ANNO TRICESIMO SEXTO

Georgii III. Regis.

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The Smeeth Bank, next the incloſed Lands of *Emneth*, *Walſoken*, *Weſt Walton*, *Walpole*, *Terrington Saint John's*, and *Tilney Saint Lawrence*, on or towards the Weſt and North; upon which ſaid Common and Waſte Lands the Owners of certain ancient Commonable Meſſuages and Tofts (being the Scites of waſted Commonable Meſſuages) in the ſaid ſeveral Pariſhes or Townſhips, have Rights of Common: And whereas the King's moſt Excellent Majeſty is Lord of the Manor of *Weſt Walton cum Membris*, in the County of *Norfolk*, and within the ſaid Country of *Marſhland*, and Sir *Martin Browne Folkes* Baronet is Leſſee thereof by virtue of a Leaſe granted to him of the ſame, and *Henry Hare Townſend* Eſquire, Sir *Henry Peyton* Baronet, *William Walcot* the younger Eſquire, *William Bentinck* Eſquire, *Thomas Bagge* and *William Bagge* Eſquires, and divers other Perſons reſpectively, are Lords of ſeveral other Manors within the ſaid Country of *Marſhland*, and the ſaid Lords, ſome or One of them, are or is entitled to the Soil of the ſaid Tracts of Common and Waſte Lands: And whereas the ſaid Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, in their preſent State are incapable of much Improvement, and for Want of a proper and effectual Drainage are of little Benefit to the Perſons having Rights of Common upon and over the ſame, and there are no Powers or Proviſions now in force, by virtue of or under any Commiſſion of Sewers, or other Law, in being, whereby ſuch Drainage and Improvement can be fully effected: And whereas it will be of great Benefit and Advantage to the ſeveral Perſons who have Rights of Common or other Rights on the ſaid Tracts of Common and Waſte Lands, as alſo to the Publick, if the ſame were drained, incloſed, divided, and allotted, to and amongſt the ſeveral Perſons intereſted therein, according and in Proportion to their reſpective Rights and Intereſts in the ſame, and if the ſtocking, feeding, and depaſturing, of the ſaid Smeeth and Fen were ſtinted and regulated until the Incloſure, Diviſion, and Allotment thereof: But as the Purpoſes aforeſaid cannot be effectually carried into Execution without the Aid and Authority of Parliament, may it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, ſhall be effectually drained, and that the ſame ſhall be ſtinted and regulated, ſet out, incloſed, divided, and allotted, by ſuch Commiſſioners, in ſuch Manner, and under ſuch Powers and Authorites, and ſubject to ſuch Rules, Orders, and Directions, as are herein-after appointed, mentioned, and declared.

Smeeth and *Fen* to be drained.

II. And be it further enacted, That every Perſon who is or ſhall, for the Time being, be Owner or Proprietor of not leſs than Fifty Acres of Land, together with Three or more Meſſuages or Tofts, within the ſaid Country of *Marſhland*, having Rights of Common upon and over the ſaid Tracts of Common and Waſte Lands called *Marſhland Smeeth* and *Marſhland Fen*, and the Owners of not leſs than One hundred Acres of Land, together with Two Meſſuages or Tofts, within the ſaid Country of *Marſhland*, and the Owners of not leſs than One Meſſuage or Toft, and Two hundred Acres of Land, within the ſaid Country of *Marſhland*, having Right of Common upon and over the ſaid Tracts of Common and Waſte Lands, during ſuch Time as ſuch reſpective Ownerſhips ſhall continue, and until

Commiſſioners for Drainage appointed.

until the Execution of the Award to be made by the Commiſſioners for Incloſure herein-after named, ſhall be and are hereby appointed Commiſſioners for putting this Act into Execution, ſo far as relates to the Drainage of the ſaid Common and Waſte Lands; and that from and after the Execution of the ſaid Award by the ſaid Commiſſioners for Incloſure, every Owner of Thirty Acres of Land, being Part and Parcel of the ſaid Common or Waſte Lands, ſhall be and is hereby appointed a Commiſſioner for Drainage, ſo far as relates to the Drainage of the ſaid Common or Waſte Lands.

Appointment of Deputy Commiſſioners for Drainage.

III. Provided always, and be it further enacted, That any Perſon or Perſons who for the Time being, until the Award ſhall be made and executed by the Commiſſioners for Incloſure herein-after named, ſhall be the real Owner of Four or more Meſſuages or Tofts having Rights of Common upon the ſaid Tracts of Common and Waſte Lands, and after the ſaid Award ſhall be made and executed, every Perſon who ſhall be Owner of not leſs than Forty Acres, being Part of the ſaid Common or Waſte Lands, ſhall and may, by Writing under his or her Hand, from Time to Time, and for ſuch Time as he or ſhe ſhall think fit, appoint an Agent or Deputy to act, in his or her Abſence as a Commiſſioner for Drainage, and ſuch Agent or Deputy ſhall and may, in the Abſence of the Perſon by whom he ſhall be appointed, act as a Commiſſioner for Drainage for One Perſon only, in ſuch and the ſame Manner, and as fully, to all Intents and Purpoſes, as ſuch Commiſſioner might act and do if he were perſonally preſent.

No Perſons holding a Place of Profit to act as a Commiſſioner.

IV. Provided alſo, and be it further enacted, That no Perſon holding any Place of Profit under the ſaid Commiſſioners for Drainage ſhall act as a Commiſſioner for Drainage, or act as an Agent or Deputy for any other Commiſſioner, under and by virtue of this Act.

Commiſſioners to take an Oath or Affirmation.

V. And be it further enacted, That every Perſon, before he ſhall act as a Commiſſioner for Drainage, ſhall take the following Oath, (which the ſaid Commiſſioners, or any Two of them, are hereby empowered to adminiſter), or being of the People called *Quakers*, the following ſolemn Affirmation; (*videlicet*),

Commiſſioners Oath or Affirmation.

'I *A. B.* do ſwear, [*or*, being of the People called *Quakers*, do ſolemnly and truly declare and affirm], That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the beſt of my Skill and Knowledge, execute and perform all and every the Powers and Authorities, in the Execution whereof I ſhall at any Time act as a Commiſſioner appointed in and by an Act, made in the Thirty-ſixth Year of the Reign of His Majeſty King *George* the Third, *for draining and improving, and for incloſing, dividing, and allotting, certain Tracts of Common and Waſte Lands called* Marſhland Smeeth *and* Marſhland Fen, *lying within the Country of* Marſhland, *in the County of* Norfolk, *and for ſtinting and regulating the ſtocking, feeding, and depaſturing, of the ſaid Smeeth and Fen, until the Incloſure, Diviſion, and Allotment thereof.*'

'So help me GOD.'

Perſons acting, not being qualified, to forfeit 100 *l.*

VI. And be it further enacted, That in caſe any Perſon ſhall preſume to act as a Commiſſioner for Drainage, before he ſhall have taken the ſaid Oath or Affirmation, or if he ſhall have acted, not being duly qualified, or whilſt he was under any Diſqualification by this Act, he ſhall, upon Conviction thereof, forfeit the Sum of One hundred Pounds to any Perſon or Perſons who ſhall ſue for the ſame, to be recovered, with full Coſts of Suit, in any of His Majeſty's Courts of Record at *Weſtminſter*; and every Perſon ſo proſecuted ſhall prove his Qualification, otherwiſe a Verdict to be found againſt him; which Forfeiture, when recovered, after deducting all Charges and Expences attending the Recovery thereof, ſhall be paid to the ſaid Commiſſioners for Drainage, and be by them applied to and for the Purpoſes of this Act.

Times and Places of holding Meetings.

VII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall, and they are hereby required to hold their Firſt Meeting for putting this Act in Execution at the Town of *King's Lynn*, in the ſaid County of *Norfolk*, on the Third *Tueſday* after the paſſing of this Act, Notice of which Meeting ſhall be given by publick Advertiſement in One of the *Norwich* and One of the *Cambridge* Weekly Newſpapers, and by Notice in Writing under the Hands of Two or more Proprietors of Rights of Common upon the ſaid Smeeth and Fen, to be affixed on the great Door of each of the Churches of the ſaid reſpective Pariſhes for Two *Sundays* at leaſt before the ſaid Day appointed for ſuch Meeting; and the ſaid Commiſſioners for Drainage ſhall and may afterwards meet at *King's Lynn* aforeſaid, and *Wiſbech Saint Peter's*, in the ſaid *Iſle of Ely*, and County of *Cambridge*, alternately, or at any intermediate Place as they ſhall appoint; and the ſaid Commiſſioners for Drainage may, from Time to Time, at their ſaid Firſt Meeting, or at any of their ſubſequent Meetings, adjourn themſelves to ſuch Time and Place as they, or any Five or more of them, being the major Part of the Commiſſioners for Drainage preſent at any ſuch Meeting, ſhall appoint; and if at any of the ſaid Meetings the ſaid Commiſſioners for Drainage preſent ſhall omit to adjourn ſuch Meeting to any other Day, or if there ſhall not be Five of ſuch Commiſſioners preſent to adjourn to any other Time, then the Clerk to the ſaid Commiſſioners ſhall and may adjourn ſuch Meeting to a Time not exceeding Fourteen Days from the Time when the laſt Meeting was appointed, and to the ſame Place where the ſame was appointed to be holden, of which Adjournment the ſaid Clerk ſhall forthwith give publick Notice in One of the *Norwich* and One of the *Cambridge* Weekly Newſpapers; and the ſaid Commiſſioners ſhall meet on the Second *Wedneſday* in the Month of *May* in every Year, at *King's Lynn*, and at *Wiſbech Saint Peter's* aforeſaid, alternately, for the Purpoſes of this Act, which Meeting ſhall be called *The General Annual Meeting of the ſaid Commiſſioners for Drainage*; and the ſaid Commiſſioners ſhall, at all their Meetings in purſuance of this Act, be allowed Five Shillings each *per* Day, and no more, towards their Expences, ſo that ſuch Allowance do not in the Whole exceed the Sum of Three Pounds *per* Day at every ſuch Meeting of the ſaid Commiſſioners for Drainage.

General Annual Meeting.

The Manner of giving Notice of Meetings, and other publick Notice.

VIII. And be it further enacted, That publick Notice ſhall be given of the Firſt Meeting, as herein-before mentioned, and of all other Meetings of the ſaid Commiſſioners for Drainage, to be holden in purſuance

or for the Purpoſes of this Act, except Meetings by Adjournment, by Writing under the Hands of at leaſt Five Commiſſioners, or by Writing under the Hand of the Clerk to be appointed by the ſaid Commiſſioners, as herein-after mentioned, and affixed in ſome publick Place in *King's Lynn* and *Wiſbech* aforeſaid, and by publiſhing the ſame in One of the *Norwich* and One of the *Cambridge* Weekly Newſpapers, Ten Days at leaſt previous to the Time of any ſuch Meeting; and that in all other Caſes, where any publick Notice is by this Act directed, ſuch Notice ſhall be printed or written, and ſigned and affixed as aforeſaid, and being ſo printed or written, and ſigned and affixed as aforeſaid, ſhall be deemed proper publick Notice, according to the Intent and Meaning of this Act.

Orders and Proceedings of Commiſſioners to be at Meetings.

IX. And be it further enacted, That all Acts, Orders, Reſolutions, Determinations, and Proceedings of the ſaid Commiſſioners for Drainage, ſhall be made and done at ſome Meeting of the ſaid Commiſſioners, to be holden by them in purſuance or for the Purpoſes of this Act (except only ſuch Acts as may be neceſſary to be done preparatory to or for the direct Purpoſe of appointing or holding ſuch Meeting, and except only ſuch Acts as are hereby authorized to be done by a leſs Number than Five of the ſaid Commiſſioners); and that it ſhall be lawful for any Five or more of the ſaid Commiſſioners to appoint and hold Meetings, and to do, exerciſe, tranſact, and perform all Acts, Powers, Authorities, Matters, and Things, by this Act authorized and directed to be done, exerciſed, tranſacted, and performed by the ſaid Commiſſioners.

Five Commiſſioners to do all Acts, &c.

Proceedings of Commiſſioners to be entered in Books.

X. And be it further enacted, That all Orders and Proceedings of the ſaid Commiſſioners for Drainage ſhall be entered in a Book or Books kept for that Purpoſe; and that ſuch Orders and Proceedings ſo entered ſhall be ſigned by the Commiſſioners then preſent, or the major Part of them; and that ſuch Orders ſo ſigned ſhall be deemed and taken to be original Orders, as fully and effectually as if the ſame were under the Hands and Seals of all the ſaid Commiſſioners; and that ſuch Book or Books ſhall and may be inſpected and peruſed, at all ſeaſonable Times, by any Owner or Owners of any Lands or Grounds to be drained and allotted as hereafter mentioned, without Fee or Reward, and ſhall and may be produced and read in Evidence in all Caſes in any Court of Law or Equity.

No Order of Commiſſioners to be revoked unleſs Seven Commiſſioners preſent concur.

XI. Provided always, and be it further enacted, That no Order to be made by the ſaid Commiſſioners for Drainage, at any of their Meetings to be holden by virtue of this Act, ſhall be revoked, altered, or made void at any ſubſequent Meeting of the ſaid Commiſſioners, unleſs Seven or more of the ſaid Commiſſioners for Drainage ſhall be preſent at ſuch Meeting, and conſent thereto, nor unleſs Ten Days Notice of ſuch Meeting be given in the Manner herein-before directed to be given, in which Notice the Intent of ſuch Meeting ſhall be declared.

Power to appoint Officers.

XII. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall and may appoint One or more Clerk or Clerks, Receiver or Receivers, Collector or Collectors, Surveyor or Surveyors, Treaſurer or Treaſurers, and ſuch other Officers as to the ſaid Commiſſioners ſhall appear neceſſary or proper, to aſſiſt in the Execution of the Powers of this

this Act, and ſhall and may allow ſuch Officers, and every of them, reaſonable Salaries for their Trouble, and ſhall and may from Time to Time, as they ſhall ſee Occaſion, remove any ſuch Clerk, Receiver, Collector, Surveyor, Treaſurer, or other Officers, and appoint another or others in the Place of ſuch of them as ſhall be ſo removed, and in caſe of the Death of any of them, in the Place of ſuch of them as ſhall ſo die; and that every Receiver, Collector, and Treaſurer, ſo to be appointed as aforeſaid, before he or they ſhall act in the Execution of his or their Office, ſhall give ſuch Security to the ſaid Commiſſioners for the due Execution of the ſame as the ſaid Commiſſioners ſhall think proper.

Treaſurers, Collectors, and other Officers, to keep Accounts.

XIII. And be it further enacted, That the ſaid Treaſurers, Collectors, and other Officers, ſhall fairly enter in Books to be by them reſpectively kept for that Purpoſe, an Account of all Monies by them reſpectively received and expended, ſpecifying the Times when, and the Perſons from whom and to whom ſuch Monies were reſpectively received and paid, and for what Purpoſes; which Books, or true Copies thereof, reſpectively ſigned by the ſaid Treaſurers, Collectors, or other Officers, together with the Vouchers for ſuch Expenditures, and alſo all Books and Papers in their Cuſtody reſpectively relating to the Execution of this Act, ſhall be delivered to the ſaid Commiſſioners for Drainage at their annual Meeting in every Year, and at ſuch other Time or Times as the ſaid Commiſſioners ſhall require.

Officers refuſing to produce Books and Papers, or to account;

XIV. And be it further enacted, That in caſe any of the ſaid Treaſurers, Clerks, Collectors, or other Officers or Perſons ſo employed as aforeſaid, ſhall wilfully refuſe, upon Requiſition and Ten Days Notice in Writing given to them under the Hands of any Five of the ſaid Commiſſioners for that Purpoſe, to produce before the ſaid Commiſſioners the ſeveral Books, Papers, and Vouchers in their Cuſtody or Poſſeſſion, relating to their ſaid Offices, every Perſon ſo offending, and being thereof convicted before any One or more of the Juſtices of the Peace for the ſaid County of *Norfolk*, ſhall, for every ſuch Offence, forfeit and pay ſuch Sum of Money, being not more than the Sum of Twenty Pounds, nor leſs than the Sum of Five Pounds, to be recovered and applied in the like Manner as the other Penalties under this Act; and in caſe any of the ſaid Officers or other Perſons ſo employed as aforeſaid ſhall neglect or refuſe to account, to the Satisfaction of the ſaid Commiſſioners for Drainage, or to pay the Money due upon the Balance of ſuch Account, according to the Directions of the ſaid Commiſſioners, then and in every ſuch Caſe it ſhall be lawful, upon the Complaint of One or more of the ſaid Commiſſioners for any One or more of the Juſtices of the Peace for the County of *Norfolk* by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to levy, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to account, or to pay the Money due upon the Balance of ſuch Account as aforeſaid ſuch Sum or Sums of Money as he or they ſhall be required to account for, or ſhall be found due upon the Balance of his or their Account or Accounts; and for Want of ſufficient Diſtreſs, it ſhall and may be lawful for any One or more of the ſaid Juſtices, by Warrant or Warrants under his or their Hand and Seal, or Hands and Seals, to commit ſuch Perſon or Perſons to the Common Gaol or Houſe of Correction in the County aforeſaid, there to remain, without Bail or Mainprize, until he or they ſhall have made a true and

their Goods may be diſtrained.

for Want of Diſtreſs to be committed.

perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands to the said Commissioners, or according to their Appointment, or shall have compounded for the same, and shall have paid such Composition Money (which Composition the said Commissioners are hereby empowered to make), or otherwise the said Commissioners may and are hereby empowered to bring or cause to be brought any Action or Actions in any of His Majesty's Courts of Record at *Westminster*, against such Officer or Officers, or Person or Persons, so refusing, neglecting, or making Default as aforesaid, and against all and every such Person or Persons as shall become his or their Security or Securities, for the Recovery of the Monies that shall be in the Hands of such Officer or Officers, or other Person or Persons respectively.

Works of Drainage to be made.

