ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 44.

An Act for incloſing and draining Lands in the Pariſhes of *Thurlton*, *Haddiſcoe*, and *Thorpe next Haddiſcoe*, in the County of *Norfolk*.

[12th *May* 1809.]

WHEREAS there are within the Pariſh of *Thurlton*, in the County of *Norfolk*, certain Open and Incloſed Fields, Marſh Lands, Fens, Commons and Waſte Grounds: And whereas there are within the Pariſh of *Haddiſcoe*, in the ſaid County, certain Open and Incloſed Fields, lying on the North Side of a certain Lane called *Peddars Lane*, in the ſaid Pariſh of *Haddiſcoe*, running from the Church of *Haddiſcoe* to the Pariſh of *Raveningham*; and alſo certain Open Fields, Doles and Marſh Lands lying in other Parts of the ſaid Pariſh of *Haddiſcoe*: And whereas there are within the Pariſh of *Thorpe next Haddiſcoe*, in the ſaid County, certain Open and Incloſed Fields and Marſh Lands, and a Piece or Parcel of Commonable Marſh Land or Waſte Ground, containing by Eſtimation Seven Acres, little more or leſs: And whereas *Benjamin Barber* Gentleman, is Lord of the ſeveral Manors of *Thurlton Banyards*, and *Toft Overhall* and *Netherhall*, and in right thereof is or claims to be entitled to the Soil of the ſaid Commons and Waſte Grounds: And whereas the ſaid *Benjamin Barber*, Sir *Edmund Bacon* Baronet, and divers other Perſons reſpectively are the Owners and Proprietors of all the Meſſuages, Cottages, Lands, Tenements and Hereditaments, ſituate within the ſaid Pariſhes of *Thurlton*, *Haddiſcoe* and *Thorpe next Haddiſcoe*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of

His preſent Majeſty, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure*; *and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Open and Incloſed Field Lands lie much diſperſed, and are inconveniently ſituated for the reſpective Owners and Proprietors thereof; and the ſaid Marſh Lands and Fens and the greater Part of the ſaid Commons and Waſte Grounds are frequently overflowed with Water, and in their preſent State, for want of ſufficient Drainage, yield but little Profit to the ſeveral Perſons intereſted therein: And whereas it would be advantageous to the ſeveral Perſons intereſted in the Premiſes if the Rights of Common and other Rights at preſent exiſting over the ſaid Fens, Commons and Waſte Grounds were extinguiſhed, and if the ſaid Open and Incloſed Fields, Doles, Marſh Lands, Commons, Fens and Waſte Grounds were divided, and ſpecific Parts or Shares thereof allotted to the ſeveral Perſons intereſted therein, according to their reſpective Eſtates, Rights, and Intereſts, and if ſuch Marſh Lands, Fens, Commons and Waſte Grounds were drained: But as ſuch Extinguiſhment, Allotment and Drainage cannot be made and effected without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Robert Boyden*, of *North Cove* in the County of *Suffolk*, *William Repton*, of *Aylſham* in the County of *Norfolk*, and *John Crowfoot*, of *Keſſingland* in the ſaid County of *Suffolk*, Gentlemen, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed General Commiſſioners for dividing, allotting, and incloſing the ſaid Open and Incloſed Fields, Doles, Marſh Lands, Commons, Fens and Waſte Grounds, and for draining certain Parts thereof, and for carrying this Act into Execution, ſubject to ſuch Powers, Authorities, Directions, Clauſes and Proviſions contained in the ſaid recited Act as are not altered, varied or otherwiſe provided for in and by this Act; and that all Matters and Things authorized or neceſſary to be done and executed by the ſaid Commiſſioners in purſuance of this and the ſaid recited Act, may be done and executed by any Two of them; and the ſame ſhall be as good, valid and effectual, and ſhall have the ſame Force and Effect as if ſuch Acts, Matters and Things had been done and executed by all the Commiſſioners herein named, or to be appointed in Manner herein-after mentioned.

General 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 him or them, die or refuſe or become incapable to act in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or remaining Commiſſioners or Commiſſioner, and they or he are and is 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 their or his Hands or Hand, to appoint another Perſon (not being 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 the taking and ſubſcribing the Oath or Affirmation preſcribed in

Election of new General Commiſſioners.

in that Behalf) have the like Powers and Authorities for carrying this Act and the ſaid recited Act into Execution, in all Reſpects, as if he had been named and appointed a General Commiſſioner in and by this Act.

For giving Notice of Meetings.

III. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to cauſe Notice in Writing of the Time and Place of their Firſt and of every other Meeting for the Execution of this Act to be inſerted in the *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper printed or circulated within the ſaid County of *Norfolk*, Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment excepted); and if at any Meeting appointed to be holden by the ſaid General Commiſſioners not more than One of the ſaid Commiſſioners ſhall attend, then and in ſuch Caſe and ſo often as the ſame ſhall happen, it ſhall be lawful for the ſaid Commiſſioner to adjourn ſuch Meeting to ſuch Place as he ſhall think moſt convenient, giving Notice of ſuch Adjournment to the ſaid abſent Commiſſioners: Provided always,

Meetings to be within Eight Miles.

that all Meetings of the ſaid Commiſſioners in the Execution of this or the ſaid recited Act, ſhall be held within ſome one of the ſaid Pariſhes of *Thurlton*, *Haddiſcoe* or *Thorpe next Haddiſcoe*, or within Eight Miles thereof: Provided always, that all other Notices neceſſary or requiſite to be given by the ſaid General Commiſſioners, in purſuance of the ſaid recited Act or this Act, ſhall be ſo given by Advertiſement in the ſaid *Norfolk Chronicle* or *Norwich Mercury*, or in ſome other Newſpaper printed or circulated in the ſaid County of *Norfolk*, or by Notice in Writing or in Print to be affixed upon the Church Doors of the ſaid Pariſhes reſpectively.

Other Notices how to be given.

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

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

V. And

For extinguishing or suspending Rights of Common before the Award.

V. And be it further enacted, That it shall be lawful for the said General Commissioners, and they are hereby authorized at any Time before the Execution of the Award to be made by them in pursuance of the said recited Act and this Act, by any Writing under their Hands to be affixed upon the Doors of the respective Churches of *Thurlton*, *Haddiscoe*, and *Thorpe next Haddiscoe* aforesaid, to order and direct all or any Rights of Common, in, over and upon the said Open and Inclosed Fields, Doles, Marsh Lands, Commons, Fens and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Writing on the said Church Doors respectively, or any other Time to be appointed by the said Commissioners in or by such Writing, cease, determine and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary notwithstanding.

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

VI. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection or Objections to any of the Accounts or Claims which shall be delivered to the said General Commissioners by virtue of the said recited Act or this Act, such Objection or Objections shall be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Person or Persons on his, her, or their Behalf, and one Part thereof shall be delivered to the said General Commissioners, and the other Part thereof to the Party or Parties whose Claims or Accounts shall be objected to, or to his, her, or their Agent, or left at his, her, or their last or usual Place of Abode, at such Time or Times as the said Commissioners shall appoint for that Purpose, and no Objection to any of the said Accounts or Claims shall be afterwards received by the said Commissioners, unless for some legal Disability or special Cause to be allowed by them.

