ANNO QUADRAGESIMO SEPTIMO

GEORGII III. REGIS.

Cap. 43.

An Act for incloſing and draining Lands, within the Pariſhes of *Repps with Baſtwick*, and *Eccles next the Sea*, in the County of *Norfolk*.

[27th *April* 1807.]

WHEREAS there are within the Pariſh of *Repps with Baſtwick*, in the County of *Norfolk*, divers Open Fields, Commons, Fens, Marſhes, and Waſte Grounds: And whereas there are within the Pariſh of *Eccles next the Sea*, in the County of *Norfolk*, divers Open Fields, Commons, and Waſte Grounds: And whereas Sir *John Lombe*, Baronet, is Lord of the ſeveral Manors of *Faſtolfes*, on the Part of *Repps with Baſtwick*, and *Owby*, on the Part of *Repps with Baſtwick*, and *Eccles next the Sea*, in the ſaid County, and as ſuch is or claims to be entitled to the Soil of the ſaid Commons, Fens, and Waſte Grounds: And whereas the ſaid Sir *John Lombe*, *Thomas Francis*, *John Barbar Page*, and divers other Perſons, are reſpectively Owners and Proprietors of all the Meſſuages, Cottages, Lands, and Tenements, ſituate, lying, and being in the ſaid Pariſhes of *Repps with Baſtwick*, and *Eccles next the Sea*: And whereas an Act was made in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas it would be of

great Benefit and Advantage to the ſeveral Proprietors of and Perſons intereſted in the ſaid Open Fields, Commons, and Waſte Grounds if the ſame were divided and incloſed, and if the Fens, Marſhes, and Waſte Grounds were drained, and ſpecific Parts and Shares thereof aſſigned and allotted unto the ſeveral Perſons intereſted therein, according and in proportion to their ſeveral and reſpective Eſtates, Rights, and Intereſts; but, as ſuch Diviſion, Allotment, Incloſure, and Drainage cannot be effected and eſtabliſhed without the Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Eliſha De Hague*, of the City of *Norwich*, Gentleman, *Joſeph Sewell* of *Catton*, and *Anthony Athill*, of *Eaſt Dereham*, both in the County of *Norfolk*, Gentlemen, ſhall be and they are hereby appointed general Commiſſioners for dividing, allotting, and incloſing the ſaid Open Fields, Commons, Fens, Marſhes, and Waſte Grounds, for draining certain Parts thereof, and for the ſeveral other Purpoſes of this Act, and they are hereby authorized and directed to aſſign, ſet out, and allot the ſaid Open Fields, Commons, and Waſte Grounds, to drain the ſaid Fens and Marſhes, and to carry this Act and the ſaid recited Act into Execution (ſave and except ſuch Parts of the ſaid recited Act as are hereby altered and varied); and all Acts, Matters, and Things, authorized and neceſſary to be done and executed by the ſaid general Commiſſioners in purſuance of the ſaid recited Act and of this Act, may be done and executed by any Two of them, and the ſame ſhall be as good, valid, and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters, and Things had been done by all the general Commiſſioners herein named or to be appointed in Manner herein-after mentioned.

General Commiſſioners appointed.

For appointing new Commiſſioners.

II. And be it further enacted, That if any of the general Commiſſioners herein named or to be appointed by virtue of this Act, ſhall before the Execution of all the Powers and Authorities hereby veſted in them die, or refuſe, or become incapable to act in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or remaining general Commiſſioner or Commiſſioners, and he or they is or are hereby required, at any Time within Forty Days next after ſuch Death, Refuſal, or Incapacity ſhall be known to him or them, by Writing under his or their Hand or Hands, to appoint another Perſon, not intereſted in the Premiſes, to be a general Commiſſioner in the Room or Stead of each general Commiſſioner ſo dying, or refuſing, or becoming incapable to act, and every general Commiſſioner ſo to be appointed as aforeſaid ſhall, after taking and ſubſcribing the Oath or Affirmation 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 named a general Commiſſioner in this Act.

Notice of General Commiſſioners Meetings.

III. And be it further enacted, That the ſaid general Commiſſioners ſhall and they are hereby required to cauſe Notice in Writing of the Time and Place of their firſt and every other Meeting for the Execution of this Act, to be inſerted in the *Norfolk Chronicle* or *Norwich Mercury*, if publiſhed and if not then in ſome other Newſpaper printed and circulated within the ſaid County of *Norfok*, Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed

pointed to be holden by the said general Commissioners no more than One general Commissioner shall attend, then and in such Case the general Commissioner attending may adjourn such Meeting to such Time and Place within either of the said Parishes of *Repps with Bastwick*, and *Eccles next the Sea*, or within Eight Miles of one of them, as he shall think most convenient, giving Notice of such Adjournment to the absent general Commissioners.

One general Commissioner may adjourn.

IV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said general Commissioners in pursuance of the said recited Act or of this Act, shall be made and given by Advertisement in the said *Norfolk Chronicle*, or *Norwich Mercury*, if published, and if not then in some other Newspaper printed and circulated within the said County of *Norfolk*.

Other Notices how to be given.

V. And whereas it may shorten the Boundary Drains or Fences between the Commons, Fens, and Waste Grounds hereby directed to be divided and allotted, and the Lands lying in the Parish or Parishes adjoining thereto, if the said general Commissioners were empowered to cause such Drains or Fences to be made or raised in such Direction as they shall think most proper and convenient for shortening and making the same regular, be it therefore further enacted, That it shall and may be lawful to and for the said general Commissioners, with the Consent in Writing under the Hand or Hands of the major Part in Value of the Land Owners in any Parish or Parishes adjoining to the said Parishes of *Repps with Bastwick*, and *Eccles next the Sea*, or either of them, and also under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors in any such adjoining Parish or Parishes, and of the Owner or Owners of the Land upon which such Drain or Drains, Fence or Fences, shall or may be intended to be made, to set out, ascertain, and determine the Boundary Drains or Fences to be made between the Commons, Fens, and Waste Grounds hereby directed to be divided and allotted, and the Lands lying in such adjoining Parish or Parishes, as they shall judge proper for the Purposes aforesaid, and after such Boundary Drains or Fences shall be so set out, ascertained, and determined as aforesaid, the same shall be made in such Manner and at such Time or Times as the said general Commissioners shall direct, and shall for ever thereafter be deemed and taken to be the Boundaries between the said respective Parishes of *Repps with Bastwick* and *Eccles next the Sea*, and such adjoining Parish or Parishes; any Law, Usage, or Custom to the contrary notwithstanding.