XV. And be it further enacted, That the said Commissioners for Drainage, or any Five or more of them, assembled at any Meeting to be holden in pursuance of this Act, shall be and they are hereby fully empowered, from Time to Time, to drain or cause to be drained the said Tracts of Common and Waste Lands, called *Marshland Smeeth* and *Marshland Fen*, or either of them, or any Part thereof, and for that Purpose it shall be lawful for the said Commissioners and their Agents, and all other Persons to be by them employed, and they are hereby authorized and empowered, from Time to Time, and at all Times hereafter, to make, support, alter, and maintain, or cause to be made, supported, altered, and maintained, all such Cuts, Drains, Dams, Banks, Tunnels, Headings, Stamps, Outlets, Engines, Bridges, and other Works, in, through, upon, and over the said Tracts of Common and Waste Lands, called *Marshland Smeeth* and *Marshland Fen*, or any Part thereof, and also to use, alter, embank, deepen, and widen, any of the present Drains, Outlets, and Tunnels, within the said Parishes of *Terrington Saint Clement's*, *Terrington Saint John's*, *Tilney Saint Lawrence*, *Tilney all Saints*, and *Tilney cum Islington*, and *Clenchwarton*, or any of them, and also a certain Drain called *Wiggenhall Water Lees*, belonging to the said Country of *Marshland*, and to make and cut, or cause to be made and cut, any other Drains, Outlets, and Tunnels, within the said several Parishes, or any of them, for the better conveying of the Waters from the said Smeeth and Fen so to be drained as aforesaid, into, by, and through, such present or other Drains, Tunnels, or Outlets, to the present or other Outfalls to Sea, as the said Commissioners for Drainage, or any Five or more of them, shall judge proper and expedient, so as none of the publick or private Drains, within the said respective Parishes, or any of them, be anyways impeded or obstructed thereby, and so as the Waters of the said publick and private Drains, within the said respective Parishes, have free Passage into, by, and through the Drains, Outlets, and Tunnels to be made and altered by the said Commissioners for Drainage, within the said respective Parishes, or any of them, by virtue of this Act, and to make, erect, remove, alter, repair, and maintain, all such Drains, Outlets, and Tunnels, Engines, and other Works of Drainage, and to erect such Buildings or Erections for the Habitation of the Millers, or any Person to be appointed for superintending the Works of Drainage, or for depositing Stores and Materials belonging thereto, as they, or any Five or more of them, shall from Time to Time think necessary for draining and preserving the said Smeeth and Fen, and also to make such Orders for executing the Powers

and Purpoſes of this Act, in relation to ſuch Drainage, as they, or any Five or more of them, ſhall think proper; all which ſaid Works, and all other Banks, Engines, Drains, Sluices, Tunnels, Bridges, and Works of Drainage, now made, erected, and being, or which ſhall hereafter, by virtue of this Act, be made, erected, or cut, in, upon, or adjoining to the ſaid Smeeth and Fen, for the Purpoſe of draining and preſerving thereof, or any Part thereof, and the Right and Property to and in the ſame, and the Materials of which the ſame do or ſhall conſiſt, ſhall be, and the ſame are hereby veſted in the ſaid Commiſſioners for Drainage for the Time being, and they are hereby authorized and required to inſure from Fire all and every ſuch Mills or Engines as ſhall at any Time or Times hereafter be erected by virtue of this Act, and may and are hereby alſo authorized to cauſe an Action to be brought, in the Name or Names of any One or more of them, or to order and direct the preferring of Indictments or other Proſecutions againſt any Perſon or Perſons who ſhall dig up, break, pull down, ſteal, take, carry away, deſtroy, ſpoil, or injure, any of ſuch Works of Drainage, or any of the Materials of which the ſame do or ſhall conſiſt.

Commiſſioners reſtrained from proceeding in Works of Drainage, *etc.*

XVI. Provided always nevertheleſs, and be it further enacted, That the ſaid Commiſſioners for Drainage, or any of them, ſhall not proceed to execute the Powers and Authorities hereby given for the Drainage of the ſaid Tracts of Common and Waſte Lands, or any Part thereof (except for taking the Oath herein-before directed to be taken by ſuch Commiſſioners, and giving ſuch Notice as herein-before mentioned) before the End and Expiration of Three Years next after the Day of paſſing this Act, unleſs Twelve (in Number) at leaſt of the Commiſſioners for Drainage, to be reſpectively qualified as aforeſaid, aſſembled at any General or Special Meeting to be holden by virtue of this Act, purſuant to publick Notice to be given for that Purpoſe, at leaſt Thirty Days before the Time of ſuch Meeting, in One of the *Norwich* and One of the *Cambridge* Weekly Newſpapers, and alſo by Notice in Writing under the Hands of Five or more of the ſaid Commiſſioners, to be affixed on One of the principal Doors of the ſeveral Churches in the ſaid reſpective Pariſhes, ſpecifying the Intention of ſuch Meeting, ſhall adjudge and determine it to be proper and expedient to proceed in the Execution of the Powers hereby given to the ſaid Commiſſioners for Drainage, in which Caſe, after ſuch Notice and Adjudication as aforeſaid, it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage, qualified as aforeſaid, or any Five or more of them, at any Meeting or Meetings to be afterwards holden purſuant to ſuch Notice as herein-before directed to be given of ſuch Meeting, to proceed in the Execution of the ſeveral Powers and Authorities hereby veſted in them, and in the Drainage of the ſaid Tracts of Common and Waſte Lands in Manner herein-before mentioned; any Thing herein-before contained to the contrary notwithſtanding.

Commiſſioners for Drainage to include *Well Moor*, and *Broad* and *Short Fen*.

XVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage, and they are hereby authorized and required, on the Application in Writing ſigned by all the Proprietors of certain Lands called *Well Moor*, or by the Proprietors of

of *Broad Fen*, and *Short Fen*, to take, comprize, and include ſuch Lands reſpectively within the ſaid Drainage, and that all and every ſuch Lands ſhall thereupon have the Uſe and Benefit of all the Works of Drainage to be made by virtue of this Act, and be ſubject to the Orders and Directions of the ſaid Commiſſioners for Drainage, jointly with the ſaid Tracts of Common and Waſte Lands called *Marſhland Smeeth* and *Marſhland Fen*; and the Proprietors of the ſaid Lands called *Well Moor*, *Broad Fen*, and *Short Fen*, after the ſame are included in the ſaid Drainage, ſhall have all the Benefits and Advantages to accrue or to be derived by or under this Act, as fully and effectually, to all Intents and Purpoſes, as the Proprietors of the ſaid Tracts of Common and Waſte Lands called *Marſhland Smeeth* and *Marſhland Fen*; and the ſaid Commiſſioners for Drainage ſhall and may from Time to Time tax, charge, and aſſeſs all and every the Owners and Occupiers of the ſaid Lands called *Well Moor*, *Broad Fen*, and *Short Fen*, with ſuch proportionate Rates and Taxes for the making, uſing, maintaining, and preſerving of the ſeveral Works of Drainage herein provided or directed to be made, uſed, or maintained, as ſhall be equal to the Rates and Taxes to be raiſed and payable out of the ſaid Common or Waſte Lands called *Marſhland Smeeth* and *Marſhland Fen* for the Purpoſes aforeſaid, to be collected by and paid to ſuch Receiver, Collector, or other Officer, Perſon or Perſons, as the ſaid Commiſſioners for Drainage ſhall appoint, and to be recovered by the like Remedies, Ways, and Means, as the Rates or Aſſeſſments to be made or aſſeſſed upon the ſaid Tracts of Common and Waſte Land called *Marſhland Smeeth* and *Marſhland Fen*.

Tenants in Tail or for Life to charge the Lands for the Drainage Tax.

XVIII. And be it further enacted, That it ſhall and may be lawful to and for the Owners or Proprietors of any Lands or Grounds intended to be drained by virtue of this Act, being Tenants in Tail, or for Life only, and to and for every of them reſpectively for the Time being, from Time to Time to charge the Lands and Grounds which ſhall be ſet out and allotted to him, her, or them, or which are intended to be included in the Drainage under and by virtue of this Act, with ſuch Sum and Sums of Money as ſhall be charged and aſſeſſed by the ſaid Commiſſioners for Drainage upon the ſaid Lands and Grounds, or the Proprietors thereof reſpectively, for and towards the ſeveral Works of Drainage herein provided to be made and done; and for ſecuring the Re-payment of ſuch Sum and Sums of Money, with Intereſt, to grant, mortgage, or demiſe, or otherwiſe ſubject the ſaid Lands and Grounds reſpectively, unto ſuch Perſon or Perſons as ſhall advance and lend ſuch Sum or Sums of Money, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, or Demiſe be made with a Proviſo or Condition to ceaſe and be void, or otherwiſe to be ſurrendered, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied, and ſo as every ſuch Grant, Mortgage, or Demiſe do alſo contain a Proviſo, that the Perſon or Perſons entitled in Remainder or Reverſion to any of ſuch reſpective Lands, ſhall not be liable, upon his, her, or their becoming poſſeſſed thereof, to the Payment of any further or larger Arrear of Intereſt than for One Year immediately preceding the Time that his, her, or their Title to ſuch Poſſeſſion ſhall have commenced.

XIX. And

Perſons aggrievedtohave Satisfaction.

XIX. And be it further enacted, That if any Perſon or Perſons ſhall be aggrieved or injured by any of the Works of the Commiſſioners for Drainage, which ſhall be made, done, or executed by virtue or in purſuance of this Act, they the ſaid Commiſſioners ſhall and are hereby required to make ſuch reaſonable Satisfaction to the Owners or Occupiers or other Perſons having any Right or Intereſt to or in the Lands or Grounds through or upon which any ſuch Cuts, Drains, Dams, Banks, Tunnels, Headings, Stamps, Outlets, Engines, or Works, ſhall be made or erected, and alſo to all and every other Perſon or Perſons who ſhall be injured or aggrieved by any of the Works of the ſaid Commiſſioners, which ſhall be made, done, or executed by virtue or in purſuance of this Act, for the Damages he, ſhe, or they ſhall thereby ſuſtain, as ſhall be agreed upon between ſuch Commiſſioners, or any Five or more of them, and the Perſon or Perſons having ſuch Right, or who ſhall be injured or aggrieved by the Works of the ſaid Commiſſioners as aforeſaid; and if ſuch reſpective Commiſſioners, or any Five or more of them, and ſuch Perſon or Perſons, cannot agree touching the Amount of ſuch Damage, that then the ſame ſhall be aſſeſſed, adjudged, and finally determined by the Juſtices of the Peace, or the major Part of them, aſſembled at any General or Quarter Seſſion of the Peace which ſhall be held for the County of *Norfolk*, within Six Months after ſuch Diſpute ſhall ariſe; and in caſe ſuch Perſon or Perſons ſhall make Oath that in his, her, or their Opinion and Judgement ſuch Damage amounts to more than Forty Shillings, and requeſt that ſuch Damage and Recompence may be aſſeſſed by a Jury, then the Juſtices at ſuch Seſſion ſhall, and they are hereby authorized and required to charge the Jury, which ſhall attend at ſuch Seſſion, or ſome other Jury of Twelve honeſt and indifferent Men (to be then and there impannelled and returned by the proper Officer, without Fee or Reward), and cauſe them to be ſworn well and truly on their Oaths to aſſeſs the Recompence to be made for ſuch Damage, which Oath the ſaid Juſtices are hereby empowered and required to adminiſter to the ſaid Juries, and to which Juries the ſaid reſpective Commiſſioners and the Parties complaining ſhall have their lawful Challenges; and the ſaid Jury, being ſo charged and ſworn, and after proper Evidence upon Oath to them given of the Nature of ſuch Demand and Injury, ſhall, by their Verdict, aſſeſs the Damages and Recompence to be made for the ſame to ſuch Perſon or Perſons; and the Verdict of the Jury, and the Judgement of the ſaid Juſtices thereupon, ſhall be final and concluſive to all Parties.

Verdict to be final.

Clauſe reſpecting Lands in *Tilney* and *Iſlington*.

XX. Provided always, and be it further enacted, That if any Mill, Sluice, Gool, or Engine, ſhall be erected, by or by the Direction of the ſaid Commiſſioners for Drainage, upon the Sewer or Drain called *The Great Sewer of Marſhland*, whereby the Drains called *Fenditch Drain*, *Read's Drain*, *Highmore Ditch Drain*, and *Saltgate Drain*, or any of them, now emptying themſelves into the ſaid Great Sewer, ſhall be ſtopped or obſtructed in the Drainage of ſuch Lands or Grounds, in the Pariſhes of *Tilney All Saints*, *Tilney Saint Lawrence*, and *Tilney with Iſlington*, as are now drained by the Communication of the ſaid laſt-mentioned Drains with the ſaid Great Sewer, they the ſaid Commiſſioners ſhall make and maintain ſuch Drains, Outlets, or other Works, as ſhall be neceſſary for the better draining of the ſaid Lands and Grounds, in

in the ſaid Pariſhes of *Tilney All Saints*, *Tilney Saint Lawrence*, and *Tilney with Iſlington* aforeſaid, without any farther or other additional Rate or Tax upon the ſaid Lands and Grounds, or any of them, in reſpect of ſuch particular or ſeparate Drainage, than ſhall be laid or made upon thoſe Lands and Grounds in common with the other Lands and Grounds within the ſaid Country of *Marſhland*.

For raiſing Money by Taxation of every Proprietor.

XXI. And, for raiſing Money to defray the Coſts, Charges, and Expences of altering, enlarging, and improving the preſent Banks, Sluices, Sewers, Ditches, Bridges, Tunnels, and other Works already made, within or adjoining to the ſaid Tracts of Common and Waſte Lands, or ſuch of them as ſhall by the ſaid Commiſſioners for Drainage be deemed neceſſary for the Benefit, Protection, or Preſervation thereof, as alſo the Coſts, Charges, and Expences of making, erecting, executing and performing the ſeveral Works by this Act authorized to be made, erected, done, and performed, for the Drainage of the ſaid Tracts of Common and Waſte Lands; be it further enacted, That the ſaid Commiſſioners for Drainage, or any Five or more of them, ſhall, at any of their Meetings to be holden under and in purſuance of this Act, aſſeſs, rate, tax, and charge, all and every the Owners and Proprietors of Commonable Meſſuages or Tofts, and all and every other Perſon having any Right or Intereſt to, in, or out of the ſaid Common and Waſte Lands, ſuch equal and proportionate Sum or Sums of Money for each and every Right of Common or other Intereſt as they the ſaid Commiſſioners ſhall think proper; and all the Monies to be aſſeſſed for the Purpoſes aforeſaid ſhall be collected by, and paid to ſuch Receiver or Receivers, Collector or Collectors, or other Officer or Officers, Perſon or Perſons, in ſuch Proportions and Manner, and at ſuch Time or Times as they the ſaid Commiſſioners for Drainage ſhall appoint.

The Tax to be on each and every Right of Common.

To raiſe Money for maintaining Works.

XXII. And whereas it will be neceſſary to provide for the maintaining and ſupporting the ſeveral Works to be erected by virtue of this Act, for the Drainage and Preſervation of the ſaid Common and Waſte Lands, be it further enacted, that the ſaid Commiſſioners for Drainage ſhall and may, from Time to Time and at all Times after the ſaid Tracts of Common and Waſte Lands ſhall be drained, and the Award of the Commiſſioners for Incloſure made and executed, purſuant to the Powers and Directions herein-after given, at their General Meeting in each and every ſucceeding Year, aſſeſs, rate, tax, and charge, all and every the Owners and Occupiers of the ſaid Common and Waſte Lands, which ſhall be drained, divided, and allotted in purſuance of this Act, by and with ſuch equal and proportionate Rates and Aſſeſſments upon each and every Allotment to be made by virtue of this Act, as they ſhall judge neceſſary for the maintaining, repairing, and ſupporting the ſeveral Works which ſhall be made for the Drainage thereof, or of any Part thereof, and for making any neceſſary Alterations or Enlargements therein or thereto, as Occaſion ſhall require; which ſaid laſt-mentioned Rates, Taxes, or Aſſeſſments, as ſhall be raiſed for the Purpoſes aforeſaid, or any of them, ſhall be collected by, and paid to ſuch Receiver or Receivers, Collector or Collectors, or other Officer, and at ſuch Times, as they the ſaid Commiſſioners for Drainage ſhall appoint.

Tenants to pay Taxes.

XXIII. And be it further enacted, That all Tenants and Occupiers of all and ſingular the Lands and Grounds intended to be drained, which ſhall be aſſeſſed and rated by virtue of this Act, or any Part thereof, ſhall and are hereby authorized and required to pay ſuch Sums of Money as ſhall be ſo aſſeſſed on the Lands in their reſpective Occupations, and to deduct and retain out of his, her, or their Rent, all ſuch Money as they ſhall reſpectively pay; and the ſeveral Owners are hereby required to allow ſuch Deduction; and every ſuch Tenant paying ſuch 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.

Commiſſioners may aſſign Taxes.

XXIV. And be it further enacted, That the ſaid Commiſſioners for Drainage, or any Five or more of them, ſhall and may, and they are hereby authorized and empowered to aſſign over the Taxes to be aſſeſſed by virtue of this Act, or any Part thereof (the Coſts of ſuch Aſſignment to be paid out of the ſaid Taxes), as a Security for any Money to be borrowed for the Purpoſes of the ſaid Drainage, to any Perſon or Perſons who ſhall lend the ſame, for ſecuring the Re-payment thereof, with Intereſt, not exceeding Five Pounds *per Centum per Annum*.

Taxes to veſt in Creditors.

XXV. Provided always, and be it further enacted, That the Rates and Taxes which ſhall at any Time or Times be laid or rated by virtue of this Act, ſhall be charged with the Payment of all Monies to be borrowed thereon by virtue of this Act, together with Intereſt for the ſame, and ſhall veſt in the reſpective Creditors on Default of Payment of ſuch Principal or Intereſt, or any Part thereof, until the ſame ſhall be fully paid, together with all Coſts, Charges, and Expences occaſioned by the Non-payment thereof; and the ſaid Creditors, their Executors, Adminiſtrators, and Aſſigns, ſhall have the ſame Powers and Remedies for recovering ſuch Taxes, as the Commiſſioners and Collectors could have had by virtue of this Act, in caſe ſuch Principal and Intereſt had been regularly and fully paid.

Application of Taxes.

XXVI. And be it further enacted, That all the Taxes which ſhall be rated or aſſeſſed by virtue of this Act, and the Monies borrowed on the Credit thereof, ſhall be applied in making, completing, and maintaining the ſeveral Works hereby authorized and directed to be made or uſed for draining the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, upon Account whereof ſuch Taxes ſhall be raiſed, and ſuch Monies borrowed.

For Recovery of Taxes.