General Commissioners to settle Differences.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the respective Rights, Interests, Shares and Proportions which they or any of them shall claim to have, of and in the Lands and Grounds hereby directed to be divided and allotted, or concerning any Allowance claimed or to be made for ploughing, sowing, cultivating, manuring or improving the said Lands and Grounds, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division and Allotments or Drainage, it shall be lawful for the said Commissioners, and they are hereby authorized and required, as well by Examination of Witnesses upon Oath as upon any other proper and sufficient Inquiry, Evidence and Satisfaction, to examine into, hear and determine the same:

Not to determine Titles.

Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements, or Hereditaments whatsoever.

General Commissioners to assess Costs.

VIII. And be it further enacted, That in case the said General Commissioners shall, upon the Hearing and Determination of any Claim or Objection to be delivered to them in pursuance of the said recited Act or this

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

Power to try Rights by an Issue at Law.

IX. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Division, Allotments and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any such Claim or Claims of the Rights to the Soil, or of any Rights of Common, or other Rights or Interests, in, to, over and upon the said Open and Inclosed Fields, Doles, Marsh Lands, Commons, Fens and Waste Grounds hereby directed to be divided, allotted, inclosed, drained and preserved, or any Part thereof, then and in every such Case, it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate or Collegiate so dissatisfied, to try all such Claims at Law at the next Assizes to be holden for the said County of *Norfolk*, upon a feigned Issue, provided such Determination be made Two Calendar Months before such Assizes; but if such Determination be made within Two Calendar Months next before such Assizes, then at the next following Assizes for the said County, and for that Purpose the Person or Persons, or Body or Bodies Politic or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought against the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Twenty Days after such Determination of the said Commissioners; and the Defendant or Defendants in such Action is and are hereby required forthwith to appear to such Action, accept a Declaration, and plead to Issue (such Issue to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive, upon all and every Person and Persons whomsoever, Body and Bodies Politic, Corporate and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside

by the Court, the ſaid 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.

Actions not to abate by the Death of Parties.

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

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

XI. Provided always, and be it further enacted, That all ſuch Orders and Determinations of the ſaid General Commiſſioners as ſhall have been made as aforeſaid, with reſpect to ſuch Claims, touching which no ſuch Action at Law ſhall be brought or commenced and proceeded in within the Time aforeſaid, ſhall be final, binding and concluſive upon all Perſons whomſoever, any Thing in this or the ſaid recited Act contained to the contrary notwithſtanding.

Proviſion in caſe of Death of Parties before Actions brought.

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

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

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

General Commiſſioners to direct the Courſe of Huſbandry.

XIV. And be it further enacted, That from and after the Firſt Day of *September* One thouſand eight hundred and nine, until the Execution of the Award of the ſaid Commiſſioners, all the Arable Lands hereby directed to be divided, allotted and incloſed, 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 ſtocking as to the ploughing, folding, tilling, ſowing and laying

laying down the ſame; and it ſhall be lawful to and for the ſaid 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 Lands or any of them, their or any or either of their Tenants, to any Perſon or Perſons in like Manner intereſted therein, or his, her or their Tenants, as they the ſaid Commiſſioners ſhall think reaſonable; and in caſe any 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 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 or levied.

Drainage Clauſe.

XV. And be it further enacted, That the ſaid General Commiſſioners ſhall, and they are hereby authorized and empowered, by ſuch Agents, Workmen and Labourers as they ſhall think fit to employ, to make and erect all ſuch Drains, Dams, Banks, Mills, Sluices, Engines, Bridges and other Works, in, through, over and upon the Marſh Lands, Fens, Commons and Waſte Grounds, within the ſaid Pariſhes or any Part thereof, as they the ſaid Commiſſioners ſhall judge proper and expedient for effectually draining all or ſuch Parts of the ſaid Lands and Grounds as in their Opinion ſhall require to be drained, and to purchaſe any Mill or Mills or other Works for that Purpoſe; and that the ſaid Commiſſioners ſhall ſet out and allot unto the Commiſſioners for Drainage herein-after appointed, the Drains, Dams, Banks, Mills, Sluices, Engines, Bridges and other Works ſo to be made and erected or purchaſed by them, and ſuch Parts of the Lands and Grounds to be drained by them by virtue of this Act, as they ſhall think proper for the maintaining or preſerving of the ſame.

Saving certain Lands of Mr. Hillier's.

XVI. Provided always and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid General or other Commiſſioners to make or erect any ſuch Drains, Dams, Banks, Mills, Sluices, Engines, Bridges or other Works in, through, over or upon the Marſh Lands ſituate in the ſaid Pariſh of *Thorpe next Haddiſcoe*, belonging to *Nathaniel Hillier* Eſquire, which have been walled in and are drained by a Mill erected at the Expence of the Anceſtors of the ſaid *Nathaniel Hillier*, or to affect the working of the ſaid Mill, without the Conſent in Writing of the ſaid *Nathaniel Hillier*, his Heirs or Aſſigns.

Saving certain Lands of the Rev. Mr. Willes.

XVII. Provided always, and be it further enacted, That nothing in this Act contained ſhall authorize or empower the ſaid General or other Commiſſioners to make or erect any ſuch Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, or other Works in, through, over or upon the Marſh Lands ſituate in the ſaid Pariſh of *Haddiſcoe*, belonging to the Reverend *Edward Willes* Clerk, which are drained by a Mill erected at the Expence of the Anceſtors of the ſaid *Edward Willes*, or to affect the working of the ſaid Mill, or to divert from the ſaid Mill any of the Waters flowing from the Marſhes which now are and for ſome Years laſt paſt have been drained by the ſaid Mill of the ſaid *Edward Willes*, without the Conſent in Writing of the ſaid *Edward Willes*, his Heirs or Aſſigns.

XVIII. And

Compoſition to be made for Lands taken.

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

Public Roads and Footpaths.

XIX. 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, in caſe they ſhall think proper, to ſtop and diſcontinue or divert and turn any of the old or accuſtomed Roads, Tracts, Packways, Riding-roads and Footpaths, paſſing or leading through any Part of the ſaid Pariſhes of *Thurlton*, *Haddiſcoe*, and *Thorpe next Haddiſcoe* reſpectively, and if they ſhall think it neceſſary to ſet out other Roads, Packways, Riding-roads and Footpaths in lieu thereof, ſubject nevertheleſs to ſuch Proviſions and under ſuch Conditions with reſpect to the ſtopping up of any old or accuſtomed Roads as are contained in the ſaid recited Act, reſpecting the ſtopping up any old or accuſtomed Road or Roads therein mentioned: Provided alſo, that none of the preſent public Roads within the ſaid reſpective Pariſhes ſhall be ſhut up or diſcontinued, until the Roads which ſhall be intended to remain and be the public Roads ſhall be ſet out in the Manner directed by the ſaid recited Act, and until the ſame ſhall be properly formed and made ſafe and convenient for the Paſſage of Horſes, Cattle and Carriages.