For shortening the Boundary Fences against adjoining Parishes.

VI. And be it further enacted, That all Persons having Houses or Tenements within the said Parishes of *Repps with Bastwick* and *Eccles next the Sea*, which have been erected Forty Years, and in respect of which a Right or Rights of Common upon the said Commons, Fens, and Waste Grounds have been exercised during that Time without lawful Interruption, shall on their preferring their respective Claims in the Manner prescribed in that Behalf, have and be deemed to have a Right or Rights of Common over and upon the same in respect of such Houses or Tenements, and that the Owners of Lands in the said respective Parishes of *Repps with Bastwick* and *Eccles next the Sea*, which have not within Sixty Years now last past been Part or Parcel of the said Commons, Fens, and Waste Grounds, shall on their preferring their respective Claims in like Manner have and

Limitation of Rights of Common.

be deemed to have a Right or Rights of Common over or upon the ſame reſpectively, for their Commonable Cattle, Levant and Couchant, upon their reſpective Lands.

Encroachments.

VII. And be it further enacted, That all Encroachments which at any Time within Thirty Years now laſt paſt have been made upon the ſaid Commons, Fens, and Waſte Grounds to be divided, allotted, and incloſed by virtue of this Act (ſave and except ſuch Parts thereof as have been incloſed by virtue of any Licence in Writing, or Conſent, or Grant from the Lord of the Manors before mentioned, or either of them, and duly enrolled in the Court Books of the ſaid Manors, or either of them), ſhall be and be deemed to be Part of the ſaid Commons, Fens, and Waſte Grounds, and ſhall be divided and allotted accordingly by the ſaid general Commiſſioners; and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachments or the Extent thereof, every ſuch Diſpute ſhall be determined by the ſaid general Commiſſioners.

Power to ſell Encroachments whereon Houſes are erected to the Owners thereof.

VIII. And be it further enacted, That in caſe any Cottages or other Buildings ſhall have been erected upon any Part of the ſaid Commons, Fens, and Waſte Grounds, or upon any Encroachments which ſhall have been made thereon within Thirty Years now laſt paſt (other than and except any Cottages or other Buildings which ſhall have been erected upon ſuch Parts of the ſaid Commons, Fens, and Waſte Grounds, as ſhall have been incloſed by virtue of ſuch Licence in Writing, or Conſent, or Grant as aforeſaid), then the ſaid general Commiſſioners are hereby authorized and empowered, in caſe they ſhall think fit, to ſell and diſpoſe of ſuch Encroachments whereon ſuch Cottages or other Buildings ſhall ſtand, to the Owners of ſuch Cottages or other Buildings, or any of them reſpectively, at ſuch Price or Prices as the ſaid general Commiſſioners ſhall deem fair and reaſonable, and in and by their Award to ſet out and allot the ſame to ſuch Purchaſer or Purchaſers, his, her, or their Heirs accordingly; and the Monies ariſing from ſuch Sale or Sales ſhall be applied in and towards the Payment of the Expences attending the paſſing and executing this Act.

General Commiſſioners to ſettle Differences.

IX. 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 Allotment, touching or concerning the Right to the Soil of the ſaid Commons, Fens, and Waſte Grounds, or any Part or Parts thereof, or touching or concerning any other Rights, Intereſts, Shares, and Proportions which they or any of them ſhall have or claim to have of and in the Lands hereby directed to be divided and allotted, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion and Allotments, it ſhall be lawful 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.

General Commiſſioners not to determine Titles.

General Commiſſioners to aſſeſs Coſts.

X. 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 or Determination of any Diſpute or Difference as aforeſaid, ſee Cauſe to award any Coſts, it ſhall and

and may be lawful to and for the ſaid general Commiſſioners and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe favour any Determination of the ſaid general Commiſſioners ſhall be made, by the Perſon or Perſons, or Body or Bodies Politick, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled, or againſt whom the ſaid general Commiſſioners ſhall have determined as aforeſaid; and in caſe the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, it ſhall be lawful for the ſaid general Commiſſioners and they are hereby authorized and required by Warrant under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering, the Overplus (if any) on Demand to the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold as aforeſaid, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power allowing Parties to try their Rights by an iſſue at Law.

XI. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies Politick, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid general Commiſſioners touching or concerning any of the Claims, Rights, or Intereſts, intended to be affected by ſuch Determination, it ſhall and may be lawful to and for the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate ſo diſſatisfied, to proceed to a Trial at Law of the Matters ſo determined by the ſaid general Commiſſioners, at the then next or following Aſſizes to be holden for the ſaid County of *Norfolk*; and for that Purpoſe the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid general Commiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, in whoſe favour ſuch Determination ſhall have been made, within Three Calendar Months after ſuch Determination of the ſaid general Commiſſioners; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, and they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims and the Right or Rights thereby inſiſted on, may be tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame) and the Verdict or Verdicts which ſhall be given upon the Trial of ſuch Action or Actions ſhall be binding, final, and concluſive upon all and every Perſon and Perſons, and Body and Bodies Politick, Corporate, or Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do in caſe the ſaid Court ſhall think proper; and it ſhall alſo be lawful for the Court, upon ſufficient Cauſe ſhewn, to put off the Trial of ſuch Iſſue, as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the ſaid Court, the ſaid general Commiſſioners ſhall and they

are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said general Commissioners touching such Claim or Claims of Right to the Soil of the said Commons, Fens, and Waste Grounds, or other Rights or Interests in, over, or upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, or of any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within the Time and in Manner aforesaid, shall be final and conclusive upon all Parties: Provided also, that if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Determination of general Commissioners to be final, if not objected to or no Action brought.

If any of the Parties die Proceedings not to abate.

XII. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, in or to any Messuages, Lands, or Tenements, in the said Parishes of *Repps with Bastwick*, and *Eccles next the Sea*, or either of them, such Suit or Suits shall not impede, delay, or hinder the said general Commissioners from proceeding in the Execution of the Powers vested in them by the said recited Act and this Act, but the Division and Allotments shall be proceeded in notwithstanding such Suit or Suits, and the Allotment or Allotments to which such Suit or Suits shall relate, may be had and taken by the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who upon the Determination of such Suit or Suits shall become entitled to the same.