XXVII. And be it further enacted, That in caſe any Owner, Tenant, or Occupier of any Lands or Grounds intended to be drained by virtue of this Act, ſhall make Default in Payment of the Whole or any Part of the Sum or Sums of Money to be aſſeſſed, rated, taxed, or charged upon him, her, or them, for or in reſpect of ſuch Lands or Grounds, or any Part thereof, and ſhall continue in ſuch Default by the Space of Thirty Days next after the Time appointed by the ſaid Commiſſioners for Drainage for ſuch Payment, and after Demand made by the Receiver or Receivers, Collector or Collectors, or other Perſon or Perſons authorized to collect ſuch Rate or Rates, Sum or Sums of Money, by Notice in Writing of ſuch Demand left at the uſual Place of Abode

of ſuch Owner, Tenant, or Occupier, who is, are, or ought to pay the ſame; or if ſuch Owner, Tenant, or Occupier ſhall not have any Place of Abode within the ſaid Country of *Marſhland*, then after Demand made by the ſaid Receiver or Receivers, Collector or Collectors, or other Perſon or Perſons authorized to collect ſuch Rate or Rates, Sum or Sums of Money, by Notice in Writing of ſuch Demand affixed on ſome notorious Part of the Premiſes chargeable with ſuch Rates and Taxes, it ſhall and may be lawful to and for the Receiver or Receivers, Collector or Collectors, or other Perſon or Perſons authorized to collect ſuch Rate or Rates, Sum or Sums of Money, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more of the ſaid Commiſſioners for Drainage, (which Warrant or Precept ſuch Two or more Commiſſioners for Drainage are hereby empowered and required to make and give, as there ſhall be Occaſion, though not aſſembled at any Meeting in purſuance of this Act), to enter into and upon all or any Part of the Lands or Grounds ſo rated and taxed as aforeſaid, and into and upon all or any Meſſuages or Tenements thereupon ſtanding, and there, or in any Part or Parts of the Lands, Grounds, Meſſuages, or Tenements, upon which ſuch Entry ſhall be made, to diſtrain all or any ſuch Goods, Chattels, or Cattle, as ſhall be there found; and it ſhall and may be lawful for ſuch Receiver or Receivers, 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, at the Coſts and Charges of the Owner or Owners thereof, leaving Notice in Writing of the Cauſe of ſuch Diſtreſs at the Meſſuage or Tenement, or ſome notorious Part of the Lands or Grounds upon which ſuch Diſtreſs ſhall be taken, or otherwiſe at the uſual Place of Abode of the Owner or Owners of ſuch Goods, Chattels, or Cattle, if ſuch Place of Abode ſhall be within the Pariſh or Place wherein ſuch Diſtreſs ſhall be taken, but if the Owner or Owners of ſuch Goods, Chattels, or Cattle, ſhall not have any Place of Abode within the Pariſh or Place in which ſuch Goods, Chattels, or Cattle ſhall be ſo taken in Diſtreſs, then affixing ſuch Notice upon the Church or Chapel Door of the Pariſh or Place where ſuch Goods, Chattels, or Cattle, ſhall be ſo taken in Diſtreſs; and if the Owner or Owners of ſuch Goods, Chattels, or Cattle ſo diſtrained, ſhall not pay the Sum or Sums of Money ſo aſſeſſed, rated, and diſtrained for as aforeſaid, together with the Charges of ſuch Warrant, and taking ſuch Diſtreſs, and of keeping and maintaining the ſame, or replevy the Goods, Chattels, and Cattle, ſo diſtrained, according to the Laws now in force for Non-payment of Rent, within the ſaid Five Days, that then the ſaid Goods, Chattels, or Cattle ſo diſtrained ſhall be appraiſed by Two or more indifferent Perſons, to be ſworn by the Conſtable or Headborough of the Pariſh or Place where ſuch Diſtreſs ſhall be made, (who is hereby authorized and required to adminiſter an Oath for that Purpoſe), to appraiſe the ſame according to the beſt of their Judgement; and that after ſuch Appraiſement as aforeſaid, the ſaid Goods, Chattels, or Cattle, ſhall be ſold by the ſaid Receiver or Receivers, Collector or Collectors, or other Perſon or Perſons, for Payment of the ſaid Sum or Sums of Money ſo aſſeſſed, rated, and diſtrained for, and of the ſaid Charges, and alſo of the Charges of appraiſing and ſelling ſuch Diſtreſs; and that the Overplus ariſing from

ſuch

such Sale (if any be) after Payment of the said Sum or Sums so assessed, rated, and distrained for, and the said Charges, shall be returned, on Demand, to the Owner or Owners of such Goods, Chattels, or Cattle.

Lands untenanted to remain a Security for the Rates.

XXVIII. Provided always, and be it further enacted, That in case any of the said Lands or Grounds hereby authorized 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 Taxes, then the Lands and Grounds chargeable therewith shall remain a Security for Payment of such Rates and Taxes; and all Goods, Chattels, and Cattle, which shall at any Time thereafter be found thereon, shall and may be distrained, impounded, kept, and fold in Manner aforesaid, until such Rates and Taxes, and all Arrears thereof, and the Charges incident to such Distress, shall be fully paid and satisfied.

Rates and Accounts to be kept in Books.

XXIX. And be it further enacted, That the said Commissioners for Drainage shall order and cause One or more Book or Books of Assessments to be made and kept, and all the Rates and Assessments to be made as aforesaid, for the Purposes of Drainage, under this Act, to be fairly entered therein; and also shall order and cause One or more Book or Books of Account to be made and kept, and therein to be entered an Account of all the Receipts and Disbursements of the Monies received and disbursed for the Purposes of Drainage, by virtue of this Act; and that no Account shall be passed or allowed, unless the same shall be kept, made up, and entered in such Books of Account as aforesaid; and that Once in every Year, to wit, at the said General Annual Meeting, they the said Commissioners for Drainage shall carefully examine all Receipts and Disbursements of all such Monies as shall be collected, received, and disbursed for the Purposes of Drainage, by virtue of this Act, to the *Lady Day* next before such Meeting, and all Vouchers relating to the same; and that upon Inspection and Examination of the said Accounts upon Oath, to be administered by the said Commissioners for Drainage, or any One of them, (which Oath the said Commissioners, or any One of them, are or is hereby empowered to administer), the said Commissioners shall, and they are hereby empowered and directed to allow and pass the said Accounts, or such Part or Parts thereof as shall appear to them just and reasonable; and the said Accounts, or such Part or Parts thereof as shall be allowed by the said Commissioners for Drainage, under their Hands, shall be fairly entered in One or more Book or Books to be kept for that Purpose by them the said Commissioners for Drainage; and that the said last-mentioned Book or Books shall or may be inspected and perused, at all seasonable Times, by any Owner or Owners of any Lands or Grounds, being Part of the said Tracts of Land, called *Marshland Smeeth* and *Marshland Fen*, or either of them, without Fee or Reward; and the said Book or Books of Assessments, and also the said Book or Books of Account, shall and may be produced and read in Evidence in all Cases in any Court of Law or Equity.

Punishment for destroying Works.

XXX. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, break down, burn, 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,

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

Perſons damaging Works to forfeit 100*l.*

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall wilfully or maliciouſly ſtop, dam up, or damage, any River, Drain, Watercourſe, Door, Dam, Bridge, Stile, or other Work or Works already made or erected, or which ſhall at any Time hereafter be making or erecting, or made or erected, ſupported, maintained, or uſed, for the Purpoſes of this Act, every Perſon or Perſons ſo offending, and being thereof convicted before any Two or more Juſtices of the Peace for the ſaid County of *Norfolk*, (who are hereby required to hear and determine the ſame on the Oath of One or more credible Witneſs or Witneſſes), ſhall forfeit any Sum not exceeding One hundred Pounds, and not leſs than Forty Shillings, to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under the Hands and Seals of any Two or more of the Juſtices before whom ſuch Conviction ſhall be had, to be applied and laid out in carrying on the Works and Improvements in the ſaid Smeeth and Fen, or either of them, wherein or in relation whereto ſuch Offence ſhall be committed; and for Want of ſufficient Diſtreſs ſuch Offender or Offenders ſhall, by the ſaid Juſtices, be committed to the Common Gaol of the ſaid County of *Norfolk*, for any Time not exceeding Twelve Months, at the Diſcretion of the ſaid Juſtices.

Penalty on working Horſe Mills.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall, without an Order made by the ſaid Commiſſioners for Drainage, at ſome or One of their Meetings, which ſaid Order the ſaid Commiſſioners may at any Time reſcind, erect, ſet up, uſe, or work, any Horſe Mill, Gigg, or other Engine or Device whatſoever, for draining or diſcharging Water from any Lands in the ſaid Smeeth and Fen, or either of them, every ſuch Perſon ſhall, for every ſuch Offence, forfeit the Sum of Fifty Pounds to any Perſon who will ſue for the ſame; and the Owner of ſuch Mill, Gigg, Engine, or Device, ſhall alſo make full Compenſation and Satisfaction to all and every Perſon and Perſons who ſhall be injured thereby, for the Damage ſuch Perſon or Perſons ſhall thereby ſuſtain; and ſuch Penalty, Compenſation, and Satisfaction, ſhall be recovered, together with full Coſts of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majeſty's Courts of Record at *Weſtminſter*, in which no Eſſoin, Protection, Privilege, or Wager of Law, or more than One Imparlance, ſhall be allowed.

Penalty on Perſons laying Nets in Drains, &c.

XXXIII. And be it further enacted, That if any Perſon or Perſons ſhall, at any Time or Times hereafter, lay or ſet any Net or Nets, or other Engine, for the catching of Fiſh, or for any other Purpoſe, or otherwiſe obſtruct the Paſſage of the Waters in any of the Drains, Ditches, Sewers, or Watercourſes, already made, or hereafter to be made for the Purpoſes aforeſaid, or ſhall dig or make any Pond or Watering Place in any of the Lands or Grounds intended to be drained by

virtue of this Act, within the Space of Twenty Feet from any Drain or Sewer already made, or to be made and uſed for the draining and improving any of the Lands or Grounds intended to be drained by virtue of this Act, every Perſon or Perſons ſo offending in any of the Caſes laſt aforeſaid, (being thereof convicted before any Juſtice of the Peace for the ſaid County of *Norfolk*, or for the County or Place where ſuch Offender or Offenders ſhall reſide or be found, and which Juſtice is hereby empowered and required to determine the ſame on his own View, or on the Oath of One or more credible Witneſs or Witneſſes, or on the Confeſſion of the Party or Parties offending), ſhall, for every ſuch Offence, forfeit and pay to the ſaid Commiſſioners for Drainage ſuch Sum of Money, not exceeding the Sum of Ten Pounds nor leſs than the Sum of Ten Shillings, as ſuch Juſtice ſhall order and direct; which Sum of Money ſhall be applied to and for the Purpoſes of Drainage hereinbefore mentioned.

Penalty on neglecting to cleanſe Dikes.

XXXIV. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any Lands, lying within the ſaid Tracts of Common called *Marſhland Smeeth* and *Marſhland Fen*, to which any Droveway Dike, Outring Dike, or Diviſion Dike, doth or ſhall belong, ſhall neglect or refuſe ſufficiently to rode, ſcour, cleanſe, open, or repair, any ſuch Dike, or to make the ſame of a ſufficient Depth, and of the Width of Nine Feet at Top and Five Feet at Bottom at leaſt, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their Place of Abode, from Time to Time for that Purpoſe by the Collector, Receiver, or other Officer to be appointed under and by virtue of this Act, (ſuch Collector, Receiver, or other Officer having an Order in Writing for that Purpoſe under the Hands of Three or more of the ſaid Commiſſioners for Drainage), every ſuch Owner or Occupier ſhall, for every ſuch Neglect or Refuſal, forfeit and pay the Sum of Two Shillings for every Rod of the Dike ſo neglected to be roded, ſcoured, cleanſed, opened, repaired, deepened, and widened; and it ſhall be lawful, from Time to Time, for ſuch Collector, Receiver, or other Officer, to cauſe ſuch Dikes, at the Charge and Expence of ſuch Owners or Occupiers, to be roded, ſcoured, cleanſed, opened, repaired, and deepened, in a ſufficient Manner, and made of the Width aforeſaid at the leaſt, and where a Way ſhall have been made over any Dike without a ſufficient Tunnel, to cauſe ſuch Ways to be taken up, and ſuch Dike to be made of a proper Width and Depth, and by Warrant or Precept under the Hands of Three or more of the Commiſſioners for Drainage, to levy ſuch Penalty, and alſo ſuch Charges and Expences, upon ſuch Owner or Owners, Occupier or Occupiers, by Diſtreſs and Sale of his, her, or their Goods and Chattels; and ſuch Penalties ſhall be applied for the Purpoſe of this Act.

No Trees to be planted or Building erected within 400 Yards of any Engines now or to be erected by this Act, except by Order of the Commiſſioners.

XXXV. And be it further enacted, That no Trees ſhall at any Time or Times hereafter be planted, nor 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 Four hundred Yards; and if any Trees ſhall be planted, or any Building, Stack, or Rick, hereafter made, erected, or built, within the Diſtance aforeſaid, then it ſhall and may be lawful for the ſaid Commiſſioners for Drainage to cauſe ſuch Trees

Trees to be taken up and carried away, and ſuch Building, Stack, or Rick, to be pulled down and removed, upon Notice given to the Owners thereof, and their Neglect to remove the ſame for the Space of Fourteen Days.

Lands to contribute to the Repair of *Podike Bank*, and ancient Works of Sewers.

XXXVI. And whereas the ſaid Bank, called *The Old Podike*, together with ſeveral Drains, Sewers, Gools, Tunnels, and other Works, uſed for the Drainage of the ſaid Country of *Marſhland*, will be required and uſed for the Defence and Drainage of the ſeveral Tracts of Common and Waſte Lands to be drained by virtue of this Act, and have been hitherto amended, repaired, and ſupported, by certain Rates or Aſſeſſments called *Dikereeve Rates* and *Expenditor's Rates*, laid and aſſeſſed upon the Lands in the ſaid Country of *Marſhland* by the Commiſſioners of Sewers for the County of *Norfolk* acting for the Hundred of *Freebridge* in *Marſhland*, in certain known Proportions, and it will be juſt and reaſonable that the ſaid Lands to be drained by virtue of this Act ſhould contribute to the Repair and Support of the ſaid Bank, and the ſaid Drains, Gools, Sewers, and other Works, to be uſed for the better Defence and Drainage thereof; be it therefore enacted, That all and ſingular the ſaid Lands, which are to be drained by virtue of this Act, ſhall, from Time to Time, and at all Times, after the Execution of the Award by the Commiſſioners for Incloſure herein-after mentioned, be taxed, rated, and aſſeſſed, by the Order of the ſaid Commiſſioners of Sewers, to the ſaid Dikereeve and Expenditor's Rates for the Repair and Support of the ſaid Bank, and the ſaid Drains, Gools, and other Works of Drainage to be made and uſed as aforeſaid, in the ſame Manner and in the like Proportions as the Lands lying in the Pariſh of *Clenchwarton*, within the ſaid Country of *Marſhland*, ſhall thereafter be taxed, rated, and aſſeſſed, for the Maintenance, Repair, and Support thereof.

Rates to be collected by the Expenditors.

XXXVII. Provided always, and be it further enacted, That all the Monies to be taxed and aſſeſſed by the ſaid Commiſſioners of Sewers, upon the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, for and towards the Repairs of the ſaid Bank called *The Old Podike*, ſhall, from Time to Time, be collected by the Expenditors or other Officers to be appointed by the ſaid Commiſſioners of Sewers, and by ſuch Expenditors or other Officers forthwith paid over to the Treaſurer or other Perſon appointed by the ſaid Commiſſioners for Drainage to receive the ſame, to be by the ſaid Commiſſioners for Drainage laid out and applied in the ſtrengthening, ſupporting, and preſerving, of the ſaid Bank, in ſuch Manner as they ſhall think neceſſary, in Aid of the Repairs to be done thereto out of the Rates and Taxes uſually laid or aſſeſſed by the ſaid Commiſſioners of Sewers upon the Lands within the ſaid Country of *Marſhland*.

Commiſſioners of Drainage to ſet out a Foreland on the *Old Podike*.

XXXVIII. And be it further enacted, That for the Safety and Preſervation of the ſaid Country of *Marſhland*, it ſhall and may be lawful for the ſaid Commiſſioners for Drainage, and they are hereby authorized and empowered to ſet out and allot, out of and from the ſaid Lands called *Marſhland Fen*, a Foreland on the North Side of the Bank called *The Old Podike*, not leſs than Thirty Yards wide from the Foot of the ſaid Bank, and to make a good and ſufficient Ditch, not leſs than Nine

Nine Feet wide at the Top, and Five Feet wide at the Bottom, on the Northern Boundary of the ſaid Foreland, and to level and fill up all the Holes and Irregularities in the Surface of the ſaid Foreland, and alſo to ſet out and allot on the North Side of the ſaid Foreland, ſo much and ſuch Part of the ſaid Lands called *Marſhland Fen* as they the ſaid Commiſſioners ſhall think proper, for the Purpoſe of getting Materials for the future Repairs and Support of the ſaid Bank; and the ſaid Foreland and other Lands ſo to be ſet out and allotted as aforeſaid, ſhall be veſted in the ſaid Commiſſioners for Drainage, and the ſaid Foreland ſhall at all Times thereafter be kept and preſerved by them as Paſture or Graſs Land, and ſhall not at any Time thereafter be cut, dug, taken, or carried away, or any Earth, Flag, or other Materials, taken therefrom by the ſaid Commiſſioners of Sewers, or the ſaid Commiſſioners for Drainage, or any of their Officers or Servants, or any other Perſon or Perſons whomſoever, on any Account or Pretence whatſoever, but the Graſs and Herbage of the ſaid Foreland, and other Lands to be ſet out as aforeſaid, ſhall from Time to Time be let by the ſaid Commiſſioners for Drainage in Manner herein-after directed.

