



ANNO QUADRAGESIMO SECUNDO

# GEORGI II. REGIS.

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## Cap. 22.

An Act for dividing, allotting, inclosing, draining, and preserving the Open Fields, Marsh Lands, Fens, Commons, and Waste Grounds, within the Parish of *Runham*, in the County of *Norfolk*.

[15th April 1802.]

**W**HEREAS there are within the Parish of *Runham*, in the County of *Norfolk*, certain Open Fields, Marsh Lands, Fens, Commons, and Waste Grounds: And whereas *John Worship* Esquire, is or claims to be Lord of the Manor of *Runham Cleres*: And whereas the Honourable and Right Reverend *James* Lord Bishop of *Ely*, in Right of his See, is Appropriator of the Rectory of *Runham* aforesaid, and as such is entitled to the Great or Rectorial Tythes arising, renewing, and increasing within the said Parish of *Runham*; and *Edward Browne* Esquire, is the Lessee thereof; and the said Lord Bishop of *Ely*, in Right of his said See, is Patron of the Vicarage of *Runham* aforesaid; and *Eli Morgan Price* Clerk, is the Vicar thereof, and as such is entitled to certain Glebe Lands situate within the said Parish of *Runham*, and as such Vicar is also entitled to the Small Tythes arising, renewing, or increasing within the said Parish: And whereas the said *John Worship*, *Edward Brown*, and *Thomas Anson*; Esquires, *Arthur Womack*, and divers other Persons respectively, are Owners and Proprietors of all the Messuages,  
[Loc. & Per.] 4 F Cottages,

General Com-  
missioners.

Cottages, Lands, Tenements, and Hereditaments, situate within the said Parish of *Runham*: And whereas the said Marsh and Fen Lands, and the greater Part of the said Commons and Waste Grounds, are frequently overflowed with Water, and in their present State and Condition, for Want of a sufficient Drainage, yield but little Profit to the several Persons interested therein: And whereas it would be advantageous to the several Persons interested in the Premises, if the Rights of Common, and other Rights at present existing over the said Fens, Commons, and Waste Grounds were extinguished, and if the said Open Fields, Fens, Commons, and Waste Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons interested therein, according to their respective Estates, Rights, and Interests, and if such Marsh Lands, Fens, Commons, and Waste Grounds were drained; but as such Extinguishment, Allotment, and Drainage, cannot be made and effected without the 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 *Robert Cory* and *William Steward*, both of *Great Yarmouth* in the County of *Norfolk*, Gentlemen, and *James Boyce*, of the City of *Norwich*, Gentleman, and their Successors, to be elected in Manner herein mentioned, shall be and they are hereby appointed General Commissioners for dividing, allotting, and enclosing the said Open Fields, Marsh Lands, Fens, Commons, and Waste Grounds, and for draining certain Parts thereof, and for carrying this Act into Execution; and that all Acts, Matters, and Things authorized or necessary to be done and executed by the said General Commissioners, for effecting the Purposes aforesaid, may be done and executed by any Two of them, and the same shall be as valid and effectual as if such Acts, Matters, and Things had been done and executed by all the General Commissioners herein nominated or appointed.

Election of  
new Commis-  
sioners.

II. And be it further enacted, That if any of the said General Commissioners shall die, or refuse or become incapable to act in the Execution of the Powers hereby vested in him or them, before the Execution of the Award to be made by the said General Commissioners, it shall and may be lawful to and for the remaining or surviving General Commissioner or Commissioners, and he and they is and are hereby required, by Writing under his or their Hand or Hands, from Time to Time within Thirty Days after such Death, Refusal, or Incapacity of any such General Commissioner shall be known to him or them, to appoint another Person (not interested in the said intended Division and Inclosure), to be a General Commissioner in the Room or Stead, of every such General Commissioner so dying, refusing, or becoming incapable to act; and every General Commissioner so to be appointed as aforesaid shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this Act into Execution, as if he had been originally nominated a General Commissioner in and by this Act.

Notice of  
Meetings.