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

XIII. And be it further enacted, That it shall not be lawful for any Person or Persons from and after the passing of this Act to cut, dig, pare, grave, slay, take or carry away any Reeds, Rushes, Turf, Flags, Whins, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without the Licence of the said general Commissioners in Writing first had and obtained 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); and if any Person shall after the passing of this Act cut, dig, pare, grave, slay, or carry away any Reeds, Rushes, Turf, Flags, Whins, or Furze, in, upon, or from the said Commons and Waste Grounds, or any Part thereof, without or contrary to such Licence as aforesaid, the said general Commissioners, upon due Proof thereof made before them upon Oath, shall and they are hereby required by Warrant under their Hands and Seals directed to any Person or Persons whomsever, to cause any Sum of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons 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 so to be levied as last aforesaid shall be applied towards the Costs and Charges of obtaining and executing this Act.

No Flags, &c. to be cut after the passing of this Act, without Leave of the general Commissioners.

XIV. And be it further enacted, That it shall and may be lawful to and for the said general Commissioners, and they are hereby authorized, at any Time or Times before the Execution of their Award, by Notice in Writing

For extinguishing or suspending Rights of

Writing under their Hands, to be affixed upon the principal Doors of the Pariſh Churches of *Repps with Baſtwick*, and *Hempſtead*, in the ſaid County, to order and direct all or any Rights of Common or other Commonable Rights whatſoever, in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof to be extinguiſhed, or the Exerciſe thereof 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 of affixing ſuch Notice on the ſaid Church Doors ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Cuſtom, or Uſage to the contrary notwithſtanding. Common before the Award.

XV. 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, with the Concurrence and Order of Two Juſtices of the Peace for the ſaid County of *Norfolk* acting in and for the Diviſion in which the Road or Roads, Footpath or Footpaths herein-after mentioned ſhall be ſituate, and not intereſted in the Repair of ſuch Road or Roads, Footpath or Footpaths, to ſtop up and direct to be diſcontinued any publick Road or Roads, Footpath or Footpaths through any Part or Parts of the Lands and Grounds in the ſaid Pariſhes of *Repps with Baſtwick*, and *Eccles next the Sea*, or either of them, which to the ſaid general Commiſſioners ſhall appear uſeleſs or unneceſſary: Provided always, that ſuch Order ſo to be made ſhall be ſubject to an Appeal to the Quarter Seſſions, in the like Manner and under the ſame Forms and Reſtrictions, as if the ſame had been originally made by ſuch Juſtices aforeſaid: Provided alſo, that none of the preſent Roads or publick Highways within the ſaid Pariſhes of *Repps with Baſtwick* and *Eccles next the Sea*, ſhall be ſhut up or diſcontinued until the Roads intended to be and remain publick Highways within the ſame Pariſhes, ſhall be ſet out according to the Directions of the ſaid recited Act, and until the ſame ſhall be properly formed and made ſafe and convenient for Horſes, Cattle, and Carriages. General Commiſſioners may ſtop up old Roads. None of the preſent Roads to be ſtopped until new Roads be made.

XVI. And be it further enacted, That the ſaid general Commiſſioners ſhall make and erect and they are hereby authorized and required to make and erect by ſuch Agents, Workmen, and Labourers as they ſhall think fit to employ, all ſuch Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works in, through, upon, and over ſuch of the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, as are ſituate in the ſaid Pariſh of *Repps with Baſtwick*, or any other Lands or Grounds in the ſaid Pariſh of *Repps with Baſtwick* which ſhall appear to the ſaid general Commiſſioners to require to be drained, 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 as are ſituate in the ſaid Pariſh of *Repps with Baſtwick*, and ſuch other Lands in the ſaid Pariſh of *Repps with Baſtwick* as in their Opinion ſhall require to be drained, 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 Superintendance 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 the ſaid general Commiſſioners Drainage Clauſe.

missioners shall think proper, and also to make a Dyke through any Part of the said Commons, Fens, and Waste Grounds in the said Parish of *Repps with Bastwick* to the common River or Water adjoining thereto, to be used as a common or publick Boat Dyke by the Owners and Occupiers of Estates within the said Parish of *Repps with Bastwick* for the Time being, for the Conveyance of Corn, Manure, and other Things, to and from the said River or Water; 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, Boat Dyke, 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, or preserving of the same; and also a Piece or Pieces of Land adjoining to the said Boat Dyke to be used as a publick Staithe or publick Staithes by the Owners and Occupiers of Estates within the said Parish of *Repps with Bastwick* for the Time being, for the laying and depositing thereon the Corn, Manure, and other Things which shall be conveyed or shall be intended to be conveyed to or from the said common River by means of the said Boat Dyke.

Allotment of the Open Fields.

XVII. And be it further enacted, That the said general Commissioners shall, after they have set out and appointed the publick Carriage Roads and Highways through, over, and upon the said Open Fields intended to be divided, allotted, and inclosed, assign, set out, and allot the said Open Field Lands unto and amongst the several Owners and Proprietors thereof, and all and every other Person or Persons, and Body or Bodies Politick, Corporate or Collegiate, having any Right or Interest in, to, over, or upon the same or any Part thereof, in such Shares and Proportions as the said general Commissioners shall adjudge and determine to be proportionable to the Value of and a full Satisfaction and Compensation to him, her, or them respectively, for his, her, or their respective Parts and Shares of and in such Lands, and his, her, or their respective Rights and Interests therein.

Allotment for Right of Soil.

XVIII. And be it further enacted, That the said general Commissioners shall (after they have set out and appointed the publick Carriage Roads and Highways through, over, and upon the Commons, Fens, and Waste Grounds within the said Parishes of *Repps with Bastwick* and *Eccles next the Sea*) assign, set out, and allot unto and for the Lord of the aforesaid Manors of *Fastolfes* on the Part of *Repps with Bastwick*, *Owby* on the Part of *Repps with Bastwick*, and *Eccles next the Sea*, or any other Person or Persons being Owner or Owners of or entitled to the Soil of the said Commons, Fens, and Waste Grounds, so much and such Part or Parts of the said Commons, Fens, and Waste Grounds hereby directed to be divided and allotted as in the Judgement of the said general Commissioners shall be equal in Value to One Seventeenth Part of the said Commons, Fens, and Waste Grounds, and such Allotment or Allotments shall be a full Compensation and Recompence for the Right of such Lord or Lords of such Manor or Manors, or of such other Person or Persons respectively in and to the Soil of the said Commons, Fens, and Waste Grounds: Provided always, that the said Allotment or Allotments shall be made and taken out of the Commons, Fens, and Waste Grounds lying in each of the said respective Parishes for the Right to the Soil of the same.