For repairing Bank of *Magdalen Fen.*

XXXIX. And be it further enacted, That from Time to Time and at all Times hereafter the Owner or Owners for the Time being of certain Lands, lying in the Pariſh of *Wiggenhall Saint Mary Magdalen*, in the ſaid County of *Norfolk*, called *Magdalen Fen*, and adjoining the Eaſt Side of the ſaid Fen called *Marſhland Fen*, ſhall maintain and ſupport, in good and ſufficient Repair, a certain Bank lying between *Chancellor's Lode* and *Magdalen Mire Bank*, and extending from the ſaid *Old Podike* Northwards to *Border Lode*, and along the Eaſt Side of the ſaid Lode to *Fendike*, and along the North Side of *Fendike* to the Turnpike Road leading from *Lord's Bridge* to *Magdalen* Turnpike Road, which Bank hath been hitherto maintained, ſupported, and repaired, by the Proprietors or Occupiers of the ſaid Lands called *Magdalen Fen*, by Way of Fence and Outring Bank againſt the ſaid Tract of Land called *Marſhland Fen*; and if at any Time hereafter the Water ſhall overflow the ſaid Bank, or ſhall paſs through any Breach or Defect therein, into the ſaid Fen called *Marſhland Fen*, it ſhall and may be lawful for the ſaid Commiſſioners for Drainage, or any Three or more of them, from Time to Time to direct Notice to be given to the Perſon or Perſons chargeable with or liable to the Repairs thereof, to raiſe or repair the ſame immediately thereafter, to prevent ſuch overflowing or paſſing of the Waters as aforeſaid; and if ſuch Perſon or Perſons ſhall neglect to do the ſame for the Space of Fourteen Days after ſuch Notice, then and as often as ſuch Neglect ſhall happen, it ſhall be lawful for the ſaid Commiſſioners for Drainage, or any Three or more of them, to ſue the Perſon or Perſons ſo liable to repair ſuch Bank for ſuch Neglect of repairing the ſame, and the Damage occaſioned thereby, or otherwiſe to cauſe ſuch Repairs to be forthwith done, and to ſue for and recover the Expences thereof by Action at Law, with full Coſts of Suit.

For Payment of *Eau Brink* Tax.

XL. And be it further enacted, That the ſaid Commiſſioners for Drainage ſhall and may, and they are hereby authorized and required to pay and diſcharge the yearly Tax of Four-pence *per* Acre for every Acre of the ſaid Tracts of Common and Waſte Lands charged therewith by an Act of Parliament, made and paſſed in the Thirty-fifth Year of

His preſent Majeſty's Reign, intituled, *An Act for improving the Drainage of the Middle and South Levels, Part of the Great Level of the Fens, called* Bedford Level, *and the Low Lands adjoining or near to the ſaid Levels, as alſo the Lands adjoining or near to the River* Ouze, *in the County of* Norfolk, *draining through the ſame to Sea, by the Harbour of* King's Lynn, *in the ſaid County; and for altering and improving the Navigation of the ſaid River* Ouze, *from or near a Place called* Eau Brink, *in the Pariſh of* Wiggenhall Saint Mary, *in the ſaid County, to the ſaid Harbour of* King's Lynn; *and for improving and preſerving the Navigation of the ſeveral Rivers communicating with the ſaid River* Ouze; and by an Act of Parliament lately made and paſſed, for extending the Tax charged by the above mentioned Act, when and as the ſaid Rate and Tax ſhall from Time to Time become due and payable, and for that Purpoſe to borrow and take up at Intereſt any Sum or Sums of Money neceſſary for paying and diſcharging the ſame; which ſaid Monies ſo to be borrowed, with Intereſt for the ſame, at the Rate of Five Pounds *per Centum per Annum*, and the Expences of borrowing ſuch Monies, ſhall be repaid by equal and proportionate Rates and Aſſeſſments, to be made by the ſaid Commiſſioners for Drainage, upon all and every the Owners and Proprietors of Commonable Meſſuages and Tofts, and all other Perſons having any Right or Intereſt to or in the ſaid Common and Waſte Lands, when and ſo ſoon as the Commiſſioners for Incloſure herein-after appointed ſhall have ſettled and aſcertained the ſeveral Rights and Intereſts therein.

Commiſſioners for Incloſure appointed

XLI. And, for encloſing, dividing, and allotting, the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, and for ſtinting and regulating the ſtocking, feeding, and depaſturing, the ſaid Smeeth and Fen, until the ſame ſhall be encloſed, divided, and allotted, in Manner herein-after mentioned; be it further enacted by the Authority aforeſaid, That *George Maxwell* of *Fletton*, in the County of *Huntingdon*, Gentleman, *John Dugmore* of *Swaffham*, in the County of *Norfolk*, Gentleman, and *Charles Littlewood* of *Tid Saint Giles*, in the ſaid County of *Cambridge*, Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be, and they are hereby appointed Commiſſioners for putting ſo much of this Act into Execution as relates to the Incloſure, Diviſion, and Allotment, of the ſaid Tracts of Common and Waſte Lands called *Marſhland Smeeth* and *Marſhland Fen*, and for ſuch other Purpoſes as are herein-after expreſſed, and for carrying into Execution ſo much and ſuch Part of this Act as is not hereby placed under the Direction and Management of the ſaid Commiſſioners for Drainage herein-before appointed, or the Commiſſioners of Appeal herein-after named; and it ſhall be lawful for any Two of ſuch Commiſſioners for Incloſure, or their Succeſſors, to do, execute, and perform, and they are hereby fully authorized and required to do, execute, and perform, every or any Act, Matter, and Thing, required and authorized to be done by them in purſuance of this Act, as fully and effectually, to all Intents and Purpoſes, as if all the ſaid Commiſſioners or their Succeſſors were preſent, and did, executed and performed the ſame.

Commiſſioners for Incloſure and Surveyor to take an Oath.

XLII. And be it further enacted, That no Perſon ſhall act as a Commiſſioner for Incloſure, or as Surveyor, to be appointed as hereafter mentioned,

mentioned, in the Execution of any of the Powers hereby given (except the Power given to the ſaid Commiſſioners for Incloſure of ſigning and giving Notice of their Firſt Meeting, and alſo of the Extinguiſhment of all Rights of Common, and of adminiſtering the Oath herein-after directed, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Oath.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Ability, execute and perform the ſeveral Truſts, Powers, and Authorities, veſted and repoſed in me as a Commiſſioner [*or*, Surveyor, *as the Caſe may be*] by virtue of an Act [*Here ſet forth the Title of the Act*], according to Equity and good Conſcience, and without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever.

'So help me GOD.'

Which Oath it ſhall be lawful for any One of the ſaid Commiſſioners for Incloſure to adminiſter, and he is hereby required to adminiſter the ſame to any other of the ſaid Commiſſioners for Incloſure, and alſo to the Surveyor or Surveyors; and the ſaid Oath, ſo taken and ſubſcribed by each Commiſſioner for Incloſure, and by the Surveyor or Surveyors, and alſo the Inſtrument of Appointment of every new Commiſſioner or Commiſſioners for Incloſure, Surveyor or Surveyors, if any ſuch there ſhall be, with the like Oath to be taken by him or them, ſhall be inrolled with the Commiſſioners Award herein-after directed to be inrolled, and ſhall be deemed legal Evidence.

Commiſſioners declining to act to give Notice.

XLIII. And be it further enacted, That every Commiſſioner for Incloſure, who ſhall refuſe or decline to act as aforeſaid, ſhall, and he is hereby required forthwith to give Notice of his Intention to refuſe or decline acting as a Commiſſioner, in like Manner as Notices of Meetings from the ſaid Commiſſioners are hereby required to be given.

All Right of Common to ceaſe on Notice given.

XLIV. And be it further enacted, That upon the Publication of the Notice next herein-after mentioned, all Right of Common in, over, and upon, the ſaid Tracts of Common and Waſte Lands ſhall ceaſe, determine, and be abſolutely extinguiſhed, and the ſaid Commiſſioners for Incloſure ſhall, and they are hereby required, within Twenty-one Days next after the paſſing of this Act, to cauſe Notice to be given at the Churches of the ſaid reſpective Pariſhes, upon ſome *Sunday* immediately after Divine Service, or by Writing under their Hands to be affixed on One of the moſt publick Doors of the ſaid ſeveral Churches, and alſo by Advertiſement in One of the *Norwich* and One of the *Cambridge* Weekly Newſpapers, that all ſuch Right of Common is determined and abſolutely extinguiſhed, and that all Perſons are required, within Seven Days next after the Publication of ſuch Notice, to take away and remove their Horſes, Beaſts, Sheep, and other Cattle, from and out of the ſaid Common and Waſte Lands; and the ſaid Commiſſioners ſhall alſo at the ſame Time give Notice of their Firſt Meeting, to be held at *The Duke's Head*, in *King's Lynn*, in the County of *Norfolk*, within Fourteen Days next after ſuch Notice being given as aforeſaid, for the Purpoſe of taking the Oath herein-before directed, and alſo for receiving Claims from the ſeveral Perſons having or claiming any Right or Rights of

Common, or other Right or Intereſt in, upon, or over the ſaid Tracts of Common and Waſte Lands, or any Part thereof, and by ſuch Notice all and every Perſon or Perſons having or claiming any ſuch Right or Rights of Common, or other Rights or Intereſt, ſhall be required to deliver to the ſaid Commiſſioners for Incloſure, at their ſaid Firſt Meeting, a Specification in Writing under their Hands, or the Hands of their Attorney or Agent, of the Rights claimed by them reſpectively, and for and in reſpect of what Eſtate or Intereſt ſuch Claim ariſes, and ſuch other Particulars as may be neceſſary to aſcertain the ſame, diſtinguiſhing the Freehold, Copyhold, and Leaſehold Property from each other, and within what Pariſh ſituate, and if Copyhold, of what Manor or Manors ſuch Eſtate or Eſtates is or are holden, or Parcel of.

Commiſſioners to make a Liſt of Claims at their Firſt Meeting.

XLV. And be it further enacted, That the ſaid Commiſſioners for Incloſure ſhall and they are hereby required, at their ſaid Firſt Meeting, to make a correct Liſt of the ſeveral Claims which ſhall be then made and delivered to them, and ſhall cauſe ſuch Liſt to be forthwith copied or printed, and fixed up, the Firſt or Second *Sunday* after ſuch Meeting, on One of the principal Church Doors of each of the ſaid ſeveral Pariſhes, in the ſaid Country of *Marſhland*, and ſhall alſo cauſe Notice to be given at the Bottom of ſuch Liſt, requiring all Perſons intereſted, and having Objections to any of the Claims ſet forth in the ſaid Liſt, to make their Objections in Writing at their next Meeting to be held for that Purpoſe, at the Time and Place to be mentioned in ſuch Notice; and that all Claims which ſhall not be then objected to will be then and there admitted and allowed of by the ſaid Commiſſioners for Incloſure, unleſs the ſame ſhall be objected to at the next Meeting of the ſaid Commiſſioners; and the ſaid Commiſſioners are hereby required to fix and appoint ſuch Meeting for the Purpoſe aforeſaid, and for receiving any further Claims, to be ſpecified in Manner herein-before directed, to be held at ſuch Time and Place as they ſhall appoint, within Fourteen Days then next following, and to cauſe Notice thereof to be given and publiſhed in One of the *Norwich* and *Cambridge* Weekly Newſpapers; at which Meeting the ſaid Commiſſioners ſhall and are hereby required to aſcertain and determine the Number of Rights claimed, which ſhall not be then objected to, and to order and direct the Proprietors of ſuch Rights to ſtock and depaſture the ſaid Smeeth and Fen with ſuch Stint, Numbers, and Sorts of Cattle, and for ſuch Time as the ſaid Commiſſioners ſhall think proper; which ſaid Claims ſhall be ſubject to be objected to and examined into at any future Meetings of the ſaid Commiſſioners for receiving Claims and Objections; and the ſtocking and feeding of the ſaid Smeeth and Fen ſhall be ſubject to the future Controul and Order of the ſaid Commiſſioners.

Power to appoint Officers.

XLVI. And be it further enacted, That the ſaid Commiſſioners for Incloſure ſhall have Power, and they are hereby authorized to appoint One or more proper Perſon or Perſons to be Clerk or Clerks, Surveyor or Surveyors, Treaſurer or Treaſurers, and all or any ſuch other Officer or Officers as to the ſaid Commiſſioners ſhall appear neceſſary or proper, to aſſiſt in the Execution of the Powers veſted in them the ſaid Commiſſioners for Incloſure by this Act, and alſo One or more Perſon or Perſons to be Pindar or Pindars of and for the ſaid Smeeth and Fen, and to remove ſuch Clerk or Clerks, Surveyor or Surveyors, Treaſurer or Treaſurers, Pindar or Pindars, or other Officer or Officers, and to appoint another or

or others in his or their Place, or in the Place of ſuch Clerk or Clerks, Surveyor or Surveyors, Treaſurer or Treaſurers, Pindar or Pindars, or other Officer or Officers, who ſhall be dead, as to them the ſaid Commiſſioners for Incloſure ſhall ſeem meet; and the ſaid Commiſſioners for Incloſure are hereby authoriſed and required to allow and pay ſuch Clerk or Clerks, Surveyor or Surveyors, Treaſurer or Treaſurers, Pindar or Pindars, or other Officer or Officers, ſuch Salary or Salaries, or other Sum or Sums of Money, for his or their Trouble and Expences, as they the ſaid Commiſſioners for Incloſure ſhall from Time to Time think reaſonable; and every Treaſurer ſo to be appointed, before he ſhall act in the Execution of his Office, ſhall give ſuch Security to the ſaid Commiſſioners for Incloſure for the due Execution of the ſame as ſuch Commiſſioners ſhall think proper.

Commiſſioners to give Notice of Meetings.

XLVII. And be it further enacted, That the ſaid Commiſſioners for Incloſure ſhall cauſe Notice to be given at *King's Lynn* and *Wiſbech Saint Peter's* aforeſaid, and alſo inſerted in One of the *Cambridge* and One of the *Norwich* Weekly Newſpapers, of the Times and Places of their reſpective Meetings (the Firſt Meeting herein-before mentioned for receiving Claims, and Meetings by Adjournment, excepted) for the Execution of this Act, at leaſt Ten Days before any ſuch Meeting ſhall be holden; and that it ſhall and may be lawful to and for the ſaid Commiſſioners for Incloſure to adjourn themſelves from Time to Time, as they ſhall ſee Occaſion, for the further Execution of this Act; and that if at any Meeting appointed to be holden by the ſaid Commiſſioners for Incloſure, it ſhall happen that no more than One of the ſaid Commiſſioners for Incloſure ſhall attend, ſuch Commiſſioner may adjourn ſuch appointed Meeting to ſuch Time and Place as he ſhall think moſt convenient, not exceeding Fourteen Days from the Time of ſuch appointed Meeting, in which Caſe he is hereby required to give Notice, or cauſe Notice to be given to the abſent Commiſſioners for Incloſure, of the Time and Place to which he ſhall have adjourned ſuch appointed Meeting; and in caſe none of the ſaid Commiſſioners ſhall attend, then it ſhall and may be lawful for the Clerk to the ſaid Commiſſioners from Time to Time to adjourn the ſaid Meeting to the ſame Place, and to any Time not exceeding Fourteen Days, and give Notice thereof to the ſaid Commiſſioners.

Commiſſioners Allowance.

XLVIII. And be it further enacted, That every of the ſaid Commiſſioners for Incloſure, who ſhall act in the Execution of the Truſts and Powers veſted in them by this Act, ſhall be allowed the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each and every Day he ſhall ſo act or travel any Diſtance, equal to the Diſtance of his own Reſidence or Place of Abode, from *King's Lynn* aforeſaid, for the Purpoſe of acting, or be returning Home from acting, in full Satisfaction for the Trouble and Expences he ſhall be put unto in the Execution of the ſaid Truſts and Powers; and that at all Meetings the ſaid Commiſſioners for Incloſure, and Proprietors, their Attornies and Agents, ſhall pay their own Expences.

Claims may be objected to.

XLIX. And be it further enacted, That all Perſons having, or claiming to have, any Right of Common, or other Right or Intereſt upon the ſaid Tracts of Common and Waſte Lands, or any Part thereof, who ſhall have neglected to deliver in their Claims at the ſaid Firſt or Second Meeting, in Manner herein-before directed, ſhall, and they are hereby required to deliver,

or cauſe the ſame to be delivered to the ſaid Commiſſioners for Incloſure, or to ſuch Perſon or Perſons as they ſhall appoint, and at ſuch Time as they ſhall require, by publick Notice to be given for that Purpoſe in Manner aforeſaid, and no Claim ſhall afterwards be received unleſs for ſome ſpecial Cauſe to be allowed of by the ſaid Commiſſioners; all which ſaid Claims ſhall at all Times be open to the Inſpection of all Perſons intereſted in the ſaid Tracts of Common and Waſte Lands, their Attornies or Agents, and ſhall be publiſhed by the ſaid Commiſſioners in Manner herein-before directed; and it ſhall be lawful for all Perſons intereſted in the ſaid Common and Waſte Lands to make their Objections, in Writing, againſt the ſaid Claims, or any of them, and tranſmit the ſame to the ſaid Commiſſioners, or ſuch Perſons as they ſhall appoint, previous to or at the Meeting or Meetings to be held by them for the receiving of Objections to ſuch Claims, after which ſaid Meetings no further Objections ſhall be received; and the ſaid Commiſſioners ſhall likewiſe publiſh the ſaid Objections in the Manner herein-before directed for publiſhing Claims, and ſhall appoint Three or more ſeveral Meetings, mentioning the Days and Place for ſuch Meetings, to hear and examine into all Objections, the Firſt of which Meetings ſhall not be leſs than Twenty-one Days from the Expiration of the Time ſo to be appointed as aforeſaid for delivering in the ſaid Objections; and ſuch Firſt, Second, and Third Meetings, laſt directed to be appointed, ſhall not be leſs than Fourteen Days from each other; and at One of the ſaid laſt-mentioned Meetings, or at ſome future Meeting or Meetings to be appointed for that Purpoſe, the ſaid Commiſſioners for Incloſure are hereby required to proceed to examine ſuch Claims, and to hear and conſider all Objections that ſhall have been made thereto, and by Examination of Witneſſes upon Oath, or by other proper and ſufficient Enquiry, Proof, or Evidence, to hear and determine all ſuch of the ſaid Claims as they ſhall think fit; and after the ſaid Commiſſioners ſhall have heard and determined the ſaid Claims, they ſhall, within Thirty Days then next following, publiſh, in Manner before directed, a Liſt in Writing of ſuch Claims as ſhall have been determined by them as aforeſaid, and appoint a Time and Place in ſuch Notice, being not leſs than Thirty Days from the Publication thereof, for all Perſons who may be diſſatisfied with ſuch their Determination, to notify in Writing to the ſaid Commiſſioners their Diſſatisfaction therewith; and in all Caſes where no ſuch Diſſatisfaction ſhall be then and there notified, the Determination of the ſaid Commiſſioners ſhall be final and concluſive to all Intents and Purpoſes.

Arbitrators for ſettling Differences.