To prevent Cattle grazing in the Public Roads.

XX. And be it further enacted, That no Perſon or Perſons ſhall graze or keep any Sort of Cattle whatſoever in or upon any of the public Roads or Ways, which the ſaid General Commiſſioners ſhall order and direct to

be ſet out and fenced on both Sides, for the Space of Fourteen Years next after the making and executing of their Award, under a Penalty not exceeding Forty Shillings for every Horſe, Aſs, Bullock, Cow, Sheep, Lamb or other Beaſt which ſhall be found therein, to be paid to the Perſon or Perſons who ſhall take and impound the ſame; and every Proprietor or Occupier of Lands and Tenements within the ſaid Pariſhes, and his or her Servants and Labourers is and are hereby empowered to take and impound every ſuch Horſe, Aſs, Bullock, Cow, Sheep, Lamb, or other Beaſt, which ſhall be ſo found grazing as aforeſaid, at any Time or Times after any Quickſets ſhall be planted next the ſaid Roads or Ways ſo fenced off as aforeſaid, before the Expiration of the ſaid Term of Fourteen Years.

Encroachments within Thirty Years to be deemed Part of the Lands allotted;

XXI. And be it further enacted, That all Encroachments which at any Time within Thirty Years laſt paſt have been made upon the ſaid Commons, Fens and Waſte Grounds, ſhall be deemed Part thereof, and ſhall be divided, allotted and incloſed accordingly; and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachment or Encroachments, or the Extent or Duration thereof, ſuch Diſpute ſhall be finally determined by the ſaid General Commiſſioners.

except ſuch for which Licence has been granted.

XXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend ſo as to prejudice or diminiſh the Right of any Perſon or Perſons whomſoever to any Encroachment, Purpreſture, or Incloſure upon or for any Part or Parts of the ſaid Commons, Fens and Waſte Grounds, which ſuch Perſon or Perſons reſpectively ſhall have made and incloſed, or ſhall hold and enjoy by virtue of any Licence or Conſent in Writing under the Hand or Hands of any Lord or Lords, Lady or Ladies of any Manor or Manors, being Owner or Owners of the Soil thereof, or by virtue of any Licence or Authority entered or enrolled in the Court Books or Rolls of ſuch Manor or Manors reſpectively; but no Perſon or Perſons poſſeſſing or enjoying any ſuch Encroachment, Purpreſture or Incloſure, ſhall in reſpect thereof be entitled to any Allotment or Allotments out of the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act.

Allotments to be made to the Surveyors of the Highways.

XXIII. And be it further enacted, That the ſaid General Commiſſioners ſhall aſſign, ſet out and allot unto the Surveyors of the Highways within the Pariſhes of *Thurlton*, *Haddiſcoe* and *Thorpe next Haddiſcoe* aforeſaid, ſuch Part or Parts of the ſaid Open and Incloſed Fields, Doles, Marſh Lands, Commons, Fens and Waſte Grounds in the ſame Pariſhes reſpectively hereby directed to be divided, allotted, incloſed, drained and preſerved, as the ſaid Commiſſioners ſhall think neceſſary, as and for public Watering Places for Cattle, and as and for public Sand, Gravel, Stone, Clay, Marl and Chalk Pits; and it ſhall be lawful for the Surveyors of the Highways and the Proprietors of Lands and Eſtates within the ſame Pariſhes, and their Tenants for the Time being reſpectively, to uſe ſuch Allotment or Allotments for the Purpoſes aforeſaid, in ſuch Manner and under ſuch Rules and Regulations as the reſpective Surveyors of the Highways within each of the ſaid Pariſhes for the Time being ſhall from Time to Time direct or appoint; and the Graſs and Herbage of the ſaid Allotment or Allotments ſhall be from Time to Time let by the reſpective

Surveyors of the Highways in *Thurlton*, *Haddiſcoe* and *Thorpe next Haddiſcoe* aforeſaid reſpectively for the Time being, at or for the beſt Rent that can be obtained for the ſame; and the Rent ariſing from the Allotment or Allotments which may be made to the Surveyors of each of the ſaid Pariſhes reſpectively ſhall be applied towards the Repair of the public Roads in the ſame Pariſh.

Allotment for Right of Soil.

XXIV. And be it further enacted, That the ſaid General Commiſſioners ſhall aſſign, ſet out and allot unto the Lord of the ſaid Manor of *Thurlton Banyards*, or unto ſuch other Perſon or Perſons being Lord or Lords, Lady or Ladies of any other Manor or Manors within the ſaid Pariſh of *Thurlton*, and as ſuch entitled to the Soil of the ſaid Commons, Fens and Waſte Grounds, ſituate in *Thurlton* aforeſaid, or any Part or Parts thereof, ſo much and ſuch Part or Parts of the ſaid laſt-mentioned Commons, Fens and Waſte Grounds as ſhall in the Judgement of the ſaid Commiſſioners be equal in Value to One-ſixteenth Part thereof, as and for a Recompence to him, her or them reſpectively for his, her and their Right in and to the Soil of the ſaid laſt-mentioned Commons, Fens and Waſte Grounds, or any Part or Parts thereof.

The Common of Thorpe to be ſold.

XXV. And be it further enacted, That the ſaid General Commiſſioners ſhall, and they are hereby required to ſell all the aforeſaid Piece or Parcel of Commonable Marſh Land or Waſte Ground, ſituate in the ſaid Pariſh of *Thorpe next Haddiſcoe*, in One or more Allotment or Allotments as to them ſhall ſeem right and proper, to any Perſon or Perſons for the beſt Price or Prices that can or may be gotten for the ſame by private Contract or public Auction or Auctions, in Manner directed by the ſaid recited Act, of which Three Weeks previous Notice ſhall be given; and the Perſon or Perſons ſo purchaſing the ſame ſhall immediately pay (by way of Depoſit) into the Hands of the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall direct and appoint, One-tenth Part of his, her or their Purchaſe Money, and ſhall pay the Remainder thereof within Three Calendar Months next after, or at ſuch other Time as the ſaid Commiſſioners ſhall appoint, and in default thereof the Money ſo depoſited ſhall be forfeited, and ſhall be applied in carrying this and the ſaid recited Act into Execution; and the Allotment or Allotments for which the whole of ſuch Purchaſe Money ſhall not have been ſo paid, or for which there ſhall be no Bidding at ſuch Auction, may be again put up to Sale by public Auction, or ſold by private Contract in manner aforeſaid, for the beſt Price or Prices that can be gotten for the ſame; and upon the Receipt of the whole Purchaſe Money for any Allotment or Allotments which ſhall be ſo ſold as aforeſaid, the ſaid Commiſſioners ſhall and they are hereby authorized and required to grant and convey, by Indentures of Bargain and Sale under their Hands and Seals, all the Fee Simple and Inheritance of ſuch Allotment or Allotments to ſuch Perſon or Perſons, and for ſuch Uſe and Uſes as the reſpective Purchaſer or Purchaſers thereof ſhall appoint, and immediately after the Execution of ſuch Indentures of Bargain and Sale as aforeſaid, all and every Allotment or Allotments therein deſcribed to be thereby granted and conveyed ſhall be abſolutely diſcharged of and from all other Rights thereon or therein, and be thenceforth held in Severalty by and veſted in Fee Simple in the Purchaſer or Purchaſers thereof reſpectively, as his, her or their private or abſolute Property, and ſhall be allotted accordingly by the ſaid General Commiſſioners