XIX. And be it further enacted, That the ſaid general Commiſſioners ſhall in the next place aſſign, ſet out, and allot unto the Lord or Lords of the ſaid Manors of *Faſtolfes*, on the Part of *Repps with Baſtwick*, and *Owby*, on the Part of *Repps with Baſtwick*, and the perpetual Curate of the ſaid Pariſh of *Repps with Baſtwick*, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Repps with Baſtwick* for the Time being, ſo much and ſuch Part or Parts of the ſaid Commons, Fens, and Waſte Grounds lying in the ſaid Pariſh of *Repps with Baſtwick*, as in the Judgement of the ſaid general Commiſſioners ſhall be equal in Value to One fifteenth Part of the ſaid Commons, Fens, and Waſte Grounds lying within the ſaid Pariſh of *Repps with Baſtwick*, and the ſaid Allotment or Allotments ſhall, from and after the Execution of the Award herein-after mentioned, be veſted in the Lord or Lords of the ſaid laſt-mentioned Manors, and the ſaid perpetual Curate, and the Churchwardens and Overſeers of the Poor of the ſaid Pariſh of *Repps with Baſtwick* for the Time being for ever, as Truſtees for the Poor of the ſame Pariſh; and the ſaid Truſtees, or the major Part of them, are hereby empowered from Time to Time, by Writing under their Hands and Seals, to leaſe or demiſe to any Perſon or Perſons whomſoever any Part or Parts of the ſaid Allotment or Allotments not exceeding One Moiety thereof, for any Term of Years not exceeding Fourteen Years, or to ſet out ſuch Part or Parts thereof as they ſhall think proper, to be uſed as a Common of Turbary by ſuch poor Perſons as are herein-after mentioned, under and ſubject to ſuch Rules and Reſtrictions as the ſaid Truſtees ſhall direct, ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees for the Time being, or the major Part of them, by equal Half-yearly Payments in every Year, the beſt and moſt improved Yearly Rent or Rents that can be obtained for the ſaid Allotment or Allotments, or ſuch Part thereof as ſhall be thereby demiſed, without taking any Income, Fine, Premium, or Foregift in conſideration of granting ſuch Leaſe or Leaſes, and that in all and every ſuch Leaſe or Leaſes there be contained the uſual Covenants and Stipulations between Leſſors and Leſſees, and ſuch other Covenants and Stipulations, and ſuch Security for the Performance of the ſame, as the ſaid Truſtees or the major Part of them ſhall think proper to be inſerted therein, and the Rents and Profits ariſing from the Part or Parts of the Allotment or Allotments ſo leaſed or demiſed ſhall from Time to Time be laid out in purchaſing Fuel, and ſuch Fuel ſhall be diſtributed amongſt the poor Inhabitants of the ſaid Pariſh of *Repps with Baſtwick* who ſhall be legally ſettled and reſident therein, and ſhall not occupy Lands and Tenements of more than the Yearly Value of Five Pounds, in ſuch Shares and Proportions, at ſuch Times in every Year, and according to ſuch Rules and Directions, as ſhall from Time to Time be made and preſcribed by the ſaid Truſtees for the Time being, or the major Part of them, for that Purpoſe, and not otherwiſe; and the Part or Parts of the ſaid Allotment or Allotments which ſhall not be ſo leaſed or demiſed, ſhall be uſed and enjoyed ſolely and excluſively by ſuch poor Inhabitants of the ſaid Pariſh as aforeſaid as a Common of Paſture, in ſuch Manner, at ſuch Time or Times, and according to ſuch Rules and Directions, 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 always, that it ſhall and may be lawful to and for the Lord or Lords of the ſaid Manors of *Faſtolfes*, on the Part of *Repps with Baſtwick*, and *Owby* on the Part of *Repps with Baſtwick*, and the perpetual Curate of the ſaid Pariſh of *Repps with Baſtwick* for the Time being, to act in the Execution of the Truſts hereby repoſed in them by their

Allotment for the Poor of the Pariſh of Repps with Baſtwick.

Lords of the Manors and perpetual Curate to act by Proxy.

their respective Agents or Proxies, such respective Agents or Proxies being appointed by Writing under the respective Hands of such Lord or Lords and perpetual Curate for the Time being, and producing their respective Appointments at the Time of their acting by virtue thereof.

Allotmennts for publick Sand and Gravel pits, &c.

XX. And be it further enacted, That the said general Commissioners shall in the next place assign, set out, and allot unto the Surveyors of the Highways within the said Parish of *Repps with Bastwick*, such Parts of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, lying within the said Parish of *Repps with Bastwick*, not exceeding Two Acres, and unto the Surveyors of the Highways within the said Parish of *Eccles next the Sea*, such Parts of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, lying within the said Parish of *Eccles next the Sea*, not exceeding Two Acres, as the said general Commissioners shall think necessary, as and for publick Watering Places for Cattle, and as and for publick Sand, Gravel, Clay, and Chalk-Pits, and the same Allotment or Allotments when set out shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said respective Parishes of *Repps with Bastwick* and *Eccles next the Sea*, and their Tenants for the Time being for ever, in such Manner and under such Rules and Regulations as the said general Commissioners shall by their Award appoint.

Allotment of the Residue.

XXI. And be it further enacted, That the said general Commissioners shall then assign, set out, and allot the Residue and Remainder of the said Commons and Waste Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst all and every Person and Persons, and Body and Bodies Politick, Corporate or Collegiate, having any Right or Rights of Common and other Rights or Interests in, to, over, or upon the same or any Part or Parts thereof (except the Owner or Owners of the Soil in respect thereof only) in such Shares and Proportions as the said general Commissioners shall adjudge and determine to be proportionate to the Value of and a full Compensation and Satisfaction to him, her, or them respectively, for his, her, or their respective Rights or Interests therein: Provided always, that if any Person or Persons hath or have sold or contracted, or agreed to sell, or shall at any Time before the Execution of the said Award, sell, or contract, or agree to sell his, her, or their Right, Interest, and Property in, over, or upon the said Commons and Waste Grounds, to any other Person or Persons, then and in every such Case it shall and may be lawful for the said general Commissioners, and they are hereby authorized and required, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract, or Agreement, or to his or her Heirs and Assigns, for or in respect of such Right, Interest, and Property so sold, or contracted, or agreed to be sold as aforesaid, and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may from and after the Execution of the said Award hold and enjoy the Lands so to be allotted to him or her as aforesaid, in the same Manner to all Intents and Purposes as the Vendor in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor, at the Time of making such Allotment as aforesaid.