L. And be it further enacted, That in all Caſes where no Determination ſhall have been made by the ſaid Commiſſioners for Incloſure, or where any Diſſatisfaction reſpecting their Determination ſhall be notified to them as aforeſaid, all Differences or Matters remaining undecided, or about which ſuch Diſſatisfaction may ariſe, ſhall, within the Space of Three Calendar Months then next following, be referred to *Henry Partridge* of *Cromer*, in the County of *Norfolk*, Eſquire, or in caſe of the Death of the ſaid *Henry Partridge*, or his declining to act in the ſaid Reference, then to *Henry Gwillim* of *Boſwell Court*, in the Pariſh of *Saint Clement Danes*, in the County of *Middleſex*, Eſquire, or in caſe of his Death or declining to act in the ſaid Reference, then to *Charles Harvey*, of the City of *Norwich*, Eſquire, or in caſe of his Death or declining to act in the ſaid Reference, then to ſuch other Counſel as the ſaid Commiſſioners

ſioners for Incloſure, and the Party or Parties diſſatisfied as aforeſaid, ſhall appoint; and the ſaid *Henry Partridge*, *Henry Gwillim*, *Charles Harvey*, and ſuch other Counſel as aforeſaid, ſhall be, and they are hereby reſpectively appointed Commiſſioners of Appeal for the Purpoſes herein mentioned, and on Application to be made to them reſpectively for that Purpoſe by the ſaid Commiſſioners for Incloſure, by Writing under their Hands, ſuch Commiſſioner of Appeal is hereby authorized and empowered to examine into all Claims, Matters, and Things, which ſhall be referred to him as aforeſaid, and for that Purpoſe ſhall and may, either by Examination of the Evidence taken by the ſaid Commiſſioners for Incloſure, or of any of the Witneſſes that may have been produced before the ſaid Commiſſioners for Incloſure, or of any other Witneſſes or Evidence that the Parties in Difference, or either of them, ſhall produce and require to be examined by the ſaid Commiſſioners of Appeal upon Oath, (which Oath he is hereby empowered to adminiſter), hear, ſettle, and determine the ſame; and in all Caſes reſpecting Rights of Common, where ſuch Commiſſioner of Appeal ſhall give Relief to the Party appealing, then the Coſts and Charges attending the ſaid Appeal ſhall be paid and diſcharged by the ſaid Commiſſioners for Incloſure, out of the Monies to be raiſed by them for the Purpoſes of carrying this Act into Execution; but if the ſaid Commiſſioners of Appeal ſhall determine againſt the Party appealing, then the Coſts and Charges attending ſuch Appeal ſhall be paid by the Appellant; and in caſe the Party or Parties making any ſuch Claim or Claims, or the Perſon or Perſons objecting thereto, ſhall be diſſatisfied with the Determination which ſhall be made by ſuch Commiſſioner of Appeal, and ſhall, by Writing under his or their Hand or Hands, ſignify the ſame to the ſaid Commiſſioners for Incloſure, within Three Months next after ſuch Determination ſhall be made, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied with ſuch Determination, to have the Subject of ſuch Claim or Objection, in reſpect of which ſuch Determination ſhall be made, tried at Law, by an Action to be brought by him or them againſt the ſaid Commiſſioners for Incloſure, or any One of them, upon a feigned Iſſue, to be ſettled by the proper Officer of the Court where ſuch Action ſhall be brought, in caſe the Parties differ about the ſame, ſuch Action to be brought within Six Months next after ſuch Determination ſhall have been made; and the Defendants in ſuch Action ſhall, and they are hereby required to appear to ſuch Action, accept a Declaration, and plead to Iſſue, and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action ſo as to have the ſame tried at the Firſt or Second Aſſizes to be holden for the County of *Norfolk* next after the commencing of ſuch Action; and the Verdict of the Jury on ſuch Trial ſhall be final and concluſive upon all the Parties intereſted therein, unleſs the Judge trying ſuch Iſſue ſhall certify the Verdict to be contrary to Evidence or Law; and after any ſuch Trial ſhall be had as aforeſaid, the Coſts and Charges payable by the ſaid Commiſſioners in ſuch Action or Actions, ſhall be paid and diſcharged out of the Monies to be raiſed by them for the Purpoſes of this Act; but if the Plaintiff in ſuch Actions ſhall be Nonſuit, or a Verdict ſhall paſs againſt him, then he ſhall pay full Coſts to the ſaid Defendants.

Determinations of Commiſſioners of

LI. Provided always, and be it further enacted, That all ſuch Determinations, either of the ſaid Commiſſioners for Incloſure, or of the ſaid Commiſſioners of Appeal, as ſhall not be objected to by ſuch Notice to be

given to the ſaid Commiſſioners for Incloſure, or any of them, as aforeſaid, or being ſo objected to, and the diſſatisfied Parties reſpectively not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be abſolutely binding, final, and concluſive. Appeal not objected to, to be final.

LII. Provided always nevertheleſs, That nothing herein contained ſhall authorize the ſaid Commiſſioners for Incloſure, and Commiſſioners of Appeal hereby appointed reſpectively, or any of them, to hear and determine any Difference or Diſpute which may ariſe touching the Right or Title to any Manors, Meſſuages, or Tofts, having Rights of Common in, over, or upon the ſaid Tracts of Common and Waſte Lands, or to any other Right or Intereſt therein, for which the Parties may commence and proſecute ſuch Suits or Remedies at Law or in Equity, in reſpect of ſuch Rights and Titles, between and among themſelves, as they ſhall be adviſed and think proper; but the ſaid Commiſſioners for Incloſure ſhall, and they are hereby empowered to aſſign and ſet out the ſeveral Allotments herein-after directed to be made unto the Perſon or Perſons who, at the Time of the ſaid Diviſion and Allotment, ſhall have the actual Seiſin or Poſſeſſion of the Manors, Meſſuages, or Tofts, in Right whereof ſuch Allotments ſhall be reſpectively made. Commiſſioners not to determine Titles.

LIII. Provided alſo, That no Difference or Suit touching the Title to any Manors, Meſſuages, or Tofts, or other Rights, ſhall impede or delay the Commiſſioners in the Execution of the Powers veſted in them by virtue of this Act, but the Diviſion and Incloſure hereby directed to be made ſhall be proceeded in notwithſtanding ſuch Differences or Suits. Suits not to impede the Incloſures.

LIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners for Incloſure hereby appointed, or hereafter to be appointed in the Manner herein-before mentioned, and alſo to and for any of the ſaid Commiſſioners of Appeal, and they are hereby authorized and empowered to call before them reſpectively, by Summons in Writing under their Hands reſpectively, all ſuch Perſon and Perſons as they ſhall think proper to examine as Witneſſes, and to adminiſter an Oath (or, in caſe of Quakers, a ſolemn Affirmation) to ſuch Perſon or Perſons ſo required to give Evidence touching the Matters aforeſaid, or in anywiſe relating thereto. Power to ſummon and examine Witneſſes upon Oath.

LV. And be it further enacted, That if any Perſon or Perſons, who ſhall be duly ſummoned by Writing under the Hands of the ſaid Commiſſioners for Incloſure, or by any of the ſaid Commiſſioners of Appeal, ſhall omit or neglect to appear before the ſaid Commiſſioners reſpectively, at any of the Times or Places, by ſuch Commiſſioners for Incloſure, or any of the ſaid Commiſſioners of Appeal required; or if appearing ſhall refuſe to be fully examined to the Satisfaction of the ſaid Commiſſioners reſpectively, then and in that Caſe it ſhall be lawful for any Juſtice of the Peace for the ſaid County of *Norfolk*, upon Proof on Oath before ſuch Juſtice of ſuch Neglect or Omiſſion to appear, or Refuſal to be examined, by Warrant under his Hand and Seal, directed unto any Perſon or Perſons whomſoever, to cauſe any Sum or Sums of Money, not exceeding Ten Pounds nor leſs than Forty Shillings, to be levied Witneſſes not attending to be liable to a Fine.

levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo omitting or neglecting to appear or give Evidence, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges of ſuch Diſtreſs and Sale.

Perſons giving falſe Evidence to be guilty of Perjury.

LVI. And be it further enacted, That all and every Perſon or Perſons who in any Examination to be taken by virtue of this Act, ſhall give falſe Evidence before the ſaid Commiſſioners reſpectively, or before any Juſtice or Juſtices of the Peace, touching any Matter or Thing relating to the Execution of this Act, ſhall and may be proſecuted for the ſame, and being thereof convicted ſhall be deemed guilty of Perjury, and ſhall be ſubject and liable to ſuch Pains, Puniſhments, and Diſqualifications as by the Laws and Statutes of this Realm Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Perſons neglecting to make Claims to be excluded.

LVII. And be it further enacted, That all and every Perſon and Perſons, who ſhall refuſe or neglect to deliver in their Claims to the ſaid Commiſſioners, at ſome or One of their Meetings to be held for the Purpoſe of receiving Claims as aforeſaid, within the Times to be fixed for that Purpoſe in and by ſuch Notices as are herein-before directed to be given, unleſs for good Cauſe to be ſhewn and allowed by the ſaid Commiſſioners of Incloſure, ſuch Perſon and Perſons ſhall ſtand abſolutely debarred, foreclоſed, and excluded from all Right to or upon the ſaid Tracts of Common and Waſte Lands, or either of them, or any Part of them, and the ſame ſhall be divided amongſt the ſeveral Perſons who ſhall make their Claims within the Time aforeſaid, whoſe Claims ſhall not be diſputed, or being diſputed ſhall be allowed and determined in his, her, or their Favour.

Election of new Commiſſioners.

LVIII. And be it further enacted, That when and ſo often as any One or more of the ſaid Commiſſioners for Incloſure herein-before named, or to be appointed as herein-after mentioned, ſhall die, refuſe to act, or become incapable of acting, then and in every ſuch Caſe the Commiſſioners for Incloſure herein-before named and appointed, or the Survivors or Survivor of them, ſhall from Time to Time, and they are hereby authorized and required, by Writing under their Hands, within Twenty-one Days next after ſuch Death, Refuſal, or Incapacity to act ſhall happen or be known, give Notice thereof to the Commiſſioners of Drainage herein-before mentioned, who ſhall thereupon, at a Special Meeting to be expreſsly called for the Purpoſe, whereof Fourteen Days Notice at leaſt ſhall be given in One of the *Norwich* and One of the *Cambridge* Weekly Newſpapers, by Writing under their Hands and Seals, nominate and appoint another Commiſſioner, not intereſted in the ſaid intended Incloſure, in the Place and Stead of every Commiſſioner dying, refuſing to act, or becoming incapable of acting as aforeſaid; and that every ſuch new Commiſſioner ſo appointed, after he ſhall have taken and ſubſcribed the Oath herein-before directed to be taken and ſubſcribed by every Commiſſioner for Incloſure, ſhall have the ſame Powers and Authorities, by virtue of this Act, as the Commiſſioner in whoſe Place he ſhall be appointed was inveſted with; provided that every ſuch Appointment of a new Commiſſioner, ſo ſigned and ſealed as aforeſaid, be tranſmitted to and inrolled by the Clerk of the Peace

for the ſaid County of *Norfolk* for the Time being, within Thirty Days next after ſuch Appointment or Election, a Copy of which Inrolment, certified by the ſaid Clerk of the Peace, ſhall in all Caſes be Evidence in any Court of Law or Equity.

Commiſſioners to ſtint Commons.

LIX. And be it further enacted, That the ſaid Commiſſioners for Incloſure, when and ſo often as any Right claimed as aforeſaid ſhall be eſtabliſhed and allowed by them, or by the Commiſſioners of Appeal herein-before named, ſhall and they are hereby required to order and direct the Proprietors of Rights, whoſe Claims ſhall be ſo eſtabliſhed and allowed to ſtock and depaſture the ſaid Smeeth and Fen in like Manner as the Proprietors whoſe Claims ſhall have been admitted and allowed by the ſaid Commiſſioners for Incloſure at their Second Meeting; and that from and after all and every the Rights of Common in and upon the ſaid Tracts of Common and Waſte Lands ſhall be finally aſcertained and determined by the ſaid Commiſſioners for Incloſure and Commiſſioners of Appeal reſpectively, they the ſaid Commiſſioners for Incloſure ſhall and they are hereby required to meet Twice in every Year at leaſt, until the ſame ſhall be incloſed, divided, and allotted, and to ſtint, regulate, and order the Time, Mode, and Manner of feeding and uſing the ſaid Tracts of Common and Waſte Lands; and that every Perſon having Right of Common upon the ſaid Tracts of Common and Waſte Lands may, for every Right of Common he or ſhe hath thereon, keep and depaſture thereon ſuch Number and Sort of Cattle, and no other, and for ſuch Time or Times in each and every Year, until the ſame ſhall be incloſed, divided, and allotted, as herein-after directed, as they the ſaid Commiſſioners for Incloſure ſhall from Time to Time order and direct; which Order of ſuch Commiſſioners for ſtinting and regulating the ſaid Tracts of Common and Waſte Lands ſhall be publiſhed in One of the *Norwich* and One of the *Cambridge* Weekly Newſpapers, and by affixing the ſame upon the moſt publick Door of the Church in each of the ſaid reſpective Pariſhes; and if any Perſon ſhall, after ſuch Notice, ſtock the ſaid Tracts of Common and Waſte Lands with any greater Number, or other Sort of Cattle, or in any other Manner, or at any other Time or Times than ſhall be directed by the ſaid Commiſſioners for Incloſure as aforeſaid, he, ſhe, or they ſhall, for every ſuch Offence, forfeit and pay the Sum of Twenty Pounds, to be recovered in Manner herein-after directed, and to be applied by the ſaid Commiſſioners for Incloſure for the Purpoſes of this Act.

A Survey to be made.

LX. And, for the better enabling the ſaid Commiſſioners for Incloſure the more juſtly and regularly to divide, diſtribute, and allot the ſaid Tracts of Common and Waſte Lands, and for the better aſcertaining the Rights of the ſeveral Perſons intereſted therein, be it further enacted, That before the ſaid Commiſſioners for Incloſure ſhall proceed to make the ſaid intended Diviſion and Allotments, they ſhall cauſe a Survey, Admeaſurement, and Map to be made and taken of the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, or ſuch Part or Parts thereof as they the ſaid Commiſſioners for Incloſure ſhall think proper, as ſoon as the ſame can conveniently be done, by ſuch Perſon or Perſons as they the ſaid Commiſſioners for Incloſure ſhall appoint; and ſuch Perſon or Perſons ſhall receive

ſuch Gratuity for his or their Labour and Trouble therein as the ſaid Commiſſioners for Incloſure ſhall order and direct; and ſuch Survey or Admeaſurement, and Map, ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches, contained in the ſaid Tracts of Common and Waſte Lands reſpectively, ſhall be ſet forth and aſcertained therein; and ſuch Survey, Admeaſurement, and Map, ſhall be laid before the ſaid Commiſſioners for Incloſure, as ſoon as conveniently may be after completing the ſame; which ſaid Survey, Admeaſurement, and Map, ſhall be verified on the Oath of the Perſon or Perſons making the ſame; and the ſaid Commiſſioners for Incloſure are, or any One of them is hereby empowered to adminiſter ſuch Oath as herein-before directed; and the ſaid Commiſſioners for Incloſure ſhall alſo take a View, and make an Eſtimate in Writing of the Value of the ſaid Tracts of Common and Waſte Lands reſpectively, diſtinguiſhing how much the ſeveral Parts thereof differ in Value from one another, taking into Conſideration in ſuch Eſtimate the Nature, Situation, and every other Circumſtance that may affect the true Value of the ſame, and the ſeveral Parts thereof reſpectively.

Roads to be ſet out.

LXI. And be it further enacted, That the ſaid Commiſſioners for Incloſure ſhall, and they are hereby authorized and required, before they ſhall proceed to ſet out any Allotment of the ſaid Tracts of Common and Waſte Lands reſpectively, in purſuance of this Act, to ſet out and appoint ſuch publick Carriage Roads, and ſuch private Roads and Ways over the ſame reſpectively, as ſhall be neceſſary and convenient, in the Judgement of the ſaid Commiſſioners for Incloſure; and that the ſaid Commiſſioners for Incloſure ſhall cauſe all ſuch publick Carriage Roads to be fenced out on each Side from the Lands adjoining; and that the ſaid publick Roads ſhall at all Times for ever hereafter be and remain Forty Feet at leaſt in Breadth between the Fences and Ditches bounding the ſame; and that no Gate or Gates ſhall at any Time or Times hereafter be erected or ſet up in or acroſs ſuch Roads; and that no Tree or Trees ſhall at any Time hereafter be planted on either Side of the ſaid publick Carriage Roads, nearer to each other than the Diſtance of Fifty Yards; and that all and every the ſaid publick Carriage Roads ſhall at all Times (after the firſt forming and making, and putting into good Repair the ſame, and the certifying ſuch Repair to the Juſtices at the General Quarter Seſſions of the Peace for the ſaid County of *Norfolk*, in Manner herein-after mentioned) be repaired by the Inhabitants of the Pariſh or Place to which the ſaid Commiſſioners for Incloſure ſhall declare and adjudge ſuch Roads to belong; and that all private Roads and Foot Ways, to be ſet out by the ſaid Commiſſioners for Incloſure, ſhall be repaired at the Expence of all or any of the Perſons entitled to the ſaid Tracts of Common and Waſte Lands reſpectively, and in ſuch Manner as the ſaid Commiſſioners for Incloſure ſhall in that Behalf order, direct, or appoint; and it ſhall not be lawful for any Perſon or Perſons, after ſetting out and making ſuch new Roads or Ways as aforeſaid, to claim or uſe any Roads or Ways within, over, or through, the ſaid Tracts of Common and Waſte Lands, or either of them, or any Part of them, either on Foot, or with Horſes, Cattle, or Carriages, other than ſuch Roads or Ways as ſhall be ſet out and appointed by the ſaid Commiſſioners for Incloſure as aforeſaid; and that all former Roads and Ways, or ſo much of them as ſhall not be ſet out

and appointed as aforeſaid, ſhall be deemed Part of the ſaid Tracts of Common and Waſte Lands to be divided and allotted by virtue of this Act, and the ſame ſhall be divided and allotted accordingly.

Notice to be given by Commiſſioners of having ſet out Roads.