Commiſſioners in their Award to be made by the Authority of this Act and of the ſaid recited Act; and ſuch Purchaſe Money, when ſo received by the ſaid General Commiſſioners, ſhall be by them applied in defraying the Coſts, Charges and Expences of obtaining this Act, and of carrying the ſame and the ſaid recited Act into Execution; and if any Surplus ſhall remain after Payment of ſuch Expences, ſuch Surplus ſhall be divided among the ſeveral Perſons intereſted in the ſaid Lands and Grounds, in proportion to their reſpective Intereſts; and the Shares of ſuch of the ſaid Perſons as ſhall be Tenants thereof in Fee Simple ſhall be paid to them reſpectively, and the Shares of the others of the ſaid Perſons ſhall reſpectively be paid into the Bank of *England* in the Manner directed by the ſaid recited Act with reſpect to Money to be paid for the Purchaſe or Exchange of Lands, Tenements or other Hereditaments, or of any Timber or Wood growing thereon, where any ſuch laſt-mentioned Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments to be ſettled to the ſame Uſes: Provided always, that the Purchaſer or Purchaſers of ſuch Lot or Lots to be ſold as aforeſaid ſhall be ſubject to the Performance of all Orders, Regulations and Directions which may be made by the ſaid General Commiſſioners, and inſerted in their Award for incloſing, fencing and draining ſuch Lands, and for maintaining and keeping the Drains and Fences thereto belonging in good Repair: Provided always, that the ſaid Commiſſioners ſhall and they are hereby required to make reaſonable Compenſation to the Lords of the ſeveral Manors herein-before mentioned, either by Increaſe of any Allotment to be made to them reſpectively under the Authority of this Act, or by Deductions from their Proportions of Expence in the Execution of this Act, as the ſaid Commiſſioners ſhall judge expedient, for or on account of the Land ſo ſold, being all ſold and conveyed as Freehold, great Part of which, if left to Diviſion and Allotment among the Owners or Proprietors thereof reſpectively under the other Proviſions contained in this Act, would be of Copyhold Tenure, and liable to Fines, Suits and Services accordingly.

Allotment of the Reſidue.

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

For fencing Allotments to the Rectors, and public Allotments.

XXVII. And be it further enacted, That the Allotments which ſhall be made to the Surveyors of the Highways within the ſaid Pariſhes, and to the Rectors of the ſaid Pariſhes of *Thurlton*, *Haddiſcoe*, and *Thorpe next Haddiſcoe*, in reſpect of their ſaid Rectories reſpectively, in purſuance of

of this Act, shall be inclosed and fenced in with such Hedges, Ditches, Mounds or other Fences as the said General Commissioners shall think proper, and the Expences thereof raised and paid in like Manner as the Expence of obtaining this Act and of carrying the same into Execution are herein directed to be raised and paid; and that such Hedges, Ditches, Mounds and Fences shall for ever thereafter be maintained and supported by and at the Expence of such Person or Persons and in such Manner as the said Commissioners shall by their Award or by any other Writing under their Hands direct and appoint.

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

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

Means as the Coſts, Charges and Expences of obtaining this Act and executing the ſaid recited Act and this Act can or may be raiſed and levied.

Allotments to be of the ſame Tenure.

XXIX. And be it further enacted, That all ſuch Parts of the ſaid Open and Incloſed Fields, Doles, Marſh Lands, Commons, Fens, and Waſte Grounds as ſhall be aſſigned or allotted to any Perſon or Perſons by virtue of this Act, for or in reſpect of any Meſſuages, Cottages or Tofts, Lands, Tenements and Hereditaments which are holden by Copy of Court Roll of the Manors aforeſaid, or of any other Manor or Manors reſpectively, ſhall be ſtated and deſcribed in the ſaid Award as Copyhold, and ſhall be deemed and taken to be Copyhold of the ſaid Manor or Manors reſpectively, and ſhall be ſubject and liable to, and the Proprietors thereof reſpectively for the Time being, ſhall pay to the Lord or Lords, Lady or Ladies of the ſaid Manors reſpectively for ever, a Yearly Quit Rent at and after the Rate of One Penny for every Acre of the ſaid Commons, Fens and Waſte Grounds which ſhall be allotted in reſpect of ſuch Copyhold Meſſuages, Cottages or Tofts, Lands, Tenements and Hereditaments, and ſo in Proportion for any leſs Quantity than an Acre; and the ſeveral Perſons to whom any Copyhold Allotments ſhall be made as aforeſaid of and in all or any of the Lands and Grounds intended to be allotted and incloſed, ſhall within the Space of Six Calendar Months next after the Execution of the Award of the ſaid General Commiſſioners, or at the firſt General Court for the Admiſſion of Copyholders, to be holden for the ſaid ſeveral Manors reſpectively next after the Expiration thereof, be admitted Tenants to the ſame Allotments reſpectively, without paying any Fine or other Charges to the Lord or Lords, Lady or Ladies of any of the ſaid ſeveral Manors (ſave and except the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the Stewards of the ſaid Manors as the ſaid Commiſſioners ſhall in and by their ſaid Award order and direct); but in caſe any Perſon or Perſons, his, her, or their Heirs or Aſſigns, to whom any ſuch Copyhold Allotment or Allotments ſhall be made, ſhall neglect or refuſe to be admitted Tenant or Tenants thereto within the ſaid Six Calendar Months, or at the firſt General Court Baron for the Admiſſion of Copyholders to be holden for ſuch Manors next after the Expiration thereof, then it ſhall and may be lawful to and for the Lord or Lords, Lady or Ladies of the ſaid Manors reſpectively for the Time being, to take and uſe all Meaſures for compelling ſuch Admiſſion or Admiſſions to the ſaid Allotment or Allotments reſpectively as the Lord or Lords, Lady or Ladies of any Manor or Manors is or are now by Law and according to the Cuſtoms of the ſaid Manor or Manors empowered to take and uſe for want of a Tenant to any Lands, Tenements, or Hereditaments holden by Copy of Court Roll of the ſaid Manor or Manors, and in ſuch Caſe the ſame Fines, Fees, and other Payments ſhall be due and payable on ſuch Admiſſion or Admiſſions reſpectively as the Lord or Lords, Lady or Ladies, and Stewards of the ſaid Manor or Manors are now by Law and the Cuſtom of the ſame Manor or Manors entitled to take and receive upon Admiſſions to any Lands, Tenements, or Hereditaments holden by Copy of Court Roll of the ſaid Manors reſpectively; and from and after the firſt Admiſſion, all the ſaid Copyhold Allotments ſhall for ever thereafter be held under and ſubject to the ſame Fines, Rents, and Services

