act.

Directions for charging Copyholds with Expences.

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

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

XLII. And be it further enacted, That it ſhall be lawful for the ſaid General Commiſſioners, on Application in Writing made to them by the Huſbands, Guardians, Truſtees, Committees or Attornies of or for any of the ſaid Proprietors or Perſons intereſted in the Premiſes, being under Coverture, Minors, Ideots, Lunatics, beyond the Seas, or under any other Diſability, or by any of the ſaid Proprietors or Perſons intereſted, being Tenant or Tenants in Tail, or for Life or Lives, or for Years determinable on a Life or Lives, or on any other Contingency or otherwiſe (except the ſaid Rector for the Time being) to ſell and diſpoſe of any Part or Parts of the Allotment or Allotments which ſhall be made by virtue of this Act, to ſuch incapacitated Perſons, for the Purpoſe of defraying his, her, or their Share or Proportion of the Coſts, Charges, and Expences of obtaining and paſſing this Act, and of carrying this and the ſaid recited Act into Execution, and alſo the Expences of incloſing, fencing, and ſubdividing his, her, or their Allotment or Allotments, and of making and completing ſuch Sale or Sales, and ſuch Sale or Sales ſhall be made by the ſaid General Commiſſioners in the ſame Manner and ſubject to the ſame Rules and Regulations as are mentioned and preſcribed, in and by the ſaid recited Act, with reſpect to the Sale of any Lands authorized to be

sold for paying the Expences of obtaining and carrying into Execution any Act for dividing, allotting, and incloſing, any Lands and Grounds; and every Allotment for which the full Purchaſe Money ſhall be paid to the ſaid General Commiſſioners, ſhall be conveyed by them, by Leaſe and Releaſe, or Bargain and Sale, as the Caſe may require, at the Expence of the ſaid Purchaſer or Purchaſers, unto and to the Uſe of, or in Truſt for him, her, or them, and his, her, or their Heirs and Aſſigns reſpectively, or as he, ſhe, or they ſhall appoint, and ſhall be incloſed and holden by ſuch Purchaſer or Purchaſers reſpectively in Fee Simple, in Severalty, and diſcharged of all Commonable and other Rights thereon; and the Receipt of the ſaid General Commiſſioners ſhall be a good and ſufficient Diſcharge to ſuch Purchaſer or Purchaſers for the Money therein expreſſed to be received by them, and the ſaid Purchaſe Money ſhall be applied by the ſaid General Commiſſioners in or towards defraying ſuch laſt-mentioned Coſts, Charges, and Expences, and ſuch Purchaſer or Purchaſers ſhall not be liable to ſee to the Application, or be anſwerable for any Miſapplication, or Non-application thereof; and if any Surplus of the ſaid Purchaſe Money ſhall remain, after anſwering the Purpoſes aforeſaid, the ſame ſhall be applied and diſpoſed of by the ſaid General Commiſſioners in like Manner as is provided and directed by the ſaid recited Act with reſpect to the Surplus of any Sum of Money paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments, to be ſettled to the ſame Uſes: Provided nevertheleſs, that it ſhall not be lawful to raiſe by ſuch Sale or Sales any further or greater Sum of Money than the Perſon or Perſons (Part of whoſe Allotment ſhall be ſo ſold as aforeſaid) would have been empowered or authorized to borrow or charge upon his, her, or their Eſtate or Eſtates, under or by virtue of the ſaid recited Act: Provided alſo, that in all Caſes where any Land ſhall be deducted from the Allotment of any of the ſaid Proprietors or Perſons, towards Payment of Expences as aforeſaid, it ſhall not be lawful for the ſaid Proprietors or Perſons, from whoſe Allotments Land ſhall be deducted as aforeſaid, to charge his or her Lands, Tenements, or Hereditaments, by virtue of the ſaid recited Act or this Act, with any Money towards Payment of ſuch Expences.

Proprietors and Agents to pay their own Expences.