LXII. Provided nevertheleſs, and be it further enacted, That ſo ſoon as conveniently may be after the ſaid Commiſſioners for Incloſure ſhall have ſet out and appointed ſuch publick and private Roads and Ways as aforeſaid, they ſhall cauſe publick Notice thereof to be given in One of the *Norwich* and *Cambridge* Weekly Newſpapers; and that it ſhall be lawful for any Perſon or Perſons, who ſhall think himſelf, herſelf, or themſelves aggrieved by ſuch Diſpoſition of the Roads to be ſet out by the ſaid Commiſſioners for Incloſure as aforeſaid, on giving at leaſt Thirty Days Notice to the ſaid Commiſſioners, or ſuch of them who ſhall ſet out ſuch Roads, to appeal againſt all or any Part of ſuch Diſpoſition to the next General Quarter Seſſions of the Peace to be holden in and for the ſaid County of *Norfolk*, within Six Calendar Months after ſuch Diſpoſition made, and that the ſaid Commiſſioners, or their Surveyor, ſhall attend at ſuch Seſſions with the general Map of the Lands hereby directed to be incloſed, divided, and allotted; and that the Juſtices before whom ſuch Appeal ſhall be made ſhall, on hearing the Evidence, and inſpecting the Map, finally determine in what Manner the Road ſo appealed againſt ſhall be made, and whether any new Highway or Highways is or are neceſſary to be ſet out; and that if there ſhall be no regular Appeal within the Time aforeſaid, then the Diſpoſition of the Roads made by the Commiſſioners for Incloſure as aforeſaid ſhall be final and concluſive.

Surveyors of Roads to be appointed.

LXIII. And be it further enacted, That the ſaid Commiſſioners for Incloſure ſhall, and they are hereby authorized and required to appoint One or more Surveyor or Surveyors for the firſt forming and putting into good and ſufficient Repair the ſaid publick Carriage Roads, and to allow and pay ſuch Salary to the ſaid Surveyor or Surveyors as the ſaid Commiſſioners for Incloſure ſhall deem adequate to his or their Trouble therein; and that no Charge or Burden be laid on the Inhabitants of any Pariſh or Place, for or towards the firſt forming, making, and repairing the ſaid Roads until the ſame ſhall, by the ſaid Surveyor or Surveyors, be certified before the Juſtices, at their General Quarter Seſſion of the Peace for the ſaid County of *Norfolk*, to be completely formed and made good; which Certificate the ſaid Surveyor or Surveyors ſhall deliver to the ſaid Juſtices within Six Months after making of the Award or Awards, Inſtrument or Inſtruments, hereafter mentioned, unleſs ſuch Surveyor or Surveyors ſhall give ſufficient Reaſon to the ſaid Juſtices for further Allowance of Time, not exceeding One Year, under the Penalty on ſuch Surveyor or Surveyors reſpectively neglecting to form and put in good and ſufficient Repair the ſaid publick Carriage Roads, or to make and deliver ſuch Certificate as aforeſaid, of the Sum of Twenty Pounds, to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter*.

Allotments for Materials for Repair of Roads.

LXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, before they proceed to make any of the Allotments aftermentioned, to ſet out ſuch Parcel or Parcels of the ſaid Tracts of Common and Waſte Lands as they the ſaid Commiſſioners ſhall think proper

proper and ſufficient for the Repairs of the publick and private Roads to be ſet out as aforeſaid, in, over, and upon the ſaid Tracts of Common and Waſte Lands; and the ſaid Parcel or Parcels of Land, when ſo ſet out, ſhall be, and the ſame is and are hereby veſted in the Surveyors for the Time being of the Highways of the ſeveral Pariſhes to which the ſaid Commiſſioners *ſhall allot* and award the ſame, ſubject to the Graſs and Herbage thereof being let and diſpoſed of in Manner herein-after directed.

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

LXV. And be it further enacted, That the Graſs and Herbage growing, ariſing, and renewing upon the Foreland of the ſaid *Old Podike Bank*, and the Lands herein-before directed to be ſet out for Materials for Repairs thereof, and alſo upon the ſaid Roads and Ways, and the ſaid Parcel or Parcels of Land ſo to be ſet out and veſted in the Surveyors for the Time being of the ſaid Highways for the Repairs of Roads, ſhall in future be let by the ſaid Commiſſioners for Drainage at their General Annual Meeting to be held as aforeſaid, by publick Auction, for the beſt Rent or Rents that can or may be got for the ſame, and ſuch Rents ſhall be applied, by the ſaid Commiſſioners, for the general Purpoſes of Drainage under this Act, in ſuch Manner as they ſhall, at ſuch Annual Meetings, direct.

Allotments to be ſubject only to a Moiety of Tythes for Five Years.

LXVI. And be it further enacted, That in Conſideration of the great Expence which the ſaid Proprietors muſt be at in draining, incloſing, dividing, and allotting the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, every Impropriator, Rector, and Vicar, and their reſpective Heirs or Succeſſors for the Time being, having any Right to any Tythes or Tenths whatſoever, in, upon, out of, or from, the ſaid Tracts of Common and Waſte Lands, or any Part or Parts thereof, ſhall, for the Term of Five Years, to be computed from the Time the ſaid Commiſſioners for Incloſure ſhall ſet out and allot the ſaid Common and Waſte Lands in Severalty, be entitled to have, receive, and take, out of, upon, or from, the ſaid Tracts of Common and Waſte Lands, One Moiety or equal Half Part, in Kind, and no more, of any ſuch Tenths or Tythes (being One Twentieth Part) as they or any of them would otherwiſe be entitled to reſpectively, except ſuch Caſes wherein Tythes are in purſuance of any Statute, Uſage, or Cuſtom, compenſated in any other Way; and that ſuch Impropriator, Rector, and Vicar, their reſpective Heirs or Succeſſors, having any Right to ſuch Tenths or Tythes, ſhall not be charged or chargeable with any Rates, Taxes, or Aſſeſſments for or towards the Coſts and Charges of the ſaid Drainage, Incloſure, Diviſion, and Allotment, or other Charges attending the ſame.

Common Rights may be ſold ſeparate from Meſſuages or Tofts.

LXVII. And be it further enacted, That if any Perſon or Perſons, being Owner or Owners of Common Right Meſſuages or Tofts, ſhall at any Time before the Execution of the Award herein-after mentioned, contract for, ſell, and diſpoſe of his or her Eſtate and Intereſt in, to, out of, or upon, the ſaid Tracts of Common and Waſte Lands, and the Allotment or Allotments to be made thereof in reſpect of any ſuch Meſſuages or Tofts by virtue of this Act, ſeparate from ſuch Meſſuages or Tofts, and if any Owner or Owners of any ſuch Common Right Meſſuage or Toft ſhall contract for, ſell, and diſpoſe of his, her, or their

Common Right Meſſuage or Toft, reſerving to himſelf, herſelf, or themſelves the Common Rights over the ſaid Common and Waſte Lands appurtenant thereto, and the Allotment thereof to be made in reſpect of ſuch Right thereon by virtue of this Act, then and in every ſuch Caſe on every ſuch Contract, Sale, and Diſpoſition being produced and ſhewn to the ſaid Commiſſioners for Incloſure, and an atteſted Copy thereof delivered to and left with them, they the ſaid Commiſſioners for Incloſure ſhall, and they are hereby required to ſet out, allot, and award the Allotment or Allotments ſo ſold and purchaſed as aforeſaid, to the Purchaſer and Purchaſers thereof, his, her, or their Heirs and Aſſigns, and to ſet out, allot, and award the Allotment and Allotments to be made to any Common Right Meſſuage or Toft, in reſpect of the Common Right appurtenant thereto, over the ſaid Common and Waſte Lands, unto the Vendor or Vendors of ſuch Meſſuages or Tofts (reſerving ſuch Right as aforeſaid), his, her, or their Heirs or Aſſigns, and not to the Purchaſer or Purchaſers thereof.

No Leaſe to be void, except with reſpect to Allotments.

LXVIII. And be it further enacted, That no Leaſe or Leaſes affecting any of the Meſſuages or Tofts in reſpect of which any Allotment or Allotments of the ſaid Tracts of Common and Waſte Lands ſhall be made by virtue of this Act, ſhall be rendered or made void, (except ſuch Leaſes as are made determinable on the paſſing of any Act of Incloſure), but that the ſame ſhall remain and continue in full Force and Virtue, except with reſpect to ſuch Allotments to be made as aforeſaid: Provided nevertheleſs, that as far as ſuch Leaſes affect and concern any Allotments to be made in reſpect of ſuch Meſſuages or Tofts, the ſame ſhall be and are hereby declared to be void as to ſuch Allotments, and ſuch Allotments ſhall be made and belong to the Proprietors of ſuch Meſſuages or Tofts, freed and exonerated from all Tenant Right and Intereſt therein by virtue of ſuch Leaſes.

Allotments to Lords of Manors of One 20th Part.

LXIX. And be it further enacted, That, from and after the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, ſhall, in the Judgement of the ſaid Commiſſioners for Incloſure, be ſufficiently drained, and the Foreland of the ſaid *Old Podike Bank*, and the Land herein-before directed to be ſet out by the ſaid Commiſſioners for Drainage for the Repairs thereof, ſhall be ſet out and allotted as aforeſaid, it ſhall and may be lawful for the ſaid Commiſſioners for Incloſure, and they are hereby empowered, authorized, and required, after ſetting out ſuch Roads and Ways as ſhall be thought neceſſary, and after ſetting out a ſufficient Quantity thereof for amending and repairing any ſuch Roads and Ways, in the Firſt Place, to ſet out and allot unto and amongſt the Lords or Ladies of the ſeveral Manors within the ſaid Country of *Marſhland*, ſo much and ſuch Parts thereof as in the Judgement of the ſaid Commiſſioners (Quantity and Quality conſidered) ſhall be equal in Value to One Twentieth Part of the Whole of the ſaid Common and Waſte Lands, for and in lieu of and as a full Recompence and Satisfaction for the Rights of the Lords or Ladies of the ſaid ſeveral Manors, and every of them, to the Soil of the ſaid Common and Waſte Lands, the ſaid Twentieth Part ſo to be ſet out as aforeſaid, to be divided and proportioned between and amongſt the ſaid Lords or Ladies in ſuch Shares and Proportions as they the ſaid Commiſſioners ſhall think juſt and equitable; and the ſaid Commiſſioners ſhall, in the next Place divide, ſet out, allot, and

award all the Reſidue and Remainder of the ſaid Tracts of Common and Waſte Lands, unto and amongſt all and every the Perſon and Perſons aforeſaid, claiming and being finally adjudged to be entitled to Rights of Common, or other Right or Intereſt in or upon the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, according to the Number of Rights of Common, and the Value of any other Right or Intereſt which belong to each reſpective Perſon therein; and the ſaid Commiſſioners, in making ſuch Diviſion, ſhall have due Regard to the Quantity, Quality, and Situation of the Lands to be allotted to every Perſon reſpectively, not giving to any of the Perſons intereſted as aforeſaid any undue Preference in reſpect of any Allotment which ſhall be made, and ſo as the ſeveral Allotments to every Perſon be laid as near together, and contiguous to each other, and as near to every Proprietor's own Eſtate, as can conveniently be done.

Lords diſſatisfied with Allotment of 20th Part may appeal.

LXX. Provided always, and be it further enacted, That if any of the ſaid Lords or Ladies ſhall be diſſatisfied with the Quantity, Value, Situation, or otherwiſe, of the Allotment to be made by the ſaid Commiſſioners for Incloſure, for the ſaid Twentieth Part of the ſaid Reſidue of the ſaid Tracts of Common and Waſte Lands herein-before directed to be ſet out for the Right of Soil of the ſaid Lords or Ladies, or ſome of them, then and in ſuch Caſe it ſhall and may be lawful to and for any of the ſaid Lords or Ladies, within Three Months next after the ſaid Allotment ſhall have been made and notified to them, to give Notice to the ſaid Commiſſioners of ſuch their Diſſatisfaction touching the ſaid Allotment, and of their Objections thereto, and the Claims and Objections of ſuch Lords or Ladies ſhall be thereupon forthwith referred, by the ſaid Commiſſioners for Incloſure, to the Judgement of the ſaid Commiſſioners of Appeal reſpectively, who ſhall by ſuch Ways and Means as ſuch Commiſſioner of Appeal ſhall think proper, examine into the Nature of ſuch Claims and Objections, and make ſuch Determination relative thereto as he ſhall think juſt and equitable.

Appeal to Commiſſioners if Lords of Manors be diſſatisfied with Diviſion of the 20th.

LXXI. Provided alſo, and be it further enacted, That if any of the ſaid Lords or Ladies of Manors ſhall be diſſatisfied with the Diviſion and Apportionment to be made by the ſaid Commiſſioners for Incloſure, of the ſaid Twentieth Part of the ſaid Reſidue of the ſaid Tracts of Common and Waſte Lands herein-before directed to be ſet out for the Right of Soil of the ſaid Lords or Ladies, or ſome of them, then and in ſuch Caſe it ſhall and may be lawful to and for any of the ſaid Lords or Ladies to give Notice of ſuch their Diſſatisfaction to the ſaid Commiſſioners, within Three Months next after the ſaid Diviſion and Apportionment ſhall have been made, and notified to them, and of their Objections thereto; and the Claims and Objections of ſuch Lords or Ladies ſhall be thereupon forthwith referred by the ſaid Commiſſioners for Incloſure, to the Opinion and Determination of the ſaid Commiſſioners of Appeal reſpectively, who ſhall by Examination of Witneſſes upon Oath, (which Oath ſuch Commiſſioner of Appeal is hereby authorized to adminiſter), or by any other Proof or Evidence he may think proper, aſcertain the Right or Rights which ſhall be ſo claimed by any of ſuch Lords or Ladies as aforeſaid, and which ſuch Commiſſioner is hereby directed and required to do, within Three Months next after ſuch Reference made to him by the ſaid Commiſſioners for Incloſure as aforeſaid.

LXXII. And

LXXII. And be it further enacted, That if the ſaid Lords or Ladies of Manors, or any of them, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners of Appeal, touching the Quantity, Value, Situation, or otherwiſe, of the ſaid Allotment to be made by the ſaid Commiſſioners for Incloſure, for the ſaid Twentieth Part, or the Diviſion or Apportionment thereof, it ſhall be lawful for the Party or Parties ſo diſſatisfied, giving Notice in Writing thereof to the ſaid Commiſſioners for Incloſure, within Three Months after ſuch Determination, to have the Subject thereof tried at Law, upon a feigned Iſſue, to be ſettled by the proper Officer of the Court where ſuch Action ſhall be brought, in caſe the Parties differ about the ſame, ſuch Action to be brought within Six Months next after ſuch Determination ſhall have been made, againſt the ſaid Commiſſioners for Incloſure, who ſhall, and they are hereby required to appear to ſuch Action, accept a Declaration, and plead to iſſue, and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action, ſo as to have the ſame tried at the Firſt or Second Aſſizes to be holden for the County of *Norfolk* next after the commencing of ſuch Action, and the Verdict of the Jury on ſuch Trial ſhall be final and concluſive upon all the Parties intereſted therein, unleſs the Judge trying ſuch Iſſue ſhall certify the Verdict to be contrary to Evidence or Law.

Lords of Manors diſſatisfied may try their Rights at Law.

LXXIII. Provided always, and be it further enacted, That the Coſts, Charges, and Expences of any Reference to the ſaid Commiſſioner of Appeal, or of any Trial at Law, touching the Quantity, Value, Situation, or otherwiſe, of the Allotment to be made for the ſaid Twentieth Part, ſhall be paid, borne, and defrayed by the Party or Parties againſt whom ſuch Commiſſioner of Appeal ſhall decide, or the Verdict on ſuch Trial ſhall be given; and that all the Coſts, Charges, and Expences of the Diviſion and Apportionment of the ſaid Twentieth Part of the ſaid Tracts of Common and Waſte Lands, unto and amongſt the ſaid Lords and Ladies of Manors, or ſome of them, and of the Reference to the ſaid Commiſſioner of Appeal, concerning ſuch Diviſion and Apportionment, and of the Trials at Law herein-before mentioned and allowed to be had reſpecting the ſame, ſhall be borne and paid by and between the ſaid Lords and Ladies in Manner following, that is to ſay, the Charges and Expences of the ſaid Diviſion and Apportionment, by the ſeveral Lords or Ladies to whom the ſaid Lands ſhall be allotted, rateably and proportionably, and according to the Value of their reſpective Allotments, the ſame to be paid at ſuch Times and in ſuch Manner as the ſaid Commiſſioners for Incloſure ſhall order and direct, and the Coſts and Charges of ſuch Reference to the ſaid Commiſſioner of Appeal, concerning ſuch Diviſion and Apportionment, by ſuch of the ſaid Lords and Ladies, and in ſuch Proportions as the Commiſſioner of Appeal determining the ſame ſhall direct; and the Coſts, Charges, and Expences of any Trial at Law, concerning ſuch Diviſion and Apportionment by and between the ſaid Lords or Ladies, in Litigation, or in whoſe Behalf the Matters in Difference ſhall be tried, to be paid as between Party and Party in other Caſes of Trials at Law.

Coſts of any Reference or Trial to be paid by Parties.

LXXIV. And be it further enacted, That all ſuch Lands as ſhall be allotted and awarded, by virtue of this Act, ſhall, for ever after the Execution of the Award or Inſtrument herein-after directed to be made, be deemed

Allotments to be held by the ſame Tenure as Meſſuages for which they are allotted.

deemed to be of Freehold Tenure, or Copyhold or Cuſtomary Tenure, according to the Nature and Tenure of the Eſtate for which ſuch Allotments ſhall be made; and that ſuch Freehold, and alſo ſuch Copyhold or Cuſtomary Allotments, ſhall be deemed to be within and holden of the reſpective Manors whereof the reſpective Eſtates for which the ſame Allotments ſhall be made are reſpectively holden, and ſuch Copyhold or Cuſtomary Eſtates ſhall to all Intents and Purpoſes be held of the ſame in ſuch Manner, and by and under the like Reliefs and Fines, and be ſubject and liable to the ſame Cuſtoms and Services, and paſs by the like Surrenders, as the preſent Copyhold or Cuſtomary Eſtates for which ſuch Allotments ſhall be made are now held, and are ſubject and liable to; and that ſuch Reliefs and Fines ſhall be recovered and recoverable, and ſuch Services and Cuſtoms enforced, in the ſame Manner as the ſaid ancient Reliefs and Fines, Cuſtoms and Services, for the ancient Freehold and Copyhold Lands are recoverable and may be enforced.