as the ſaid Copyhold Lands and Tenements reſpectively in reſpect whereof ſuch Allotments ſhall be made are now ſubject and liable to, together with the ſaid Quit Rent at and after the Rate of One-penny *per* Acre yearly, for and in reſpect of ſuch Parts of the ſaid Commons, Fens and Waſte Grounds as ſhall be ſo allotted as Copyhold as aforeſaid; and that all other Parts of the ſaid Lands and Grounds which ſhall be aſſigned or allotted unto any Perſon or Perſons by virtue of this Act, for and in reſpect of any Freehold or Leaſehold Meſſuages, Cottages or Tofts, Lands, Tenements, and Hereditaments, ſhall be deemed and taken to be Freehold and Leaſehold, and ſhall be held and enjoyed as ſuch accordingly, ſubject nevertheleſs to ſuch Rents, Payments, Cuſtoms and Services as the reſpective Lands and Tenements in reſpect whereof the ſame ſhall be aſſigned or allotted are now ſubject and liable to.

If Common Right be ſold, Allotment to be made to the Purchaſer.

XXX. Provided always, and be it further enacted, 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 Award to be made by the ſaid General Commiſſioners, ſell, or contract or agree to ſell his, her or their Right, Intereſt and Property in the Lands and Grounds hereby directed to be divided, allotted, incloſed, drained and preſerved, or any Part or Parts thereof, to any other Perſon or Perſons, and ſhall before the Execution of the ſaid Award depoſit with the ſaid Commiſſioners a written Agreement or Contract ſtating ſuch Sale, and ſigned by the reſpective Parties to ſuch Contract, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaſer mentioned in every ſuch Sale, Contract or Agreement, or to his, her or their Heirs and Aſſigns for and in reſpect of ſuch Rights, Intereſt and Property ſo ſold, or contracted or agreed to be ſold as aforeſaid; and every ſuch Vendee or Purchaſer, or his, her or their Heirs and Aſſigns may and ſhall, from and after the Execution of the ſaid Award, hold and enjoy the Lands ſo to be allotted to him, her or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor named in every ſuch Sale, Contract or Agreement might, could or ought to have held and enjoyed the ſame in caſe ſuch Sale, Contract or Agreement had not been made, or ſuch Rights, Intereſt or Property had been veſted in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

Wills and Settlements not to be affected.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Debts, Rents or Incumbrances, out of, upon or affecting any of the Open and Incloſed Fields, Doles, Marſh Lands, Commons, Fens and Waſte Grounds to be divided, allotted, incloſed, drained and preſerved by virtue of this Act, or any Part or Parts thereof reſpectively, but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in exchange by virtue of this Act ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Grounds and Hereditaments, whereof ſuch Perſon or Perſons was or were ſeiſed or poſſeſſed at or before the Execution of the Award to be made by ſuch General Commiſſioners, or for which or in reſpect whereof

whereof such Allotments or Exchanges shall be made, would have been subject to, charged with or affected by in case this Act had not been made.

For vacating certain Leases.

XXXII. And be it further enacted, That all Leases and Agreements at rack or extended Rent which are now subsisting of any Lands and Grounds within the said Parishes of *Thurlton*, *Haddiscoe*, and *Thorpe next Haddiscoe*, or in any adjoining Parishes, so far as such Leases or Agreements shall affect or concern any of the Open and Inclosed Fields, Doles, and Marsh Lands, which shall be allotted or exchanged by virtue of this Act, shall cease, determine and be void from and immediately after the Execution of the Award of the said General Commissioners, as to such Lands and Grounds as shall be so allotted or exchanged and taken from the respective Farms of the Lessees or Occupiers thereof: Provided nevertheless, that the respective Lessees or Occupiers of the Premises so allotted and exchanged, and taken from their respective Farms, shall, during their respective Leases, hold and enjoy all the Lands and Hereditaments which shall be allotted in lieu of and in Exchange for the Lands so to be taken from their respective Farms as aforesaid, upon the same Rents, and subject to the same Provisoes, Covenants and Conditions as are contained in their respective Leases: Provided always, that if there shall be any Lease of Lands, Part of which shall lie within any of the said Parishes of *Thurlton*, *Haddiscoe*, and *Thorpe next Haddiscoe*, 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 Lands shall not be vacated.

Compensations to be made in certain Cases.

XXXIII. And be it further enacted, That all and every such Leases and Agreements as aforesaid shall as far as the same affect or concern any Allotment or Allotments to be made of any of the said Common or Waste Grounds, in respect of any Lands or Grounds comprized in such Leases or Agreements, be and the same are and is hereby declared to be null and void as to such Allotment or Allotments last mentioned; and the Person or Persons to whom the Lands and Grounds comprized in such Leases or Agreements shall belong, as Landlord or Landlords shall make such Compensation to the Person or Persons entitled to the same, under such Leases or Agreements as the said General Commissioners shall by Writing under their Hands ascertain and direct; and if the Money so to be ascertained as aforesaid shall not be paid by such Landlord or Landlords respectively to their respective Tenants or Lessees who shall be entitled to receive the same, within Fourteen Days after Demand shall be made thereof, then and in every such Case it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required to raise and levy the same, for the Use and Benefit of the Tenants and Lessees respectively entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act may be raised and levied.

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

XXXIV. Provided always, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act (whereon any new Fence

Fence ſhall be raiſed) during the Space of Seven Years next after the Execution of the ſaid Award, unleſs the Perſon keeping the ſame ſhall firſt, at his or their own Expence, make and maintain a ſufficient Fence to guard and protect the young Fences belonging to ſuch Allotments reſpectively from being hurt or damaged by ſuch Sheep or Lambs (whether ſuch Fences be made or ſet out by the Owner or Occupier of ſuch Allotment or Allotments or by the Owner or Occupier of the Allotment or Allotments adjoining thereto); and in caſe any Perſon ſhall turn or keep any Sheep or Lambs in any ſuch Allotment or Allotments without raiſing and keeping up ſuch Fences as aforeſaid, it ſhall be lawful for the Owner or Occupiers of any adjoining Allotment or Allotments to enter thereon, and to take, drive away and impound the ſame Sheep or Lambs; and in caſe any Sheep, Cattle or Swine ſhall treſpaſs upon any incloſed Land, or ſhall ſtray or go at large, or be found in any Lane, Road or Highway within the Pariſhes of *Thurlton*, *Haddiſcoe*, and *Thorpe next Haddiſcoe* aforeſaid reſpectively, it ſhall be lawful for the Conſtable, Pindar or any other Perſon, to take, drive away and impound ſuch Sheep, Cattle or Swine, and to demand and receive of the Owner or Owners thereof the Sum of One Shilling for every Horſe, Mare, Aſs or other Neat Stock or Cattle, and Sixpence for every Sheep, Lamb, Swine or other Cattle, and to detain ſuch Sheep, Cattle and Swine in Pound until ſuch Money ſhall be paid and ſatisfied.