XLIII. Provided always, and be it further enacted, That the ſeveral Proprietors, their Attornies or 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 holden in purſuance of the ſaid recited Act or this Act.

Money advanced to be repaid with Intereſt.

XLIV. And be it further enacted, That if any of the Perſons intereſted in the Premiſes, or any other Perſon or Perſons, ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of obtaining this Act and executing this and the ſaid recited 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.

Commiſſioners to be paid for their Trouble and Expences.

XLV. And be it further enacted, That each of the General Commiſſioners acting from Time to Time in the Execution of this Act, ſhall be paid the Sum of Four Pounds Four Shillings for each and every Day he ſhall be employed in travelling to, returning from, and attending at the Meetings

Meetings to be holden for the Execution of this Act or the said recited Act, in Satisfaction of the Expence and Trouble to be incurred by him in the Execution of the Powers hereby or by the said recited Act given.

Commissioners Accounts to be examined yearly by a Justice.

XLVI. And be it further enacted, That the several General Commissioners acting from Time to Time in the Execution of this Act and the said recited Act, shall make out an Account containing a true Statement of all and every Sum and Sums of Money by them received or expended, or due to them for their own Trouble or Expences, and that such Account shall, at least once in every Year from the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by *Thomas Blofield* Esquire, One of His Majesty's Justices of the Peace for the said County of *Norfolk*, and in case of his Death or refusal to act, then by some other Justice of the Peace acting for the said County of *Norfolk*, not interested in the said Division and Inclosure, and the Amount or Balance thereof shall be by the said *Thomas Blofield*, or such other Justice of the Peace, stated in the Books of Accounts by the said recited Act required to be kept in the Office of the Clerk of such General Commissioners as therein mentioned; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by the said *Thomas Blofield*, or such other Justice as aforesaid.

General Commissioners to declare by their Award the Lands to be drained, and by whom the Fences and Drains are to be kept in Repair.

XLVII. And be it further enacted, That the said General Commissioners shall and they are hereby required, by their Award, to ascertain and describe the Lands and Grounds which in the Judgment of the said General Commissioners shall require to be drained by virtue of this Act; which Lands and Grounds so ascertained and described shall for ever thereafter be deemed to be the Lands and Grounds to be drained by virtue of this Act; and the said General Commissioners shall also direct and declare in what Manner and by whom the Fences and Drains between the said Lands and Grounds shall be made, and by whom the same shall for ever thereafter be kept in Repair.

Award to be deposited with the Clerk of the Peace.

XLVIII. And be it further enacted and declared, That within Six Calendar Months after the said General Commissioners shall have made and executed their said Award, according to the Directions of the said recited Act and this Act, they shall cause the same Award, and the reduced Map or Plan, or reduced Maps or Plans thereto annexed, to be deposited in the Office of the Clerk of the Peace for the said County of *Norfolk*, who is hereby required, upon Payment of the Sum of Two Guineas to receive and deposit the same with the Records of the same County, to the End that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery of the same to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act; and the said Award, and such Map or Plan, Maps or Plans, thereto annexed, or any Copy thereof, or of any Part thereof, signed by the said General Commissioners, or by the said Clerk of the Peace or his Deputy, certifying the same to be a true Copy, shall at all Times be admitted and allowed in all Courts whatsoever, as legal Evidence of the Matters and Things therein contained; and the said Clerk of the Peace and his Deputy for the Time being is and are hereby required, upon the Request

Requeſt of any Perſon or Perſons intereſted or claiming to be intereſted in the Premiſes, to make and deliver to ſuch Perſon or Perſons a true Copy of the ſaid Award, or of any Part or Parts thereof, and to ſign and certify the ſame to be a true Copy; for which Copy no more than Four-pence *per* Sheet, each Sheet containing Seventy-two Words, ſhall be paid; and the ſaid Award, and the ſeveral Allotments, Partitions, Orders, Decrees, Matters and Things therein contained, ſhall be and are hereby declared to be binding, final and concluſive, upon all and every Perſon and Perſons, Body and Bodies Politic, Corporate or Collegiate, intereſted in the Premiſes; and all Rights of Sheepwalk, and Common of Paſture and Shackage, and all other Commonable Rights and Intereſts whatever, in, over, or upon all the Lands and Grounds within the ſaid Pariſh of *Hempſtead*, ſhall, from and immediately after the Execution of the ſaid Award, ceaſe, determine, and be for ever extinguiſhed; and the ſame Lands and Grounds ſhall for ever thereafter be held and enjoyed in Severalty by the reſpective Owners and Proprietors thereof.