III. And be it further enacted, That the said General Commissioners shall and they are hereby required to cause Notice in Writing of the Time and Place of their First and every other Meeting for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County

of *Norfolk*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said General Commissioners, not more than One of the said General Commissioners shall attend, the General Commissioner so attending may adjourn such Meeting to such Time and Place, within Eight Miles of the said Parish of *Runham*, as shall be by him deemed most convenient.

IV. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said General Commissioners, shall be so made and given by Advertisement in the said *Norfolk Chronicle* or *Norwich Mercury*, or in case neither of them shall be then published, then in some other Newspaper circulated in the said County of *Norfolk*.

Other Notices  
to be given.

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

Respecting  
Encroach-  
ments.

VI. And be it further enacted, That in order to shorten the Boundary Fences between the said Parish of *Runham* and the adjoining Parishes, it shall and may be lawful to and for the said General Commissioners (with the Consent in Writing under the Hand of the Lord of the Manor, and the Hands of the major Part in Value of the Land Owners in any Parish interested in any Commons or Waste Grounds adjoining to the said Parish of *Runham*, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made), to set out, ascertain, and determine the Boundary Fences to be made between the said Fens, Commons, and Waste Grounds, and the other Lands adjoining to the Lands and Grounds hereby intended to be divided, allotted, and enclosed, in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be set out, ascertained, and determined as aforesaid, the same shall be fenced by such Person or Persons, in such Manner, and at such Time or Times, as the said General Commissioners shall order and direct in and by their Award, and shall be for ever thereafter deemed and taken to be the Boundaries between the said Parish of *Runham* and such adjoining Parish or Parishes; any Law, Usage, or Custom to the contrary notwithstanding.

For shorten-  
ing Boundary  
Fences.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Allotment, touching or concerning the Right to the Soil of the said Fens, Commons, and Waste Grounds, or any Part or Parts thereof, or touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division and Allotment, it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required to enquire

Commission-  
ers to settle  
Disputes.

enquire into, hear, and finally determine the same; save and except as is herein-after mentioned.

Powers to assess Costs.

VIII. And be it further enacted, That in case the said General Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, see cause to award any Costs, it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said General Commissioners shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try Rights by an Issue at Law.

IX. Provided always, and be it enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said General Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Fens, Commons, and Waste Grounds, or of any Rights of Common, or other Rights or Interests, in, over, or upon the Lands and Grounds herein directed to be divided, allotted, and enclosed, or any Part thereof, it shall and may be lawful to and for the Person or Persons so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said General Commissioners, at the then next or at the following Assizes to be holden for the said County of *Norfolk*; and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said General Commissioners, shall cause an Action to be brought, upon a feigned Issue, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said General Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is, and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politick, Corporate, or Collegiate, unless the Courts wherein such Action or  
 Actions

Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful to and for the said Court to do in case the said Court shall think proper; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said General Commissioners shall, and they are hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

X. Provided also, That nothing in this Act contained shall extend, or be construed to extend, so as to authorize the said General Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever. General Commissioners not to determine Titles.

XI. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons in or to any Messuages, Lands, Tenements, or Hereditaments whatsoever, for or in respect of which any Right of Common, or other Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and enclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said General Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Division and Allotments shall be proceeded in notwithstanding such Suit or Suits, and may be had and taken by the Person or Persons who, upon the Determination of such Suit or Suits, shall become entitled to the same. Suits respecting Titles not to delay the Execution of this Act.

XII. And be it further enacted, That the said General Commissioners shall and they are hereby authorized and required, by such Agents, Workmen, and Labourers as they shall think fit to employ, to make and erect all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, in, through, over, and upon the Marsh Grounds, Fens, Commons, and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, as they the said General Commissioners shall judge proper and expedient for effectually draining all or such Parts of the said Lands and Grounds as in their Opinion shall require to be drained; and to purchase any Mill or Mills, or other Works for that Purpose, and to erect such Houses or other Buildings for the Habitation of the Person or Persons who shall have the Care or Superintendance of the said Works of Drainage, or any of them, or for depositing Stores or Materials necessary for the making or maintaining of such Works, as they the said General Commissioners shall think proper; and also to make a Dyke through any Part of the said Lands and Grounds, to the common River adjoining thereto, to be used as a common or publick Boat Dyke by the Owners and Occupiers of Estates within the said Parish of *Runham* for the Time being, for the Conveyance of Corn, Manure, and other Things to and from the said River; and that the said General Commissioners shall set out and allot unto the Commissioners for Drainage herein after appointed, the Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, Houses, Buildings, and Boat Dyke so to be made and erected, or purchased by them, and such Parts of the said Lands and Grounds to be drained by them by virtue of this Act, as they shall think proper for the maintaining or preserving of the same, and also a Piece or Pieces of Drainage Clause.