For defraying the Expences of this Act.

XXXV. And be it further enacted, That the Coſts, Charges, and Expences of incloſing the Allotment or Allotments hereby directed to be made to the Rectors of the ſaid ſeveral Pariſhes of *Thurlton*, *Haddiſcoe*, and *Thorpe next Haddiſcoe* for the Time being by virtue of or under this Act, and of incloſing the Allotment or Allotments hereby directed to be made to the Surveyors of the Highways within the ſaid Pariſhes, and to the Commiſſioners for draining herein-after appointed, and all the Coſts and Charges incident to and attending the obtaining and paſſing this Act, and of ſurveying, admeaſuring, planning, valuing, dividing, allotting, and draining the Lands and Premiſes hereby directed to be ſurveyed, admeaſured, planned, valued, divided, allotted and drained, and of preparing and inrolling the Award herein-after directed to be made, and of the Copies thereof; and all the Coſts, Charges, and Expences of the ſaid General Commiſſioners, and of the ſeveral Perſons to be employed by them in and about the Premiſes, and of forming, completing and repairing the Public Carriage Roads and Highways to be ſet out and appointed by the ſaid Commiſſioners within the ſaid Pariſhes of *Thurlton*, *Haddiſcoe*, and *Thorpe next Haddiſcoe* reſpectively, and all other Expences of carrying this and the ſaid recited Act into Execution, ſhall be borne and paid by the ſeveral Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act (ſave and except the ſaid Rectors of the ſaid Pariſhes in reſpect of any Allotments which ſhall be made to them reſpectively in right of their reſpective Rectories, and alſo ſave and except the Surveyors of the Highways of the ſaid Pariſhes, for or in reſpect of the Allotments hereby directed to be made to them and the ſaid Commiſſioners for Drainage for the Time being as aforeſaid), in ſuch Shares and Proportions, at ſuch Time or Times, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall appoint.

How Expences shall be raised upon Copyholds.

XXXVI. Provided always, and be it further enacted, That when and so often as it shall be neceſſary to charge any Allotment or Allotments with any Sum or Sums of Money by way of Mortgage, for paying or defraying any Share or Shares of ſuch Coſts, Charges, and Expences as are by the ſaid recited Act authorized to be charged thereon, and ſuch Allotment or Allotments ſhall be Copyhold, then and in ſuch Caſe ſuch Copyhold Lands and Premiſes ſhall be ſurrendered for the due Payment thereof, with Intereſt, to the Uſe of ſuch Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money by way of Mortgage, his, her or their Heirs and Aſſigns, according to the Cuſtom or Cuſtoms of the Manor or Manors whereof the ſame ſhall be holden, inſtead of being mortgaged and ſurrendered to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns, for a Term of Years as mentioned in the ſaid recited Act.

Money advanced to be repaid with Intereſt.

XXXVII. Provided always, and be it further enacted, That if any Perſon or Perſons hath advanced or ſhall advance any Money in diſcharge of the Fees or other Expences of obtaining this Act, or of executing the ſaid recited Act or this Act, the Money ſo advanced ſhall be repaid and ſatisfied by the Direction of the ſaid General Commiſſioners, together with lawful Intereſt for the ſame: Provided always, that the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid General Commiſſioners at any of their Meetings to be held in purſuance of the ſaid recited Act or this Act.

Proprietors and their Agents to pay their own Expences.

Power to make Exchanges.

XXXVIII. And be it further enacted, That it ſhall be lawful for the ſaid General Commiſſioners to ſet out, allot and award any Lands, Tenements or Hereditaments whatſoever within the ſaid Pariſhes of *Thurlton*, *Haddiſcoe* and *Thorpe next Haddiſcoe*, in lieu of or in Exchange for any other Lands, Tenements, or Hereditaments whatſoever within the ſaid Pariſhes, or within any adjoining Pariſh, Hamlet or Place; provided that all ſuch Exchanges be aſcertained, ſpecified and declared in and by the Award of the ſaid Commiſſioners, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life or Lives, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on a Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable and other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Coverts, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of every ſuch Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements or Hereditaments held in right of any Church or Chapel or other Eccleſiaſtical Benefice, without the Conſent, teſtified

as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments so to be exchanged shall be situated.

Expences of Sales and Exchanges to be paid by the Persons making the same.

XXXIX. And be it further enacted, That all Costs, Charges and Expences attending the making of any Sales, Exchanges or Partitions, to be made by virtue of this or the said recited Act, shall be paid, borne and defrayed by the several Persons making such Sales, Exchanges and Partitions, in such Manner and in such Shares and Propottions as the said General Commissioners shall, by their said Award, or any other Writing or Writings under their Hands, order and direct, and shall be recovered in the same Manner as is herein-before directed, respecting the Recovery of the Costs and Charges of obtaining this Act, and of carrying the same and the said recited Act into Execution.

General Commissioners to lay Accounts before a Justice or Justices.

XL. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof) the said General Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any 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 the said Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in the Law, unless the same shall have been duly allowed by such Justice or Justices.

Award to be made.

XLI. And be it further enacted, That the Award to be made by the said General Commissioners under the Authority of this Act and of the said recited Act, together with a proper Map or Plan of each of the said Parishes of *Thurlton*, *Haddiscoe* and *Thorpe next Haddiscoe* thereto annexed, shall within Twelve Calendar Months after the Execution thereof, be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Five Guineas shall be paid, and no more, and for the Inspection and Perusal whereof the Sum of One Shilling and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be inrolled according to the Directions and within the Meaning of the said recited Act; and a Copy of such Part of the said Award as shall relate to the Parish of *Thurlton* aforesaid, fairly transcribed in a Book, with a proper Map or Plan of the last-mentioned Parish, shall within the Time aforesaid be deposited in the Parish Church of *Thurlton* aforesaid, and there kept in a Tin Box to be provided for that Purpose; and a Copy of such Part of the said Award as shall relate to the Parish of *Haddiscoe*, fairly transcribed in a Book, with a proper Map or Plan of the last-mentioned Parish, shall within the Time aforesaid be deposited in the Parish Church of *Haddiscoe* aforesaid, and there kept in a Tin

Tin Box to be provided for that Purpoſe; and a Copy of ſuch Part of the Award as ſhall relate to the Pariſh of *Thorpe next Haddiſcoe* aforeſaid, fairly tranſcribed in a Book, with a proper Map or Plan of the laſt-mentioned Pariſh, ſhall within the Time aforeſaid be depoſited in the Pariſh Church of *Thorpe next Haddiſcoe* aforeſaid, and there kept in a Tin Box to be provided for that Purpoſe; and the ſaid Award and Copies thereof, and any other Copy of the ſaid Award or any Part or Parts thereof, atteſted by the ſaid Clerk of the Peace or his Deputy (for every Sheet of which Copy containing Seventy-two Words Four-pence and no more ſhall be paid) ſhall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatſoever; and the ſeveral Allotments, Partitions, Orders, Directions, Proviſions, Matters and Things contained in the ſaid Award ſhall be binding and concluſive upon all and every the Parties intereſted in the Premiſes, and all commonable Rights and Intereſts whatſoever, in, over or upon the ſaid Commons, Fens and Waſte Grounds in the ſaid reſpective Pariſhes ſhall from and after the Execution of the ſaid Award, ceaſe, determine and be for ever extinguiſhed.