A Counterpart of Award to be depoſited in Pariſh Church.

XLIX. And be it further enacted, That a Counterpart of the ſaid Award, or a Copy thereof, (as the ſaid General Commiſſioners may direct), ſigned by the ſaid General Commiſſioners, together with a Plan thereto annexed, ſhall be depoſited in the Pariſh Church of *Hempſtead* aforeſaid.

Commiſſioners for Drainage appointed.

L. And be it further enacted, That the Lord or Lords, Lady or Ladies of the aforeſaid Manors, and the Rector of the ſaid Rectory of *Hempſtead* for the Time being, and every Owner or Proprietor of Twenty Acres of Land to be drained by virtue of this Act, ſhall from and after the Execution of the Award herein directed to be made by the ſaid General Commiſſioners, be and are hereby appointed Commiſſioners for the Purpoſe of draining the Lands and Grounds directed to be drained by virtue of this Act.

Appointment of Deputy Commiſſioners for Drainage.

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

Commiſſioners to take an Oath or Affirmation.

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

"I do ſwear [*or*, being One of the People called *Quakers*, do ſolemnly affirm] that I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform all and every the Powers and Authorities

'rities in the Execution whereof I shall at any Time act as a Commis-
'sioner for Drainage, appointed in and by an Act made in the Fifty-second
'Year of the Reign of His Majesty King *George* the Third, intituled
'[*insert the Title of this Act.*] 'So help me GOD.'

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

Penalty on Persons acting not being qualified.

LIII. 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 Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and the Person or Persons 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 who has acted in the Execution of this Act, One Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied towards the Purposes of this Act.

Times and Place of holding Meetings.

LIV. And be it further enacted, That the said Commissioners for Drainage shall and they are hereby required to hold their First Meeting for carrying this Act into Execution in the said Parish of *Happisburgh* 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 of the Clock in the Forenoon; and the said Commissioners for Drainage shall meet on the First *Friday* in the Month of *June* in each and every Year, between the Hours of Ten and Twelve of the Clock in the Forenoon, in the said Parish of *Happisburgh*, 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 the said Parish of *Happisburgh*, or within Seven 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 happen that there shall not appear a sufficient Number of the said Commissioners for Drainage to act at any such Meeting, to adjourn to another Day (Two Commissioners for Drainage to be deemed sufficient for the Purpose of Adjournment), or if they shall refuse or neglect to adjourn, or if any Two or more of the said Commissioners for Drainage shall deem a Meeting of the said Commissioners for Drainage to be necessary or proper before the Time appointed for the then next General Meeting, or any Meeting by Adjournment of such Commissioners, then

and

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 *Happisburgh*, by publishing the same in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated in the said County of *Norfolk*, 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 Public Meeting to be holden by virtue of this Act (save as may be herein excepted); and that all Powers and Authorities granted to or vested in the said Commissioners for Drainage, shall and may from Time to Time be exercised by the major Part of them present at any Meeting, not being less than Five; and the said Commissioners for Drainage shall, at the Meetings in pursuance of this Act, be allowed Ten Shillings each *per* Day, out of the Monies to arise by virtue of this Act, and no more, towards their Expences, so that such Allowance do not in the whole exceed the Sum of Four Pounds *per* Day at every such Meeting of the said Commissioners for Drainage.

Entries of Proceedings good Evidence.