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

XXII. And

General Commissioners to direct the the Course of Husbandry.

XXII. And be it further enacted, That from and after the passing of this Act until the Execution of the said Award all the Arable Lands hereby directed to be divided and allotted shall be subject and liable to such Directions and Regulations as the said general Commissioners shall from Time to Time by Writing under their Hands appoint, as well with regard to the stocking as to the ploughing, tilling, sowing, and laying down the same; and in the mean time, and until such Direction or Directions shall be made, and in case any Difference or Dispute shall arise between any of the Parties interested or claiming to be interested in the said Arable Lands, touching or concerning any Allowance for ploughing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Arable Lands, or any Part thereof, the said general Commissioners shall on Complaint made to them hear and determine every such Difference or Dispute; and it shall be lawful for the said general Commissioners to order and direct such Sum or Sums of Money in respect thereof to be paid by any Person or Persons interested in the said Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her, or their Tenant or Tenants, as they the said general Commissioners shall think reasonable; and in case any Person or Persons who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said general Commissioners and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

For fencing Allotments.

XXIII. 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 and Persons, and Body or Bodies Politick, Corporate, or Collegiate (save and except the Rector of the said Rectory of *Eccles next the Sea*, in respect of any Allotment to be made to him in Right of the said Rectory, and save and except the Trustees for the Poor, and the Surveyors of the Highways, and Commissioners for Drainage, 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, and Fences, which shall be made pursuant to the said Award shall at all Times thereafter be maintained and kept in Repair and cleansed by such Person or Persons, and Body or Bodies Politick, Corporate, or Collegiate, as the said general Commissioners shall by their said Award order and direct: Provided always, that convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act for the Space of Twelve Calendar Months next after the Execution of the said Award for the Passage of Cattle, Carts, and Carriages in and through the same, unless the several Parties interested shall agree that the same shall be sooner fenced in, made up, and inclosed.

For leaving Gaps.

For allowing Exchanges to be made.

XXIV. And be it further enacted, That it shall and may be lawful to and for the said general Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parishes

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of *Repps with Bastwick* and *Eccles next the Sea*, or either of them, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said Parishes or either of them, or within any adjoining Parish, Hamlet, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the said 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 Politick, 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, Lunaticks, or under any other legal Disability, or who shall be beyond the Seas, or otherwise be disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politick Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively, and all and every such Exchange or Exchanges so made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice without the Consent testified as aforesaid, of the Lord Bishop of the Diocese, and the Patron of the Living in which such 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 and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportion as the said general Commissioners shall by their said Award order and direct.

Tenants to give up exchanged Lands having Satisfaction therefor.

XXV. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack or extended Rent now subsisting of any old Inclosures which shall be exchanged by virtue of this Act, shall immediately after the signing of the Award of the said general Commissioners, or within such further Time as the said general Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose, deliver up the full and peaceable Possession of such exchanged Lands to the Person or Persons to or with whom the same shall be respectively exchanged; but the Tenants or Occupiers of such exchanged Lands shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said general Commissioners shall ascertain, order, direct, or appoint, to be paid to such Tenants respectively as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same, within Ten Days after Demand made thereof, it shall and may be lawful to and for the said general Commissioners and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, can or may be raised and levied: Provided always, that

that if there ſhall be any Leaſe of Lands, Part of which ſhall lie in the ſaid Pariſhes of *Repps with Baſtwick* and *Eccles next the Sea*, and Part in any adjoining Pariſh, all and every ſuch Leaſe or Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Land ſhall have been taken in Exchange, which Land ſhall be under Leaſe, and wholly ſituate in an adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Leaſes void as to Allotments of Common.

XXVI. And be it further enacted, That all and every Leaſe and Leaſes at Rack or extended Rent now ſubſiſting of any Meſſuages, Lands, or Tenements within the ſaid Pariſhes of *Repps with Baſtwick*, and *Eccles next the Sea*, or either of them, ſhall, as far as ſuch Leaſe or Leaſes affect or concern any Allotment or Allotments to be made of any Part of the ſaid Commons, Fens, or Waſte Grounds, in reſpect of any ſuch Meſſuages, Lands, or Tenements compriſed in ſuch Leaſe or Leaſes, be and the ſame is and are hereby declared to be null and void as to ſuch Allotment or Allotments; and ſuch Allotment or Allotments ſhall be made and aſſigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Leſſee or Leſſees; and ſuch Allotment and Allotments ſhall be freed and diſcharged from all Right and Intereſt which may or otherwiſe might be claimed in or to the ſame by virtue of ſuch Leaſe or Leaſes; and the Perſon or Perſons to whom the Meſſuages, Lands, or Tenements compriſed in ſuch Leaſe or Leaſes ſhall belong, as Landlord or Landlords, ſhall make ſuch Compenſation to the Perſon or Perſons entitled to the ſame under ſuch Leaſe or Leaſes, as the ſaid general Commiſſioners ſhall by Writing under their Hands direct, for the Right of Common or any other Rights or Intereſts in, over, or upon the ſaid Commons, Fens, or Waſte Lands, or any Part thereof, appendant or appurtenant to ſuch Meſſuages, Lands, or Tenements, as ſhall be extinguiſhed by this Act; and if any Perſon or Perſons ſhall refuſe or neglect to make any ſuch Compenſation to the Perſon or Perſons entitled thereto on Demand, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid general Commiſſioners and they are hereby authorized and required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raiſed and levied.

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

XXVII. And be it further enacted, That all the Lands and Grounds which ſhall be allotted by virtue of this Act to any Perſon or Perſons for or in reſpect of any Meſſuages, Cottages, Lands, or 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 appendant or appurtenant to any ſuch Copyhold or Leaſehold Premiſes, ſhall from and after the Execution of the ſaid Award be deemed and taken to be Copyhold or Leaſehold reſpectively, according to the Tenure of the Lands for or in reſpect of which they were allotted, and ſhall be held accordingly, by and under the ſame Tenures, Rents, Payments, Fines, Cuſtoms, and Services, as the Copyhold or Leaſehold Meſſuages, Cottages, Lands, or Tenements reſpectively, for or in reſpect whereof any ſuch Allotment ſhall be made are now holden; and that all and every Perſon or 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

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

Wills and Settlements not to be affected.