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Ground

Ground adjoining to the said Boat Dyke, to be used as a publick Staith or publick Staithes by the Owners and Occupiers of Estates within the said Parish of *Runbam* for the Time being, for the laying and depositing thereon the Corn, Manure, and other Things which shall be conveyed, or shall be intended to be conveyed, from the said River by Means of the said Boat Dyke.

Allotment for  
the Poor.

XIII. And be it further enacted, That the said General Commissioners shall (after they have set out and appointed the publick Carriage Roads and Highways through and over the Lands and Grounds intended to be divided, allotted, and enclosed by this Act), assign, set out, and allot, unto the Lord of the aforesaid Manor, the Rector of the said Rectory, the Vicar of the said Vicarage of *Runbam*, and the Churchwardens and Overseers of the Poor of the said Parish of *Runbam* for the Time being, such Part of the said Fens, Commons, and Waste Grounds, as in the Judgement of the said General Commissioners shall be equal in Value to One-Fifteenth Part of the average Value of the said Fens, Commons, and Waste Grounds; and such said Allotment or Allotments shall, on the Execution of the Award of the said General Commissioners, be vested in the Lord of the said Manor, the Rector of the said Rectory, the Vicar of the said Vicarage, and the Churchwardens and Overseers of the Poor of the said Parish of *Runbam* for the Time being for ever, as Trustees for the Poor of the same Parish; and the said Trustees, or the major Part of them, are hereby empowered and required from Time to Time, by Writing under their Hands and Seals, to lease or demise the said Allotment to any Person or Persons whomsoever for any Term not exceeding Twenty-one Years; so that in every such Lease there be reserved and made payable to the Trustees for the Time being, or the major Part of them, by Two equal Half-yearly Payments, the most improved yearly Rent or Rents that can be obtained for the same, without taking any Income, Fine, Premium, or Foregift in consideration of granting such Lease or Leases; and that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations, and such Security for the Performance of the same, as the said Trustees, or the major Part of them, shall think proper to be inserted therein; and the Rents and Profits arising from such Allotment or Allotments shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed amongst the poor Inhabitants of the said Parish of *Runbam* who shall be legally settled therein, and shall not occupy Lands or Tenements of more than the yearly Value of Five Pounds, in such Proportions and Quantities, at such Time or Times in each and every Year, and according to such Rules, Orders, and Regulations, as the said Trustees for the Time being, or the major Part of them, shall prescribe and appoint for that Purpose, and not otherwise.

Application of  
Overplus  
Rents.

XIV. Provided always, That in case the Rents and Profits of such Allotment or Allotments shall at any Time or Times be more than sufficient to answer the several Purposes for which the same is and are hereby directed to be set out, then and so often it shall and may be lawful to and for the said Trustees for the Time being, or the major Part of them, to apply and dispose of the Overplus of such Rents and Profits, for the Relief and Benefit of the Poor for whose Benefit such Allotment or Allotments

ments shall be so set out in such Manner as the said Trustees, or the major Part of them, shall think proper.

XV. Provided also, That it shall and may be lawful to and for the Lord of the said Manor, and the Rector of the said Rectory, and Vicar of the said Vicarage for the Time being; to act in the Execution of the Trusts hereby in them reposed, by their Agents or Proxies respectively, such Agents or Proxies respectively being appointed by Writing or Writings under the Hands of such Lord, Rector, and Vicar respectively, for the Time being, and producing their respective Appointments at the Time of their acting by virtue thereof.

Lord of the Manor, etc. to act by Proxy.