Commiſſioners for Drainage appointed.

XLII. And be it further enacted, That the Lord or Lords, Lady or Ladies of the aforeſaid Manors, and the Rectors of the ſaid reſpective Pariſhes for the Time being, and each and every Owner or Proprietor of Twenty Acres of Land to be drained by virtue of this Act, ſhall from and after the Execution of the Award 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.

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

Commiſſioners to take an Oath or Affirmation.

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

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

‘ the Reign of His Majeſty King *George* the Third, intituled, “ An Act ‘ [*here inſert the Title of this Act*]. ‘ So help me GOD.’

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

Penalty on Perſons acting not being qualified.

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

Times and Places of holding Meetings.

XLVI. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall and they are hereby required to hold their firſt Meeting for carrying this Act into Execution in the ſaid Pariſh of *Haddiſcoe*, on the firſt *Monday* in the Month next after the Execution of the ſaid Award by the ſaid General Commiſſioners, between the Hours of Twelve of the Clock at Noon and Two of the Clock in the Afternoon; and the ſaid Commiſſioners for Drainage ſhall meet on the firſt *Tueſday* in the Month of *May* in each and every Year, between the Hours of Ten of the Clock in the Forenoon and Twelve of the Clock at Noon in the ſaid Pariſh of *Haddiſcoe*, 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 any of the ſaid Pariſhes, 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, it ſhall and may be lawful

to

to and for any Two or more of the ſaid Commiſſioners for Drainage to to call a Meeting to be holden within the ſaid Pariſh of *Haddiſcoe*, by Writing under their Hands affixed to the Doors of the Pariſh Churches of *Thurlton*, *Haddiſcoe*, and *Thorpe next Haddiſcoe*, 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*, Eight Days at leaſt previous to the Time of ſuch Meeting; and no Act of the ſaid Commiſſioners for Drainage ſhall be good, valid and effectual, unleſs done at ſome Public Meeting to be holden by virtue of this Act (ſave as may be herein excepted); and that all Powers and Authorities granted to or veſted in the ſaid Commiſſioners for Drainage, ſhall and may from Time to Time be exerciſed by the major Part of them preſent at any Meeting, the whole Number preſent at ſuch Meeting not being leſs than Five, and the ſaid Commiſſioners for Drainage ſhall, at their Meetings in purſuance of this Act, be allowed Ten Shillings each *per* Day out of the Monies to ariſe by virtue of this Act, and no more, towards their Expences, ſo that no ſuch Allowance do in the whole exceed the Sum of Four Pounds *per* Day at any ſuch Meeting of the ſaid Commiſſioners for Drainage.

Entries of Proceedings to be good Evidence.

XLVII. 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 their reſpective Meetings, and the ſame ſhall be ſigned by 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.

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

For appointing Officers.

XLIX. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall and may at their Firſt or any other ſubſequent Meeting, appoint

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 this Act may and they are hereby empowered to appoint and pay ſuch Salaries and Allowances to ſuch Officers, and to all other Perſons by them the ſaid Commiſſioners for Drainage employed in the Execution of this Act, as they ſhall think reaſonable; and the ſaid Commiſſioners for Drainage ſhall and may take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons as aforeſaid, as the ſaid Commiſſioners for Drainage ſhall think proper; and all ſuch Officers and Perſons ſo to be appointed as aforeſaid ſhall, under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners for Drainage ſhall direct, deliver to ſuch Commiſſioners for Drainage, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and alſo of all Monies which ſhall have been by ſuch Officer or Officers, and Perſon or Perſons reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been paid and diſburſed, and for what Purpoſes, together with the proper and legal Receipts or Vouchers for ſuch Payments, and ſhall pay all ſuch Monies as ſhall remain in their reſpective Hands to the ſaid Commiſſioners for Drainage, or to ſuch Perſon or Perſons as they ſhall appoint; and all the ſaid Officers and 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 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 and 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 other Perſon or Perſons as they ſhall appoint for that Purpoſe, of any ſuch Refuſal or Neglect as aforeſaid, to any Two or more of the Juſtices of the Peace for the County or Place wherein ſuch Officer or Officers, Perſon or Perſons ſo neglecting or refuſing ſhall be and reſide, ſuch Juſtices may and are hereby authorized and empowered 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 Juſtice or Juſtices is and are hereby empowered to adminiſter) it ſhall appear to ſuch Juſtices that any of the Money that ſhall have been collected

collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels of such Officer or Offiecrs, 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 shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not have delivered to the said Commissioners for Drainage, or to such Person or Persons as they shall have appointed, within Twenty Days after being thereunto required by such Commissioners for Drainage, all Books, Papers and Writings in his or their Custody or Power relating to the Execution of this Act, then and in any of the Cases aforesaid such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County of *Norfolk*, there to remain, without Bail or Mainprize, until he shall make and give a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners for Drainage, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Commissioners for Drainage are hereby empowered to make), and until he shall deliver up such Books, Papers, Vouchers and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners for Drainage: Provided always, that no such Person shall be detained in Prison for any such Offence more than Three Calendar Months.

Works of Drainage to be kept in Repair.

L. And be it further enacted, That the said Commissioners for Drainage shall be and they are hereby 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, and the Right and Property to and in the same, and the Materials of which the same shall consist, and also the Piece or Pieces of Land to be set out and allotted by the said General Commissioners to the said Commissioners for Drainage, for maintaining, repairing and preserving the same, shall be and the same is and are hereby vested in the said Commissioners for Drainage for the Time being, and they are hereby authorized and required

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.

LI. 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, not exceeding Five Pounds *per* Acre, 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 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.

LII. 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 Deduction; and every such Tenant paying such Rate or Assessment shall be discharged of so much Money as the same shall amount to, as fully as if the same had been paid to his or her Landlord.

For Recovery of Taxes.