Allotments to be in the Pariſhes in which the Meſſuages are ſituate.

LXXV. And be it further enacted, That the ſeveral Allotments hereby directed to be made ſhall be deemed to be and to lie reſpectively in ſuch Pariſh as the reſpective Manors, Meſſuages, Tofts, or other Rights or Intereſts for or in reſpect whereof ſuch Lands ſhall be ſo allotted are and do lie reſpectively, and ſhall be aſſeſſed to and charged with the Land Tax, Church Rates, Poor Rates, and other Pariſh Rates of thoſe reſpective Pariſhes, in the ſame Manner as the other Lands lying therein reſpectively are aſſeſſed and charged, to all Intents and Purpoſes; and that the ſaid Lands which ſhall be allotted by virtue of this Act to the ſaid Lords or Ladies, ſome or One of them, for their ſaid Twentieth Part, ſhall be deemed to be and lie in the Pariſh wherein their ſaid ſeveral Manors extend, and if the ſaid Manors ſhall extend into more than One of the ſaid Pariſhes, then rateably and in Proportion to the Number of Meſſuages, Tofts, or other Rights or Intereſts holden of the ſaid Manors, in each of the ſaid Pariſhes reſpectively; and that the ſaid Allotments to the ſaid Lords or Ladies ſhall reſpectively be aſſeſſed to and charged with the Land Tax, Church Rates, Poor Rates, and other Pariſh Rates of the ſaid reſpective Pariſhes accordingly, in the ſame Manner as the other Lands lying therein are aſſeſſed and charged, to all Intents and Purpoſes; and that the ſaid Commiſſioners ſhall ſet out the Allotments hereby directed to be made for the Meſſuages, Tofts, or other Rights or Intereſts in the ſaid ſeveral Pariſhes reſpectively, as near together as the Form of the ſaid Tracts of Common and Waſte Lands will admit of, ſo as the Whole of the ſaid Tracts of Common and Waſte Lands be laid out, into, and form ſeparate and diſtinct Pariſhes, with ſeparate and diſtinct Boundaries.

Allotments to be in lieu of all former Rights.

LXXVI. And be it further enacted, That the ſeveral Allotments to be ſet out and allotted by the ſaid Commiſſioners for Incloſure as aforeſaid, ſhall be, and they are hereby veſted in the Perſons reſpectively to whom ſuch Allotment ſhall be made in Manner aforeſaid, in full Bar, Satisfaction, and Compenſation, of and for all Right of Common, and all other Right and Intereſt whatſoever, in, over, and upon, the ſaid Tracts of Common and Waſte Lands reſpectively, or any Part thereof; and that, from and after the Execution of the Award or Awards to be made by the ſaid Commiſſioners for Incloſure as after-mentioned, all Profit, Right, and Intereſt whatſoever, belonging to or claimed by all and every Owner or Owners of

of any Right or Rights of Common thereon, in, over, and upon, the ſaid Tracts of Common and Waſte Lands, and every Part thereof, ſhall ceaſe, determine, and be for ever extinguiſhed.

Commiſſioners of Drainage may purchaſe Rights.

LXXVII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners for Drainage, and they are hereby authorized and empowered to contract for and purchaſe any Right of Fiſhery, or any other Right which they ſhall conſider and adjudge to be any Impediment or Obſtruction to the Paſſage of the Waters through any of the ancient Drains, or any other Drains which ſhall be hereafter made by Order of the ſaid Commiſſioners, for the Drainage of the ſaid Tracts of Common or Waſte Lands, or any Part thereof, in caſe they the ſaid Commiſſioners for Drainage ſhall think it expedient ſo to do, for the Improvement of the ſaid Drainage, and that they the ſaid Commiſſioners ſhall pay and diſcharge all Monies which they ſhall agree to give for any ſuch Purchaſe or Purchaſes, by and out of the Monies which ſhall be raiſed by them for the Purpoſes of Drainage, by virtue of this Act; and that every ſuch Right of Fiſhery or other Right which ſhall be ſo purchaſed, ſhall be conveyed by the Seller or Sellers thereof to the ſaid Commiſſioners, or their Succeſſors for the Time being, their Heirs and Aſſigns, or otherwiſe as Counſel ſhall adviſe, in Truſt nevertheleſs for all and every the ſeveral Proprietors of the ſaid Tracts of Common and Waſte Lands, their Heirs and Aſſigns.

Award.

LXXVIII. And be it further enacted, That the ſaid Commiſſioners for Incloſure, or any Two of them, ſhall, within the Space of Twelve Calendar Months next after completing the Diviſion and Allotment of the ſaid Tracts of Common and Waſte Lands, purſuant to the Directions of this Act, or as ſoon after as conveniently may be, make or cauſe to be made One or more Award or Awards, Inſtrument or Inſtruments, in Writing, with a Plan annexed thereto of the ſaid Tracts of Common and Waſte Lands to be divided and allotted by virtue of this Act, in which there ſhall be expreſſed and ſpecified the Quantity and Contents, in Statute Meaſure, of the Acres, Roods, and Perches, contained in the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen* reſpectively, ſo intended to be divided and allotted, and the Quantities and Contents, Situation, Abuttals, and Boundaries, of each and every Part thereof, which ſhall be aſſigned and allotted to each and every of the ſeveral Perſons intereſted in and entitled to the ſame, within the Intent and Meaning of this Act; and the ſaid Award or Awards, Inſtrument or Inſtruments, ſhall ſpecify the Number of Common Rights, and whether Freehold, Copyhold, or Leaſehold, to which, or in Right whereof ſuch Allotments ſhall be made, and ſhall be ſpecified in a Plan or Plans of the ſaid Tracts of Common and Waſte Lands, to be annexed to the ſaid Award or Awards; and the ſaid Award or Awards ſhall contain proper Orders and Directions concerning the fencing of all and every the Allotments, and alſo for laying out and keeping in Repair proper Roads, Ways, Paths, Paſſages, Bridges, Gates, Stiles, Ditches, and Fences, in, over, upon, and through, the ſaid Tracts of Common and Waſte Lands, and ſhall alſo expreſs and contain all ſuch other Orders and Directions as they the ſaid Commiſſioners for Incloſure ſhall judge proper and neceſſary to be inſerted therein, conformable to the Intent and Meaning of this Act; which ſaid Award or Awards, Inſtrument or Inſtruments, ſhall

be fairly engroſſed or written on Parchment, and ſigned and ſealed by the ſaid Commiſſioners for Incloſure, and within Three Calendar Months next after the ſame ſhall be ſo ſigned and ſealed, ſhall be inrolled in One of His Majeſty's Courts of Record at *Weſtminſter*, and afterwards delivered to the Clerk of the Peace for the ſaid County of *Norfolk* for the Time being, who is hereby required to receive and keep the ſame as Part of the Records of the ſaid County of *Norfolk*, to the Intent that all Perſons intereſted therein may have Recourſe to the ſame as often as there ſhall be Occaſion; and the ſaid Award or Awards, Inſtrument or Inſtruments, and the Orders and Directions contained therein, ſhall be binding and concluſive unto and upon all Parties intereſted in the ſaid Diviſion and Allotments to be made as aforeſaid; and a Copy of the ſaid Award or Awards, Inſtrument or Inſtruments, when inrolled as aforeſaid, or of the Inrolment thereof, or of any Part or Parts thereof, being ſigned or atteſted by the ſaid Clerk of the Peace or his Deputy, or by the proper Officer of the Court in which ſuch Inrolment ſhall be made as aforeſaid, or his Deputy, ſhall from Time to Time, and at all Times thereafter, be admitted and allowed in all Courts whatſoever as legal Evidence; and every Perſon intereſted in the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, or either of them, or in any Allotment or Allotments to be made as aforeſaid, ſhall have Liberty to inſpect the ſaid Award or Awards, Inſtrument or Inſtruments ſo depoſited, at all proper and reaſonable Times, upon paying the Sum of Two Shillings and Sixpence for every ſuch Inſpection; and every ſuch Perſon intereſted as aforeſaid ſhall have Liberty to take Copies of, or Extracts from, ſuch Award or Awards, when inrolled and depoſited as aforeſaid, or of or from the Inrolment thereof, on paying the uſual Fees paid in Caſes of the like Nature; and the ſaid Commiſſioners for Incloſure are hereby directed and required to give ſuch publick Notice of their having made and executed the ſaid Award or Awards, Inſtrument or Inſtruments, as they are herein-before directed to give of their Meetings for the executing of this Act.

Commiſſioners to give Notice of executing Award.

Proprietors to accept and fence their Allotments,

LXXIX. And be it further enacted, That all and every Perſon and Perſons to whom any Allotment or Allotments ſhall be made in purſuance of this Act, ſhall, and they are hereby required to accept his, her, and their reſpective Allotment and Allotments within ſuch Time as the ſaid Commiſſioners for Incloſure ſhall, by their ſaid Award or Awards, or by any other Inſtrument or Inſtruments in Writing under their Hands, and publick Notice being given thereof as aforeſaid, order and direct; and that all and every Perſon and Perſons to whom any Allotment or Allotments as aforeſaid ſhall be made reſpectively, and his, her, and their Heirs, Executors, Adminiſtrators, or Aſſigns, ſhall, within ſuch Time as the ſaid Commiſſioners for Incloſure ſhall, by their ſaid Award or Awards, Inſtrument or Inſtruments, order and direct for ſuch Purpoſe, at his, her, and their own Expences reſpectively, incloſe, ditch, and fence, his, her, and their ſeveral and reſpective Allotment and Allotments, in ſuch Manner as the ſaid Commiſſioners for Incloſure ſhall, in and by the ſaid Award or Awards, Inſtrument or Inſtruments, direct and appoint; and in caſe any Perſon or Perſons ſhall neglect or refuſe to accept his, her, or their Allotment or Allotments reſpectively, or to incloſe, ditch, and fence the ſame, in Manner and within the Time aforeſaid, the ſaid Commiſſioners for Incloſure are hereby authorized, empowered, and

directed, by Deed under their Hands and Seals, to let and demiſe ſuch Allotment or Allotments for ſuch Term or Number of Years, and for ſuch Rent or Rents, and upon ſuch Terms and Conditions, and unto ſuch Perſon or Perſons, as they the ſaid Commiſſioners for Incloſure ſhall think proper, and by themſelves or their Agents to receive and take the Rents to be reſerved on ſuch Leaſe or Leaſes, and to apply ſuch Rent or Rents in paying and defraying the Coſts and Charges of incloſing, ditching, and fencing ſuch Allotment or Allotments, until ſuch Coſts and Charges ſhall be fully paid and ſatisfied; and after ſuch Coſts and Charges ſhall be fully paid and ſatisfied, the Perſon or Perſons to whom ſuch Demiſes or Leaſes as aforeſaid ſhall be made, ſhall retain the Rents thereby to be reſerved, and thenceforth to grow due, until the ſame ſhall be demanded by the Owner or Owners of ſuch Allotment or Allotments as aforeſaid, without being liable to pay any Intereſt for ſuch Rents as ſhall be ſo retained.

Tenants for Life or in Tail, Guardians of Infants, Huſbands, Committees, &c. empowered to accept Allotments.

LXXX. And be it further enacted, That all Tenants for Life and in Tail, and the Guardians, Huſbands, Truſtees, Committees, Agents, or Attornies, appointed in due Form of Law, of any Perſon or Perſons being an Infant or Infants, or being under Coverture, or Lunatick, or beyond the Seas, or otherwiſe incapacitated by Law to accept of the Allotment or Allotments which ſhall be made to him, her, or them reſpectively, ſhall, and they are hereby reſpectively empowered, enabled, and required, to accept ſuch Allotment or Allotments as ſhall be made by virtue of this Act to or for the Uſe of ſuch Perſon or Perſons ſo incapacitated as aforeſaid reſpectively, and ſuch Acceptance ſhall be and is hereby declared to be as binding, valid, and effectual, to all Intents and Purpoſes whatſoever, as if the Perſon or Perſons for whom or for whoſe Uſe ſuch Allotment or Allotments ſhall be ſo accepted as aforeſaid were of full Age, uncovert, within the Realm, or capable of acting for themſelves, and had actually accepted the ſame reſpectively in their own proper Perſons or Perſon.

Their Non-acceptance not to prejudice any Claims.

LXXXI. Provided always, and be it further enacted, That in caſe any ſuch Tenant for Life or in Tail, Guardian, Huſband, Truſtee, Committee, Agent, or Attorney, appointed as aforeſaid, ſhall neglect or refuſe to accept and take ſuch Allotment ſo to be made as aforeſaid, ſuch Neglect or Refuſal ſhall not exclude or prejudice the Claim or Acceptance of any Perſon or Perſons being an Infant or Infants, Iſſue in Tail, in Reverſion, or Expectancy, Feme Covert, beyond the Seas, or under any other Diſability or Incapacity as aforeſaid, who ſhall claim or accept his, her, or their Allotment or Allotments within Twelve Calendar Months next after ſuch Diſability or Incapacity ſhall have been removed, nor ſhall the ſame prejudice the Claim or Acceptance of any Perſon or Perſons entitled in Remainder or Reverſion expectant on a Tenancy for Life or in Tail, or as Heir or Heirs to any Perſon or Perſons, after the Death of any Perſon or Perſons dying under any ſuch Diſability or Incapacity as aforeſaid, who ſhall claim or accept within Twelve Calendar Months after his, her, or their Right, Title, or Intereſt, ſhall be known by him, her, or them, to have deſcended, veſted, or accrued.

LXXXII. And

Tenants for Life, &c. may make Exchanges.

LXXXII. And be it further enacted, That for the more convenient Situation and Diſpoſition of the Lands to be allotted by virtue of this Act, it ſhall and may be lawful to and for the ſaid Proprietors, being Tenants for Life or in Tail, and the Guardians, Huſbands, Committees, Truſtees, Agents, or Attornies, of any Perſon or Perſons being Infants, under Coverture, Lunatick, or beyond the Seas, or otherwiſe incapable by Law to accept of the Allotment or Allotments which ſhall be allotted to them reſpectively, to exchange any Part of the ſaid Land which ſhall be allotted and belong to the ſaid Owners and Proprietors reſpectively as aforeſaid, for any other Lands which ſhall be allotted as aforeſaid to any other Proprietor or Proprietors by virtue of this Act, ſo as every ſuch Exchange be made by and with the Conſent and Approbation of the ſaid Commiſſioners for Incloſure, and be aſcertained, ſpecified, and declared, in the Award or Inſtrument herein-before mentioned; and that all and every ſuch Exchange and Exchanges ſo made ſhall be good, valid, and effectual, in the Law, to all Intents and Purpoſes whatſoever.

Money advanced for obtaining this Act, to be firſt repaid with Intereſt.

LXXXIII. And be it further enacted, That if any Perſon or Perſons ſhall advance and pay any Money in Diſcharge of the Fees or other Expences of obtaining and executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the ſaid Commiſſioners for Incloſure, together with lawful Intereſt for the ſame, out of the firſt Monies to be raiſed by them by virtue of this Act.

Expences to be paid by Proprietors of Allotments.

LXXXIV. And be it further enacted, That all the Coſts, Charges, and Expences, of obtaining this Act, receiving and aſcertaining Claims, ſurveying and meaſuring, eſtimating, regulating, and ſtinting, the ſaid Tracts of Common and Waſte Lands, and of the ſaid Commiſſioners of Appeal, ſhall be paid by each Proprietor when and ſo ſoon after as his or her Rights ſhall be aſcertained, and ſtinting aſſigned, and the Commiſſioners for Incloſure ſhall require; and alſo all the Coſts, Charges, and Expences, of planning, valuing, dividing, and allotting, the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, or either of them, in purſuance of this Act, and all the Coſts, Charges, and Expences, of forming and making the Roads, and of preparing and inrolling the Award or Awards, Inſtrument or Inſtruments, herein-before directed to be made, and all the Charges and Expences of the ſaid Commiſſioners for Incloſure, and Commiſſioners of Appeal reſpectively, and all other neceſſary Expences of the Perſons to be employed by them, and all other Coſts, Charges, and Expences, of putting this Act into Execution, ſo far as relates to the ſaid reſpective Commiſſioners, except where it is otherwiſe provided for and directed by this Act, ſhall be borne and paid by the ſeveral Perſons intereſted in the ſaid Tracts of Common and Waſte Lands, called *Marſhland Smeeth* and *Marſhland Fen*, hereby directed to be incloſed, divided, and allotted, in Proportion to the Value of their reſpective Allotments, which Proportions ſhall be aſcertained and ſettled by the ſaid Commiſſioners for Incloſure.

Lords and Ladies of Manors not

LXXXV. Provided always, and be it enacted, That the Lords or Ladies of the ſeveral Manors aforeſaid ſhall not, in reſpect of the ſaid

Twentieth Part to be allotted to them as before mentioned, be required to contribute to such Part of the said general Expences as may be occasioned by the regulating and stinting the said Tracts of Common and Waste Lands, or to the Costs, Charges, and Expences, attending the receiving, hearing, and determining, the Claims to the Rights of Common thereon, or of any Reference to the Commissioner of Appeal, or of any Suit or Suits which may be occasioned by any Person or Persons interested in the said Tracts of Common and Waste Lands, being dissatisfied with the Determination of the said Commissioners of Inclosure, or Commissioner of Appeal, touching his, her, or their Right, or respective Rights of Common, in, over, or upon, the said Tracts of Common and Waste Lands. to pay certain Expences.

LXXXVI. And be it further enacted, That the said Commissioners for Inclosure shall and may from Time to Time, when and as Occasion shall require, before the said intended Inclosure, Division, and Allotment, shall be made and completed, call upon all and every Person and Persons who shall by such Commissioners or the said Commissioners of Appeal be deemed to be the Owners and Proprietors of the said Tracts of Common and Waste Lands, called *Marshland Smeeth* and *Marshland Fen*, or any Part thereof, or having any Right or Rights of Common or other Rights thereon, according and in Proportion to the Nature and Value of such Rights respectively for such Sum or Sums of Money as they the said Commissioners for Inclosure shall from Time to Time judge necessary and requisite for the Purposes aforesaid, and of making and carrying on the said intended Inclosure, Division, and Allotment, pursuant to the Intent and Meaning of this Act. Commissioners to call for Money to carry on Works.