XXVIII. 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, in, out of, upon, or affecting any of the Meſſuages, Buildings, Lands, and Grounds to be divided, allotted, or exchanged by virtue of this Act, or any Part thereof, but that every Proprietor ſhall ſtand and be ſeiſed and poſſeſſed of the ſeveral Meſſuages, Buildings, Lands, and Grounds to be allotted to or exchanged with him or her as aforeſaid, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, and Charges, and no other, as the Meſſuages, Buildings, Lands, and Grounds whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the Execution of the Award to be made by the ſaid general Commiſſioners, or for which or in reſpect whereof ſuch Allotment or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

Directions for defraying the Expences of this Act.

XXIX. And be it further enacted, That all the Coſts, Charges, and Expences of incloſing and fencing the Lands which ſhall by virtue of this Act be allotted to the Rector of the Rectory of *Eccles next the Sea*, and of incloſing the reſpective Allotments hereby directed to be made to the Surveyors of the Highways of the ſaid Pariſhes of *Repps with Baſtwick*, and *Eccles next the Sea*, the Truſtees for the Poor of the ſaid Pariſh of *Repps with Baſtwick* reſpectively, and to the Commiſſioners for Drainage herein-after appointed, as ſuch Surveyors, Truſtees, and Commiſſioners for Drainage, and all the Coſts, Charges, and Expences incident to and attending the

the obtaining and paſſing of this Act, and of ſurveying, admeaſuring, planning, valuing, embanking, dividing, allotting, and draining the Lands and Grounds hereby directed to be divided and allotted, and alſo of opening and cutting any Drain or Drains neceſſary for the preſerving and improving the ſaid Commons, Fens, and Waſte Grounds, or any of them, and of preparing and inrolling the Award of the ſaid general Commiſſioners, and the Copies thereof, and all the Charges and Expences of the ſaid general Commiſſioners, their Aſſiſtants and Servants, and all other neceſſary Expences of the ſeveral Perſons to be employed by the ſaid general Commiſſioners in and about the Premiſes, and all the Expences of forming, completing, and repairing the publick Carriage Roads, and Highways to be ſet out and appointed by the ſaid general Commiſſioners, and all other Expences of carrying the ſaid recited Act and this Act into Execution, (ſave and except ſuch Charges and Expences as ſhall be incurred by virtue of this Act after making the ſaid Award) ſhall be borne, defrayed, and paid by the ſeveral Perſons, and Body or Bodies Politick, Corporate or Collegiate, to whom Allotments ſhall be made by virtue of this Act, (ſave and except the ſaid Rector of the ſaid Rectory of *Eccles next the Sea* for the Time being, for or in reſpect of any Allotment or Allotments which ſhall be made to him in Right of his ſaid Rectory, and alſo ſave and except the Surveyors of the Highways of the ſaid Pariſhes of *Repps with Baſtwick*, and *Eccles next the Sea* reſpectively, and the Truſtees for the Poor of the ſaid Pariſh of *Repps with Baſtwick*, and the ſaid Commiſſioners for Drainage for the Time being, for or in reſpect of any Allotments which ſhall be made to them reſpectively as aforeſaid; and alſo ſave and except ſuch Perſons whoſe reſpective Property in Lands or Buildings ſhall not in the Judgement of the ſaid general Commiſſioners exceed the yearly Value of Five Pounds, and who ſhall not in the Judgement of the ſaid general Commiſſioners be Poſſeſſed of perſonal Eſtate of the Value of One hundred Pounds at the Time of making the ſaid Allotments) in ſuch Shares and Proportions, at ſuch Time or Times, either before or after the Execution of the ſaid Award, and to ſuch Perſon or Perſons, as the ſaid general Commiſſioners ſhall direct or appoint; and in caſe any Perſon or Perſons ſhall refuſe or neglect to pay his, her, or their Proportion of ſuch Coſts, Charges, and Expences according to ſuch Direction or Appointment as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be recovered in the Manner directed in and by the ſaid recited Act.

Directions for charging Copyhold Lands with Expences.

XXX. Provided always, and be it further enacted, That when and ſo often as it may be neceſſary to charge any Lands or Tenements which ſhall be allotted or exchanged by virtue of this Act, and which are or ſhall be or become Copyhold, with any Sum or Sums of Money by way of Mortgage, for defraying any Share or Shares of ſuch Coſts, Charges, and Expences as laſt aforeſaid; then and in ſuch Caſe ſuch Copyhold Lands and 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 ſhall be holden by way of Mortgage for ſecuring ſuch Sum or Sums of Money and Intereſt for the ſame, inſtead of being mortgaged and ſurrendered to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, and Aſſigns for a Term of Years as mentioned in the ſaid recited Act.

XXXI. And

General Commissioners to lay their Accounts before a Justice Once in every Year.

XXXI. And be it further enacted, That Once at least in every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said general Commissioners shall and they are hereby required to make a just and true Statement or Account of all Sum and Sums of Money by them received and expended, and due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before some one or more of His Majesty's Justices of the Peace for the said County of *Norfolk*, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Account to be kept in the Office of the Clerk to the said general Commissioners, and no Charge or Item in such Statement or Account shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices: Provided always, that the said several Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said general Commissioners at any of their Meetings to be holden pursuant to this and the said recited Act.

Proprietors and Agents to pay their own Expences.

For allowing Interest on Money advanced.

XXXII. Provided always, and be it further enacted, That if any of the Persons interested in the Lands and Grounds hereby directed to be divided and allotted, or any other Person or Persons, shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and passing this Act, and of carrying the same and the said recited Act into Execution, every such Person shall be repaid such Money, together with lawful Interest from the Time of advancing the same, out of the first Money that shall be raised for the defraying of such Expences under and by virtue of this Act.

General Commissioners to specify what Lands shall be drained.

XXXIII. And be it further enacted, That the said general Commissioners shall, in the Award to be formed and drawn up by them pursuant to the Directions of the said recited Act, ascertain and describe such Lands and Grounds in the said Parish of *Repps with Bastwick*, as shall in the Judgement of the said general Commissioners require to be drained by virtue of this Act, which Lands and Grounds so to be ascertained and described shall be for ever thereafter deemed to be the Lands and Grounds to be drained by virtue of this Act; and that the said Award shall, after the same shall be inrolled as directed by the said recited Act, be delivered to and kept by such Person or Persons, or deposited and kept in such Place or Places as the said general Commissioners shall appoint.

Commissioners for Drainage appointed.