LV. 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.

LVI. And be it further enacted, That the said Commissioners for Drainage shall and may sue and be sued in the Name of their Clerk; and that no Action that may be brought or commenced by or against the said Commissioners for Drainage, or any of them, by virtue or on Account of this Act, in the Name of their Clerk, shall abate or be discontinued by the Death or Removal of such Clerk, or by the Act of such Clerk, without the Consent of the said Commissioners for Drainage, but the Clerk for the Time being to the said Commissioners for Drainage shall always be deemed Plaintiff or Defendant in such Action, as the Case may be, except in such Action or Actions as shall be prosecuted between the said Commissioners for Drainage and their Clerk for the Time being, in which 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 shall be put to or chargeable with by Reason of his being so made Plaintiff or Defendant thereth.

For appointing Officers.

LVII. And be it further enacted, That the said Commissioners for Drainage shall or may, at their First or 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 to remove them, or any of them,

them, and appoint others as they shall find necessary or convenient, and by and out of the Monies to be raised by 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 or Times and in such Manner as the said Commissioners for Drainage shall direct, deliver to such Commissioners for Drainage, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing, of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers 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 One 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 Thirty Days after being thereunto required by such Commissioners for Drainage, all Books, Papers and Writings in his or their Custody or Power relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Commissioners for Drainage, or as they shall direct or appoint, then and in any of the Cases aforesaid such Commissioners for Drainage may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid; or if 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 they are hereby authorized and required by 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 they are hereby authorized and required upon Non-payment thereof, by Warrant

or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers, Person or Persons, can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, or if it shall appear to such Justices, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath the said Justices are hereby empowered to administer), that any such Officer or Person shall not have made and rendered or shall have refused to verify upon Oath any such Account, or refused to produce or deliver up the Receipts or Vouchers relating to the same, or shall not have delivered to the said Commissioners for Drainage, or to such Person or Persons as shall have been appointed by them to receive the same, within Thirty Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any 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 verify a true and perfect Account and make 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: Provided always, that no such Officer or Person shall be so committed to Prison by virtue of this Act, for Want of sufficient Distress for any longer Space of Time than Three Calendar Months.

Works of Drainage to be kept in Repair.

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

Edifices, and Buildings, as ſhall at any Time or Times be erected by virtue of this Act.

To raiſe Money for maintaining Works.

LIX. 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 proportionable 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 thereon or thereto as Occaſion ſhall require; all which ſaid Rates, Taxes, and Aſſeſſments, ſhall be collected by, and paid 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.

Tenants to pay Taxes.

LX. And be it further enacted, That the 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, her, or their 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.

For Recovery of Taxes.

LXI. 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 Ten 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 ſeveral Pariſhes of *Hempſtead*, *Happiſburgh*, *Eccles*, *Palling next the Sea*, *Leſſingham*, *Ingham*, or within Four Miles of any of them, 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,

Assessments, it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons authorized as aforesaid, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners for Drainage, (which Warrant or Precept any Three or more of the said Commissioners for Drainage are hereby empowered and required to make and give as there shall be Occasion, though not assembled at any Meeting in pursuance of this Act), to enter into and upon all or any Part of the Lands and Grounds so rated and assessed as aforesaid, and into and upon all or any Messuages or Tenements thereupon standing, and there, or on any Part or Parts of the Lands, Messuages, or Tenements upon which such Entry shall be made, to distrain all or any of the Goods, Chattels, or Cattle, as shall be there found; and it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons authorized as aforesaid, to impound the Goods, Chattels, or Cattle so distrained, or any Part of the Messuages or Lands whereon the same shall be found, or otherwise to take, lead, drive, or carry away the same, and keep them for the Space of Five Days, leaving Notice in Writing of the Cause of such Distress or Distresses, at the Messuage or Tenement, Messuages or Tenements, or in some conspicuous Part of the Lands or Grounds upon which such Distress shall be taken, 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, or Cattle so distrained according to the Law 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 Judgments; 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 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.

LXII. Provided always, and be it further 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, or if 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.

LXIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, demolish, or destroy any Bank, Mill,

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 any of the Purposes of this Act, every such Person so offending, and being convicted, shall be guilty of Felony, and the Court before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for Seven Years, or in Mitigation of such Punishment, may award such Sentence as the Law directs, in case of Petit Larceny.

Penalty on Persons damaging Works.

LXIV. And be it further enacted, That if any Person or Persons shall wilfully or maliciously stop, dam up, or damage any Drain, Watercourse, Dam, Bridge, Stile, or other Work or Works, which shall at any Time hereafter be making or erecting, or made or erected, supported, maintained, or used for any of the Purposes of this Act, every Person so offending, and being thereof convicted before any Two or more Justices of the Peace for the said County of *Norfolk*, on the Oath of one or more credible Witness or Witnesses, (which Oath such Justices are hereby 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 Hand or Hands of such Justice or 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 Justice or 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 Justice or Justices.

Penalty on Neglect to cleanse Dikes.

LXV. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any Part 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 Ten 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 appointed under and by virtue of this Act, (such Collector or Officer having an Order in Writing for that Purpose, under the Hands of Two or more of the said Commissioners for Drainage), every such Person 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, or widened; and it shall and may be lawful from Time to Time for such Collector or other Officer to cause such Ditches and Drains, at the Charge and Expense 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 a Warrant or Precept under the Hands of Three or more of the said Commissioners for Drainage, (which Warrant they hereby have full Power to grant, although they shall not be assembled at any Meeting under this Act,) to levy such Penalty, and also such Charges and Expences, upon such Owner or Own-

ers, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels; and ſuch Penalties ſhall be applied for the Purpoſes of this Act.

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

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

Herbage of Droves, &c. to be let annually.

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

Appeal to Seſſions.

LXVIII. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act or this Act, (other than and except ſuch Orders and Determinations of the ſaid General Commiſſioners as are therein or 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

and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned; 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.

Recovery of Penalties by Diſtreſs and Sale.

LXIX. 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 ſhall be applied for ſuch of the Purpoſes of this Act as the ſaid Commiſſioners for Drainage ſhall think fit; but nevertheleſs it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage, at any of their Meetings, to pay or cauſe to be paid ſuch Part of the ſaid Penalties or Forfeitures, not exceeding One Moiety thereof, to the Informer or Informers, 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 and may be lawful to and 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, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

Form of Conviction.

LXX. 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 thereof, the Form of Conviction ſhall be in the Words or to the Effect following; *videlicet*,

County of } ‘ BE it remembered, That on this Day of
‘ in the Year of our Lord
‘ is convicted before of His Majeſty's Juſtices of
‘ the Peace for the County of of having [*as the Offence ſhall*
‘ *be*] contrary to an Act of Parliament made in the Fifty-ſecond Year of
‘ the Reign of King *George* the Third, intituled [*here ſet forth the Title*

'*of this Act*] 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 aforesaid.

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

LXXI. And be it further enacted, That no Order, Determination, Judgement, 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.

LXXII. 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 Proceeding 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.

LXXIII. And be it further 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, her, 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 the Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall be brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforelaid, or be brought or laid in any other County than

than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants, Avowant or Avowants; and in Cases where a Verdict shall be found for any Defendant or Defendants, Avowant or Avowants in any Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then in and in every such Case the Defendant or Defendants, Avowant or Avowants, shall recover Treble 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 Costs of Suit in any other Case by Law.

Saving the Rights of Lords of Manors.

LXXIV. 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, Fens 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, Fens and Waste Grounds, and save and except such Rights and Interests for which Satisfaction or Recompence shall have been made by virtue of this Act), in as full, large, ample and beneficial a Manner as he, she, or they, could or might have held and enjoyed the same in case this Act had not been made.

General Saving.

LXXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body and Bodies Politic, Corporate and Collegiate, his, her, and their Heirs, Successors and Administrators, (except the several Persons, and Body or Bodies Politic, 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, and out of the said Lands and Grounds hereby directed to be divided and allotted, in case this Act had not been made.

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

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