LXXXVII. And be it further enacted, That in case any Person or Persons shall neglect or refuse to pay such Sum or Sums of Money as shall be required of him, her, or them, by the said Commissioners for Inclosure, for the Purposes aforesaid, within the Time to be appointed by the said Commissioners, it shall be lawful for the said Commissioners for Inclosure, and they are hereby authorized and required to borrow and take up at Interest such Sum or Sums of Money, as shall have been so required of such Person or Persons, and by Indenture or Indentures under their Hands and Seals, from Time to Time to grant, mortgage, lease, and demise, the Share and Proportion of the Person or Persons so neglecting or refusing, of and in the said Lands to be allotted to and for him and them (and that before or after the same Lands shall be allotted) unto any Person or Persons who shall be willing to advance and lend the same, his, her, and their Executors, Administrators, and Assigns, for any Term or Number of Years, for securing the Repayment of the Principal Money so to be advanced and lent, with lawful Interest for the same, and with the Charges and Expences attending the borrowing the said Money, and the preparing and executing the Deeds for securing the same, which Charges and Expences shall be specified in the said Security, and made Part of the Consideration Money thereby to be secured; and the Receipt or Receipts of the said Commissioners for Inclosure, for such Consideration, shall be a sufficient Discharge to the Mortgagee or Mortgagees of the same Lands respectively, notwithstanding any Misapplication thereof; and every such Allotment made or to be made shall be subject to the Payment of the Sum or Sums of Money so to be required, Commissioners may borrow Money.

with Intereſt as aforeſaid, and to the Mortgage or Mortgages made or to be made for raiſing the ſame, according to the true Intent and Meaning of every ſuch Mortgage, notwithſtanding any Settlement, Gift, Will, Donation, Truſt, Uſe, Remainder, Limitation, or any other Incumbrances whatſoever of or concerning the ſame Lands or Grounds, or any Part or Parts thereof, then in being or capable of taking Effect to the contrary.

Truſtees, &c. empowered to borrow Money.

LXXXVIII. And be it further enacted, That it ſhall and may be lawful to and for the Truſtees or Feoffees of any Eſtate, Intereſt, or Property, for or in reſpect of which any Allotment ſhall be made by virtue of this Act, belonging to any Church, Chapel, College, School, Bridge, or other publick Truſt or Charity, and alſo to and for the Huſbands, Guardians, Committees, Truſtees, or Attornies, of or for the Owners of any ſuch Eſtate, Intereſt, or Property, in reſpect of which any Allotment ſhall be made by virtue of this Act, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwiſe incapable of acting for themſelves, and to and for every of them for the Time being, and to and for any of the Owners or Proprietors being Tenants in Tail or for Life only, and to and for every of them reſpectively for the Time being, from Time to Time to charge the Lands and Grounds which ſhall be ſet out or allotted to him, her, or them, either before or after ſuch Allotment ſhall be ſet out or allotted, with ſuch Sum or Sums of Money as ſhall be aſcertained and allowed by the ſaid Commiſſioners for Incloſure, not exceeding the Sum of Three Pounds *per* Acre, towards defraying the Charges and Expences of obtaining and paſſing this Act, and encloſing, dividing, allotting, and fencing, the Lands ſo allotted or to be allotted to him, her, or them; and for ſecuring the Repayment of ſuch Sum or Sums of Money, with Intereſt, to grant, mortgage, leaſe, or demiſe, or otherwiſe ſubject the ſaid Lands unto ſuch Perſon or Perſons as ſhall advance and lend ſuch Sum or Sums of Money reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, when ſuch Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied, and ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe, do alſo contain a Proviſo that the Perſon or Perſons entitled in Remainder or Reverſion to any of ſuch reſpective Lands ſhall not be liable, upon his, her, or their becoming poſſeſſed thereof, to the Payment of any further or larger Arrear of Intereſt than for Twelve Months immediately preceding the Time that his, her, or their Title to ſuch Poſſeſſion ſhall have commenced; and every ſuch Grant, Mortgage, Leaſe, or Demiſe, as aforeſaid, ſhall be good, valid, and effectual, in the Law for the Purpoſes hereby intended, notwithſtanding the Want of Title in the ſaid Huſbands, Guardians, Truſtees, Feoffees, Committees, or Attornies, or Perſons acting as Guardians, Truſtees, Feoffees, Committees, or Attornies, or Tenants in Tail or for Life, and notwithſtanding any Settlement, Will, Truſt, Uſe, Remainder, Limitation, or other Incumbrance, of or concerning the ſame Lands, or any Part or Parts thereof, then in being, or capable of taking Effect to the contrary.

LXXXIX. And

LXXXIX. And be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, or taken to extend, to revoke, make void, alter, or annul, any Will or Settlement, or to prejudice any Person having any Jointure, Dower, Portion, or Incumbrance, out of, upon, or anyway affecting any Estate, Right, or Interest, for or in respect of which any Allotment shall be made by virtue of this Act, nor any of the Lands so intended to be enclosed, divided, and allotted, by virtue of this Act, but that such Estate, Right, and Interest, and the several Lands and Grounds so to be divided, allotted, and enclosed, shall, immediately after such Allotment shall be made, remain, and enure, to and for such and the same Uses, Intents, and Purposes, and subject to such Charges and Incumbrances, as the Estate, Right, or Interest, in lieu or in respect whereof such Allotments shall be made as aforesaid now are, or would have been subject to in case this Act had not been made, but subject nevertheless, in the first Place, to such Mortgages or Securities as shall or may be made thereon respectively by the said Commissioners for Inclosure, under the Powers of this Act. Wills, &c. not to be prejudiced.

XC. And be it further enacted, That the said Commissioners for Inclosure herein-before named and appointed, or to be named and appointed as aforesaid, shall, and they are hereby required to keep or cause to be kept an exact Account in Writing of all and every Sum and Sums of Money by them, any, or either of them, or by any Person by their Order, received by virtue or for the Purposes of this Act, and of all and every their Expenditures relating thereto, and of the several Times of receiving, paying, laying out, and expending the same, and shall, at every of their respective Meetings to be holden in pursuance of this Act, permit any of the Proprietors of the said Lands to be enclosed, divided, and allotted, as aforesaid, to inspect any Account, with the Vouchers for any Money therein charged to have been paid by them, or any of them, or by their or any of their Order. Commissioners to account.

XCI. And be it further enacted, That every Receiver, Collector, Treasurer, Surveyor, and other Officer and Person to be appointed under the Authority of this Act, by the said Commissioners for Inclosure, shall, when thereunto required by the said Commissioners, render to the said Commissioners a true, exact, and perfect Account in Writing under their respective Hands, upon Oath, (which Oath any One of the said Commissioners is hereby empowered to administer) with proper Vouchers for all Monies which shall have been received and paid by them by virtue of their said Offices, to the Time of giving in such Account, and shall immediately pay to the said Commissioners, or to such Person or Persons as they the said Commissioners shall, by Writing under their Hands, authorize to receive the same, all such Monies as shall, upon balancing the said Account, be adjudged by the said Commissioners to be due from such Officers, and at the same Time deliver up the said Vouchers, and all Books and Writings relating to the said Offices, to the said Commissioners; and in case any such Receiver, Collector, Treasurer, or other Officer, shall not give in and make such Account and Payment as aforesaid, or shall refuse or neglect to deliver up all such Books and Writings to the said Commissioners, or to such other Person or Persons as they shall order and direct to receive the same, then and in either of the said Cases it shall and may be lawful for any Justice of the Peace for the Officers to account.

County of *Norfolk* aforeſaid, and he is hereby required to make Enquiry of ſuch Default in a ſummary Way, and if any ſuch Officer ſhall thereof be convicted, either by his own Confeſſion, or upon the Teſtimony of any Witneſs upon Oath, (which Oath the ſaid Juſtice is hereby empowered to adminiſter), the ſaid Juſtice ſhall commit the Party ſo offending to the Common Gaol of the County of *Norfolk*, or to any Houſe of Correction within the ſame County, there to remain, without Bail or Mainprize, until he ſhall have made a perfect Account and Payment as aforeſaid, and have delivered up all Writings and Books in his Cuſtody relating to the Matters in Queſtion, or ſhall have compounded and agreed with the ſaid Commiſſioners for the ſame, which Compoſition and Agreement the ſaid Commiſſioners are hereby empowered to make with the Officer or Officers who ſhall be appointed by them reſpectively.

For Recovery of Penalties.

XCII. And be it further enacted, That if any Perſon or Perſons, who ſhall be convicted before any Juſtice or Juſtices of the Peace of any Offence or Offences by this Act made ſubject to any pecuniary Penalty or Penalties, ſhall refuſe or neglect to pay the Penalty or Penalties, Sum or Sums of Money, ordered and directed by ſuch Juſtice or Juſtices to be paid for ſuch Offence or Offences, ſuch Juſtice or Juſtices is and are hereby authorized to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of every ſuch Offender or Offenders, by Warrant under his or their Hand and Seal, or Hands and Seals, and for Want or in Default of ſuch Goods and Chattels the Perſon or Perſons ſo offending ſhall, by the ſaid Juſtice or Juſtices, be committed to the Common Gaol of and for the ſaid County of *Norfolk*, for ſuch Time as ſuch Juſtice or Juſtices ſhall order and direct, not exceeding Six Months, or until ſuch Penalty ſhall be paid.

Penalties to be applied in general Works of Drainage.

XCIII. And be it further enacted, That the reſpective Fines, Forfeitures, and Penalties by this Act impoſed and inflicted, the Application whereof is not herein-before particularly directed, ſhall be paid into the Hands of the Collector or other Officer to be appointed by the ſaid Commiſſioners for Drainage, for collecting the Taxes to be laid and aſſeſſed by virtue of this Act, and ſhall be applied and diſpoſed of by the ſaid Commiſſioners in defraying the general Works of Drainage, and to and for no other Uſe or Purpoſe whatſoever.

Perſons aggrieved may appeal to the Quarter Seſſions.

XCIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this Act, then and in every ſuch Caſe (except where a Power of Appeal is herein-before given or directed, and alſo except where the Orders and Determinations of the Commiſſioners are directed to be final), he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be held for the County of *Norfolk*, within Six Calendar Months next after ſuch Cauſe of Complaint ſhall have ariſen, and the Juſtices at the ſaid Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Complaint, and to make ſuch Orders therein, and to award ſuch Coſts as they may think reaſonable, and to levy the Coſts which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners, after deducting

deducting the reaſonable Charges; which Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed by *Certiorari*, or any Writ or Proceſs, whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere.

Juſtices to cauſe Conviction to be made out in the following Form;

XCV. And be it further enacted by the Authority aforeſaid, That it ſhall and may be lawful for the Juſtice or Juſtices of the Peace, before whom any Perſon or Perſons ſhall be convicted of any Offence againſt this Act, ſubject to any pecuniary Penalty or Forfeiture, to cauſe the Conviction upon the ſame Offence to be made out in the Form or to the Effect following (*mutatis mutandis*) as the Caſe ſhall happen to be, any Thing in any former Act contained to the contrary thereof notwithſtanding; and every ſuch Conviction ſhall be good and effectual to all Intents and Purpoſes whatſoever, without ſtating the Caſe, or the Facts, or Evidence, in any more particular Manner; (that is to ſay),

Form of Conviction.

'(*Norfolk*, [or the County or Place where the Conviction ſhall be made.]) BE it remembered, That on this Day of in the Year of our Lord *A. B.* is duly convicted before me *C. D.* One of His Majeſty's Juſtices of the Peace of and for the ſaid [*or*, before us *C. D.* and *E. F. &c.* of His Majeſty's Juſtices of the Peace of and for the ſaid *as the Caſe ſhall happen to be*] in purſuance of an Act paſſed in the Year of the Reign of intituled, [*Here ſtate the Title of the Act*] for that the ſaid *A. B.* on the Day of now laſt paſt did [*Here ſtate the Offence againſt the Act, as the Caſe may be*] contrary to the Form of the Statute in that Caſe made and provided; and I [*or*, we, *as the Caſe may be*] do declare and adjudge that the ſaid *A. B.* hath forfeited for his [*or*, her, *as the Caſe may be*] ſaid Offence, the Sum of Given under my Hand [*or*, our Hands, *as the Caſe may be*] the Day and Year firſt above written.'

Conviction to be filed by the Clerk of the Peace, and not removeable by *Certiorari*, but ſubject to Appeal at the Quarter Seſſions.

Which Conviction the ſaid Juſtice or Juſtices ſhall cauſe to be written or printed, or partly written and partly printed, fairly upon Parchment, and returned to the next General Quarter Seſſions of the Peace to be then next afterwards holden for the ſaid County of *Norfolk*, to be filed by the Clerk of the Peace for the ſaid County of *Norfolk*, and there to remain and be kept among the Records of the ſaid Seſſion; and no ſuch Conviction ſhall be removed by *Certiorari* into any Court whatſoever, but ſhall be ſubject to Appeal before the Juſtices of the next Quarter Seſſions of the Peace for the ſaid County of *Norfolk*, whoſe Determination thereon ſhall be final and concluſive.

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

XCVI. And be it further enacted, That no Order, Rate, or Aſſeſſment, Determination, Judgement, Conviction, Warrant, or other Proceeding to be made touching or concerning any of the Matters aforeſaid, or touching or concerning any Offence againſt this Act, ſhall be quaſhed or vacated for Want of Form only, or be removed or removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His

Majeſty's Courts of Record at *Weſtminſter*, any Law or Statute to the contrary thereof in anywiſe notwithſtanding.

Diſtreſs not unlawful for Want of Form.

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

Limitation of Actions.

XCVIII. Provided always, 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 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 Months next after the Fact committed, or the Cauſe of ſuch Action ſhall have ariſen; and every ſuch Action ſhall be brought and laid in the ſaid County of *Norfolk*, and not elſewhere, and the Defendant or Defendants in every ſuch Action or Suit ſhall and may plead at his or their Election ſpecially, or the General Iſſue, and if in Replevin may juſtify and avow, by virtue of this Act, as Perſons acting by Authority of Commiſſioners of Sewers are enabled to do, and give this Act and the ſpecial Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance or by the Authority of this Act; and if upon the Trial of ſuch Action or Suit it ſhall appear to have been ſo done, or that ſuch Action or Suit ſhall be brought before the Expiration of Thirty Days next after ſuch Notice ſhall have been given as aforeſaid; or after ſufficient Satisfaction made or tendered as aforeſaid; or after the Time limited for bringing the ſame as aforeſaid; or be brought or laid in any other County than as aforeſaid; then and in every of the ſaid Caſes the Jury ſhall find a Verdict for the Defendant or Defendants, Avowant or Avowants; and in all Caſes where a Verdict ſhall be found for any Defendant or Defendants, Avowant or Avowants, in any ſuch Action or Suit; or the Plaintiff or Plaintiffs therein ſhall diſcontinue the ſame, after the Defendant or Defendants ſhall have appeared thereto, or ſhall be nonſuited, or if upon Demurrer Judgement ſhall be given againſt ſuch Plaintiff or Plaintiffs, then and in every ſuch Caſe the Defendant or Defendants, Avowant or Avowants, ſhall recover double Coſts, and have ſuch and the like Remedy for recovering the ſame as any Defendant or Defendants, Avowant or Avowants, hath or have for recovering Coſts of Suit in any other Caſe by Law.

Saving Rights of Commiſſioners of Sewers.

XCIX. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to invalidate, leſſen,

leſſen, alter, or take away any of the Rights, Powers, and Authorities veſted in any Perſon or Perſons whomſoever by virtue of any Commiſſion of Sewers for the County of *Norfolk*, but the ſame ſhall be and continue as full and effectual, to all Intents and Purpoſes, as if this Act had not been made, ſave and except ſuch Rights, Powers, and Authorities as are in and by this Act altered, reſtricted, or taken away.

The Rights of *Bedford Level* Corporation reſerved.

C. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend, to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, or Authorities veſted in the Governor, Bailiffs, and Commonalty of the Company of Conſervators of the Great Level of the Fens called *Bedford Level*, or in the ſaid Governor, Bailiffs, and Conſervators, by virtue of an Act, made in the Fifteenth Year of the Reign of King *Charles* the Second, intituled, *An Act for ſettling the Drainage of the Great Level of the Fens called* Bedford Level, or by any Act, Statute, or otherwiſe, nor to invalidate, leſſen, diminiſh, alter, or take away, any of the Rights, Powers, or Authorities of the Governor, Bailiffs, and Conſervators of the ſaid Corporation, as Commiſſioners of Sewers acting by Preſentment and Trial by Jury under the ſaid Act.

Saving of Manerial Rights.

CI. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice, leſſen, or defeat, the Right, Title, or Intereſt, of any Lord or Lords, Lady or Ladies, of any Manor or Manors within the ſaid Country of *Marſhland*, of, in, and to the Seigniories, Royalties, Rights, or Services, incident or belonging to ſuch Manor or Manors; but that all and every ſuch Lord or Lords, Lady or Ladies, ſhall and may, at all Times hereafter, hold and enjoy all Rents, Services, Rights, Fines, Courts, Perquiſites and Profits of Courts, Waifs, Eſtrays, and all other Royalties and Privileges, to the ſaid Manor or Manors reſpectively incident, appendant, belonging, or in anywiſe appertaining, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as he, ſhe, or they might have held or enjoyed the ſame in caſe this Act had never been made.

Saving Rights of Fiſheries in *Iſlington* Drain and Common.

CII. Provided always, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend, to prejudice, invalidate, diminiſh, or take away the Right, Title, or Intereſt of the Lords of the Manor of *Iſlington*, or any other Perſon or Perſons, in or to certain Piſcaries or Fiſhings in that Part of the Great Sewer of *Marſhland* extending from the Gool or Sluice called *Knight's Gool*, in *Iſlington* aforeſaid, to a Place called *Tilney Plank*.

General Saving.

CIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and all and every other Perſon and Perſons, Bodies Politick, Corporate, and Collegiate, his, her, and their Heirs and Succeſſors, Executors, and Adminiſtrators, (other than and except the ſeveral and reſpective Perſon and Perſons to whom any Allotment or Allotments ſhall be made by virtue of this Act, in reſpect to the Eſtate or Property, Right or Intereſt, for which ſuch Allotment or Allotments ſhall be made), all ſuch Eſtate and Intereſt, Benefit and Advantage, Claim and Demand whatſoever, as they, every, or any of them reſpectively had and

enjoyed, or might have had and enjoyed, of, in, to, or out of the ſaid Tracts of Common and Waſte Lands ſo to be drained, incloſed, divided, and allotted, by virtue of this Act, before the paſſing of this Act, or could have had and enjoyed in caſe this Act had not been made.

Publick Act.

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

FINIS.