XXXIV. And be it further enacted, That the Lord or Lords, Lady or Ladies of the aforesaid Manors of *Fastolfes*, on the Part of *Repps with Bastwick*, and *Owby*, on the Part of *Repps with Bastwick*, for the Time being, and each and every Owner or Proprietor of Land, not exceeding Ten Acres, 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.

XXXV. 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.

Power to appoint additional Commissioners for Drainage.

XXXVI. And be it further enacted, That every Person who for the Time being shall be the *bonâ fide* Owner of more than Ten Acres of Land to be drained by virtue of this Act may and every such Person is hereby authorized and empowered to appoint, by Writing under his or her Hand, One Commissioner for every Twenty Acres of Land to be drained as aforesaid, of which he or she shall be the Owner, over and above such Ten Acres for which he or she is hereby appointed a Commissioner; and that such Person or Persons to be appointed as aforesaid shall, during the Pleasure of the Owner or respective Owners, and during the Time that the Person or Persons so appointing shall be Owner or Owners of such Number of Acres to be drained as aforesaid, likewise be and he and they is and are hereby appointed a Commissioner and Commissioners for the Purposes aforesaid, and shall have the like Powers and Authorities as if such Person or Persons so appointed were the Owner or Owners of Ten Acres of Land to be drained as aforesaid: Provided always, that no Person so appointed shall be capable of acting as a Commissioner in the Execution of this Act at any Meeting, whilst the Person by whom he shall be so appointed shall be present, save and except the Person by whom he shall be so appointed shall be Owner as aforesaid of Fifty Acres of Land to be drained as aforesaid; and no Person so appointed shall be capable of acting as a Commissioner under the Appointment of any more than One Person at any one Time.

Commissioners to take an Oath or Affirmation.

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

'I *A. B.* do swear, [*or*, being of the People called *Quakers*, do solemnly affirm] That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Commissioner for Drainage, appointed in and by an Act, made in the Forty-seventh Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for inclosing and draining Lands within the Parishes of* Repps with Bastwick, *and* Eccles next the Sea, *in the County of* Norfolk.

'So help me GOD.'

Which Oath or Affirmation 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 without being qualified.

XXXVIII. 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 the said 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 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 hath acted as a Commissioner for Drainage in the Execution of this Act, or had appointed an Agent or Deputy who had 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 Places of holding Meetings.

XXXIX. And be it further enacted, That the said Commissioners for Drainage shall and they are hereby required to hold their first Meeting for carrying this Act into Execution in the Parish of *Repps with Bastwick* aforesaid, on the first *Monday* in the Month which shall next happen after the Execution of the said Award by the said general Commissioners, between the Hours of Ten and Twelve of the Clock in the Forenoon, and the said Commissioners for Drainage shall meet on the first *Monday* in the Month of *June* in each and every Year between the Hours of Ten and Twelve of the Clock in the Forenoon, in the said Parish of *Repps with Bastwick*, 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, or within Eight Miles thereof, which they the said Commissioners for Drainage, or the major Part of them present at any such Meeting, shall appoint; and if it shall so happen that there shall not appear a sufficient Number of the said Commissioners for Drainage at any such Meeting to act or to adjourn to another Day, (Two Commissioners for Drainage to be deemed sufficient for the Purpose of Adjournment), or if they shall refuse or neglect to adjourn, or if any Two or more of the said Commissioners for Drainage shall deem a Meeting of the said Commissioners for Drainage to be necessary or proper before the Time appointed for the then next General Annual Meeting, or Meeting by Adjournment of such Commissioners, then and in every or any such Case any Two or more of the said Commissioners for Drainage shall and may call a Meeting to be holden within the said Parish of *Repps with Bastwick*, by Writing under their Hands, affixed to the Door of the Parish Church of *Repps with Bastwick* aforesaid, and 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 publick 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

from Time to Time, be exercised by the major Part of them present at any Meeting, the whole Number present at such Meeting not being less than Three; and the said Commissioners for Drainage shall at all their Meetings in pursuance of this Act be allowed 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 Three Pounds *per* Day at every such Meeting of the said Commissioners for Drainage.

Entries of Proceedings, good Evidence.

XL. 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.

XLI. 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 or she shall be put to or become chargeable with by reason of his or her being so made Plaintiff or Defendant therein.

For appointing Officers.

XLII. And be it further enacted, That the said Commissioners for Drainage shall and 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, and appoint others, as they shall find necessary or convenient, and by and out of the Monies to be raised by virtue of this Act may and are hereby empowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by them the said Commissioners for Drainage employed in the Execution of this Act as they shall think reasonable; and the said Commissioners for Drainage shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid as the said Commissioners for Drainage shall think proper; and all such

Officers

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 empowered 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 Twenty-one 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 refuſe to verify upon Oath any ſuch Account,

or

or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not have delivered to the said Commissioners for Drainage, or to such Person or Persons as shall have been appointed by them to receive the same, within Twenty-one 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 any such Offender to the common Gaol or House of Correction for the said County of *Norfolk*, there to remain without Bail or Mainprise until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for Drainage, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners for Drainage are hereby empowered to make) and until he shall deliver up such Books, Papers, Vouchers, and Writings, as aforesaid, or give Satisfaction in respect thereof to the said Commissioners for Drainage: Provided always, that no such Person shall remain in Prison for a longer Space of Time than Three Calendar Months.

Works of Drains to be kept in Repair.

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

To raise Money for maintaining Works.

XLIV. 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 to such Collector or Collectors, or other Person or Persons, and at such Times, as they the said Commissioners for Drainage shall appoint, and shall be applied by them in Discharge of all such Expences as they shall incur in the Execution of this Act.

Tenants to pay Taxes.

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

For Recovery of Taxes.