LIII. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of any Lands or Grounds to be drained by virtue of this Act, shall make Default in Payment of the whole or any Part of the Sum or Sums of Money to be rated, assessed, taxed or charged upon him, her or them, for or in respect of such Lands or Grounds, or any Part thereof, and shall continue in such Default by the Space of Ten Days next after the Time appointed by the said Commissioners for Drainage for such Payment, and after such Demand of such Rates or Assessments made by the Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Writing left at the usual Place or Places of Abode of such Owner or Owners, Tenant or Tenants, Occupier or Occupiers who ought to pay the same, or if such Owner or Owners, Tenant or Tenants, Occupier or Occupiers shall not have any Place of Abode within the said Parishes of *Thurlton*, *Haddiscoe*, and *Thorpe next Haddiscoe*, 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 upon ſome conſpicuous Part of the Premiſes charged with ſuch Rates and Aſſeſſments), it ſhall and may be lawful to and for ſuch Collector or Collectors, or other Perſon or Perſons authorized as aforeſaid, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the ſaid Commiſſioners for Drainage, (which Warrant or Precept ſuch Three or more of the ſaid Commiſſioners for Drainage are hereby empowered and required to make and give as there ſhall be Occaſion, though not aſſembled at any Meeting in purſuance of this Act), to enter into and upon all or any Part of the Lands and Grounds ſo rated and aſſeſſed as aforeſaid, and into and upon all or any Meſſuages or Tenements thereupon ſtanding, and there, or in any Part or Parts of the Lands, Grounds, Meſſuages or Tenemenss upon which ſuch Entry ſhall be made, to diſtrain all or any ſuch Goods, Chattels, or Cattle as ſhall be there found; and it ſhall and may be lawful for ſuch Collector or Collectors, or other Perſon or Perſons authorized as aforeſaid, to impound the Goods, Chattels, or Cattle ſo diſtrained on any Part of the Meſſuages or Lands whereon the ſame ſhall be found, or otherwiſe to take, lead, drive, or carry away and keep the ſame for the Space of Five Days, leaving Notice in Writing of the Cauſe of ſuch Diſtreſs or Diſtreſſes at the Meſſuage or Tenement, Meſſuages or Tenements, or in ſome conſpicuous Part of the Lands or Grounds upon which ſuch Diſtreſs ſhall be taken, or otherwiſe at the uſual Place or Places of Abode of the Owner or Owners of ſuch Goods, Chattels or Cattle ſo diſtrained; and if ſuch Owner or Owners of ſuch Goods, Chattels or Cattle ſo diſtrained, ſhall not pay the Sum or Sums of Money ſo aſſeſſed, rated and diſtrained for as aforeſaid, together with the Coſts and Charges of ſuch Warrant and taking ſuch Diſtreſs, and of keeping and maintaining the ſame, or replevy the Goods, Chattels or 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 Judgements, and that after ſuch Appraiſement as aforeſaid, the ſaid Goods, Chattels and Cattle ſhall be ſold by the ſaid Collector or Collectors, or other Perſon or Perſons as aforeſaid, for Payment of the ſaid Sum or Sums of Money ſo aſſeſſed, rated, and diſtrained for, and of the ſaid Coſts and Charges, and alſo of the Coſts and Charges of appraiſing and ſelling ſuch Diſtreſs; and that the Overplus ariſing from ſuch Sale (if any), after Payment of the ſaid Sum or Sums of Money, ſhall be returned on Demand to the Owner or Owners of ſuch Goods, Chattels, and Cattle.

Lands untenanted to remain a Security for the Rates.

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

all Arrears thereof and the Charges incident to such Distress, shall be fully paid and satisfied.

Punishment for destroying Works.

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

Penalty on Persons damaging Works.

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

Penalty on Neglect to cleanse Dykes.

LVII. 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 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 Three or more of the said Commissioners for Drainage (which Warrant they hereby have full Power to grant, although they shall not be assembled at any Meeting under this Act), to levy such Penalty, and also such Charges and Expences upon such Owner or 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 Engines to be erected by this Act, except by the Order of the Commissioners.

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

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

LIX. 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, allotted, and inclosed, as shall be vested in the said Commissioners for Drainage, shall be let by the said Commissioners for Drainage at their General Annual Meetings to be holden as aforesaid, for the best Rent or Rents that can or may be gotten for the same, and such Rents shall be applied by the said Commissioners for Drainage for the general Purposes of Drainage under this Act, in such Manner as they shall at such Annual Meeting direct.

Appeal to the Sessions.

LX. And be it further enacted, That if any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done or omitted to be done in pursuance of the said recited Act or this Act, (other than and except as to such Claims, Matters, and Things which shall be ascertained, settled, tried, or determined by the Verdict of a Jury, under the Power and Authority herein-before contained, or where, by any of the Provisions or Clauses of the said recited Act or this Act, the Determinations, Orders, Acts, or Proceedings of the said General Commissioners are declared and directed to be final and conclusive), then and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to 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

Act or Determination of the ſaid Commiſſioners for Drainage, Ten Days Notice in Writing of ſuch Appeal and the Matters thereof; and the Juſtices (not intereſted in the Premiſes) at their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) upon Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of ſuch Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without ſufficient Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonble, and to be levied in Manner aforeſaid.

Recovery of Penalties by Diſtreſs.

LXI. 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 directed) ſhall be levied and recovered by Diſtreſs and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Juſtice of the Peace for the ſaid County of *Norfolk* (which Warrant ſuch Juſtice is hereby empowered to grant), upon the Conviction of the Party or Parties, on his, her, or their Confeſſion, or upon the Evidence of one or more credible Witneſs or Witneſſes upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter) and the Overplus (if any) after deducting the Coſts and Charges of ſuch Diſtreſs and Sale, ſhall be rendered to the Owner or Owners of ſuch Goods and Chattels; and ſuch Penalties and Forfeitures, when recovered, ſhall be paid to the Treaſurer or Clerk of the ſaid Commiſſioners for Drainage, and ſhall be applied for ſuch of the Purpoſes of this Act as the ſaid Commiſſioners for Drainage ſhall think fit, but nevertheleſs it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage at any of their Meetings, to pay or cauſe to be paid ſuch Part of the ſaid Penalties or Forfeitures, not exceeding One Moiety thereof, to the Informer or Informers, as the ſaid Commiſſioners for Drainage ſhall think reaſonable; and in caſe ſufficient Diſtreſs ſhall not be found, or ſuch Penalties and Forfeitures ſhall not be paid forthwith, it ſhall and may be lawful to and for ſuch Juſtice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Offender or Offenders to be committed to the Common Gaol or Houſe of Correction of the ſaid County of *Norfolk*, there to remain without Bail or Mainprize for any Time not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the ſame, ſhall be ſooner paid and ſatisfied.

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

'BE

'BE it remembered, That on this Day of in the Year of our Lord is convicted before of His Majesty's Justices of the Peace for the County, [*or, as the Case shall be*] of having [*as the Offence shall be*] contrary to an Act of Parliament made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act*] and I [*or*, we] the said do adjudge him [her, *or*, them] to forfeit and pay for the same the Sum of Given under my Hand and Seal [*or*, our Hands and Seals] the Day and Year aforesaid.' Form of Conviction.

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

LXIV. 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 *ab initio* on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons so aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case. Distress not unlawful for want of Form.

LXV. 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 County of *Norfolk*, and not elsewhere; and if upon the Trial of such Action or Suit it shall appear 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 and tendered 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; and in all Cases where a Verdict or Verdicts shall be Limitation of Actions.

found for any Defendant or Defendants 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 non-suited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Case by Law.

General Saving.

LXVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, and Body or Bodies Politic, Corporate, or Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue and in pursuance of this Act, for and in respect of such Rights or 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 Right, Estate, 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 hereby directed to be divided, allotted, inclosed, drained, and preserved, in case this Act had not been passed.

Public Act.

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

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