XLVI. 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 for 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 Parish of *Repps with Bastwick*, or within Two Miles of the same, then after Demand made by the said Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Notice in Writing affixed on some conspicuous Part of the Premises chargeable with such Rates and Assessments, it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons authorized as aforesaid, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more af the said Commissioners for Drainage (which Warrant or Precept such Two 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 in any Part or Parts of the Lands, Grounds, Messuages, or Tenements upon which such Entry shall be made to distrain all or any such Goods, Chattels, or Cattle as shall be there found;

found; and it shall and may be lawful for such Collector or Collectors, or other Person or Persons authorized as aforesaid, to impound the Goods, Chattels, or Cattle so distrained on any Part of the Messuages or Lands wherein the same shall be found, or otherwise to take, lead, drive, or carry away, and keep the same for the space of Five Days, leaving Notice in writing of the Cause of such Distress or Distresses at the Messuage or Tenement, Messuages or Tenements, or in some conspicuous Part of the Lands or Grounds upon which such Distress shall be taken, or otherwise at the usual Place or Places of Abode of the Owner or Owners of such Goods, Chattels, or Cattle; and if the Owner or Owners of such Goods Chattels, or Cattle so distrained, shall not pay the Sum or Sums of Money so assessed, rated, and distrained for as aforesaid, together with the Costs and Charges of such Warrant, and taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, and Cattle so distrained, according to the Laws now in force for Non-payment of Rent, within the said Five Days, that then the said Goods, Chattels, and Cattle so distrained, shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made (who is hereby authorized and required to administer an Oath for that Purpose) to appraise the same according to the best of their Judgement; and that after such Appraisement as aforesaid, the said Goods, Chattels, or Cattle shall be sold by the said Collector or Collectors, or other Person or Persons as aforesaid, for Payment of the said Sum or Sums of Money so assessed, rated, and distrained for, and of the said Costs and Charges, and also of the Costs and Charges of appraising and selling such Distress; and that the Overplus arising from such Sale (if any) after Payment of the said Sum and 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.

XLVII. 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 so that no sufficient Distress can be made for levying the said Rates and Assessments, then the Lands and Grounds chargeable therewith shall remain a Security for Payment of such Rates and Assessments, and all Goods, Chattels, and Cattle which shall at any Time thereafter be found thereon shall and may be distrained, impounded, kept, and sold in Manner aforesaid until such Rates and Assessments, and all Arrears thereof, and the Charges incident to such Distress shall be fully paid and satisfied.

Punishment for destroying Works.

XLVIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, damage, break down, demolish, or destroy any Bank, Mill, Engine, Dam, Floodgate, Bridge, Sluice, or Tunnel already made, or which shall at any Time hereafter be made or erected, supported, maintained, or used for answering any of the Purposes of this Act, every Person so offending, and being convicted, shall be guilty of Felony, and the Court before whom such Person or Persons shall be tried and convicted shall have Power and Authority to cause such Person or Persons to be transported for Seven Years, or in Mitigation of such Punishment may award such Sentence as the Law directs in Cases of Petit Larceny.

XLIX. And

Penalty on Persons damaging Works.

XLIX. 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 Hands and Seals of such Justices, and such Money when so levied shall be paid to any One or more of the said Commissioners for Drainage, or to their Clerk, and shall be applied towards the Discharge of the Expences attending the Execution of this Act, and for want of sufficient Distress such Offender or Offenders shall by the said Justices be committed to the Common Gaol of the said County of *Norfolk* for any Time not exceeding Twelve Calendar Months, at the Discretion of the said Justices.

Penalty on Neglect to cleanse Ditches,

L. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any Part or Parts of the Lands and Grounds to be drained by virtue of this Act, to which any Ditch or Ditches, Drain or Drains shall belong, shall neglect or refuse sufficiently to scour, cleanse, open, or repair any such Ditch or Drain, or to make the same of a sufficient Depth and Width after 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 other Officer having an Order in Writing for that Purpose under the Hands of Two or more of the said Commissioners for Drainage), every such Owner or Owners 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 Expence of such Owners or Occupiers to be scoured, cleansed, opened, repaired, and deepened in a sufficient Manner, and where a Way shall have been made over any Ditch or Drain without a sufficient Tunnel to cause such Way to be taken up, and such Ditch or Drain to be made of a proper Width and Depth, and by a Warrant or Precept under the Hands of Two 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 Owners, Occupier or Occupiers by Distress and Sale of his, her, or their Goods and Chattels, and such Penalties shall be applied for the Purposes of this Act.

No Trees to be planted or Buildings erected within 200 Yards of any Engines to be erected by this Act,

LI. 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 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,

made, erected, or built within the Diſtance aforeſaid of any ſuch Mill or Engine, and if the Owner or Owners of any ſuch Tree or Trees, Building, Stack, or Rick, ſhall neglect to take down and remove, or cauſe to be taken down and removed ſuch Tree or Trees, Building, Stack, or Rick, for the Space of Fourteen Days after Notice in Writing ſhall have been given to him, her, or them for that Purpoſe, or left at his, her, or their laſt or uſual Place or Places of Abode, ſigned by any Two 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, or ſuch Building, Stack, or Rick to be pulled down and removed. except by Order of the Commiſſioners.

LII. 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, in caſe they ſhall deem it expedient to let the ſame, for the beſt Rent or Rents that can or may be gotten for the ſame, and ſuch Rents ſhall be applied by the ſaid Commiſſioners for Drainage for the general Purpoſes of Drainage under this Act, in ſuch Manner as they ſhall at ſuch Annual Meetings direct. Herbage of Droves, &c. to be let Annually.

LIII. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politick, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act or of this Act (other than and except ſuch Orders and Determinations of the ſaid general Commiſſioners as are by the ſaid recited Act and this Act declared to be final and 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, Fourteen 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, or at any future Seſſions to which ſuch Appeal may be adjourned, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe any ſuch Ap- Appeal to Seſſions.

peal 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.

LIV. 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, or 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.

Or Offenders may be committed.

LV. 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; (that is to say),

Form of Conviction.

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

LVI. 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

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. removable by Certiorari.

LVII. 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 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. Diſtreſs not unlawful for want of Form.

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

Avowant

Avowant or Avowants, hath or have for recovering Costs of Suit in any other Case by Law.

Saving the Rights of the Lords of the Manors.

LIX. Provided always, and be it further enacted, That nothing herein contained shall prejudice, lessen, or defeat 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, of, in, or to the Seignories or Royalties, Rights, and Services incident or belonging to the said Manors respectively, but that such Lord or Lords, Lady or Ladies of the said Manors for the Time being respectively shall and may at all Times hereafter hold and enjoy the same, and all Rents, Courts, Perquisites, and Profits of Courts, Services, Franchises, Privileges, Waifs, Estrays, Deodands, Forfeitures and all other Royalties, Rights, and Appurtenances to such 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, (other than those which are intended to be compensated for, barred, or destroyed by this Act) in as full, ample, extensive, 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 passed.

General Saving.

LX. 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 Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons, and Body or Bodies Politick, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of the said recited Act and this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Estate, Right, Title, and Interest as they, every, or any of them could or ought to have had and enjoyed, of, in, to, or in respect of the Lands and Grounds hereby directed to be divided and allotted in case this Act had not been made.

Declaring this Act publick.

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

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