XVI. And be it further enacted, That the said General Commissioners shall in the next Place assign, set out, and allot, unto the Surveyors of the Highways within the said Parish of *Runham*, such Parts of the said Fens, Commons, and Waste Grounds hereby directed to be divided and allotted, as the said General Commissioners shall think necessary, not exceeding Two Acres in the Whole, as and for publick Watering Places for Cattle, and as and for publick Sand, Gravel, Clay, and Chalk Pits; and such Allotment or Allotments, when set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands, Tenements, and Hereditaments within the said Parish, and their Tenants for the Time being, in such Manner, and under such Rules, Orders, and Regulations, as the said General Commissioners shall by their Award direct or appoint.

Allotments for Watering Place, Gravel, etc.

XVII. And be it further enacted, That the said General Commissioners shall in the next Place assign, set out, and allot, unto the Lord of the said Manor, such Part of the said Fens, Commons, and Waste Grounds, as in the Judgement of the said General Commissioners shall be equal in Value to One-Eighteenth Part of the said Fens, Commons, and Waste Grounds; and such Allotment or Allotments shall be a full Compensation and Recompence to the said Lord for his Right, as Lord of the said Manor, in and to the Soil of the said Fens, Commons, and Waste Grounds.

Allotment for Right of Soil.

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby required to divide and allot the said Open Fields unto and amongst the several Owners and Proprietors thereof, according to their several and respective Rights and Interests therein.

Open Fields to be allotted.

XIX. And be it further enacted, That the said General Commissioners shall then assign, set out, and allot the Residue and Remainder of the said Fens, Commons, and Waste Grounds hereby directed to be divided and allotted, unto and amongst all and every Person and Persons, Body and Bodies Politick, Corporate, or Collegiate, having any Right or Rights of Common, or other Rights or Interests, in, over, or upon the same, or any Part or Parts thereof, in such Parts and Shares as the said General Commissioners shall adjudge and determine, in Proportion, and according to and in lieu of and full Satisfaction and Compensation to him, her, and them respectively, for his, her, and their respective Estates and Rights of Common, or other Rights or Interests, in, over, or upon the said Fens, Commons, and Waste Grounds, or any Part or Parts thereof.

Allotment of the Residue.

XX. Pro-

Allotments to  
be made to  
Purchasers.

XX. Provided always, That if any Person hath sold, or contracted or agreed to sell, or shall, at any Time before the Execution of the said Award, sell, or contract or agree to sell, his or her Right, Interest, or Property in, over, or upon the said Fens, Commons, and Waste Grounds, or any Part thereof, to any other Person, then and in every such Case it shall and may be lawful to and for the said General Commissioners, and they are hereby directed, authorized, and required, to make an Allotment of Land unto the Vendee or Purchaser in such Sale, Contract, or Agreement, or to his or her Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold, or contracted or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his and her Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Agreement  
for Great  
Tythes.

XXI. And be it further enacted, That it shall not be lawful to or for the Owner or Owners, Proprietor or Proprietors for the Time being, of the Great or Rectorial Tythes arising, renewing, or increasing within the said Parish of *Runham*, to demand or take any Tythe, or any Composition, Satisfaction, or Compensation in lieu thereof, from the Owner or Owners, Occupier or Occupiers, of any Part or Parts of the said Fens, Commons, and Waste Grounds, for the Term of Three Years next after Execution of the Award to be made by the said General Commissioners, for or in respect of any such Allotment or Allotments.

Agreement  
for Vicar's  
Tythes.

XXII. And be it further enacted, That it shall not be lawful to or for the Vicar of the said Vicarage of *Runham* to demand or take any Tythe, or any Composition, Satisfaction, or Compensation in lieu thereof, from the Owner or Owners, Occupier or Occupiers, of any Part or Parts of the said Fens, Commons, and Waste Grounds, for the Term of Three Years next after Execution of the Award to be made by the said General Commissioners, for or in respect of any such Allotment or Allotments.

No Turves to  
be cut without  
Leave, etc.

XXIII. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Whins, Furze, Reeds, Rushes, Fodder, Turves, or Flags, in, upon, or from the said Fens, Commons, and Waste Grounds, or any Part thereof, without or contrary to the Licence of the said General Commissioners first had and obtained in Writing for that Purpose (which Licence the said General Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions as they shall think proper to insert therein), then and in every such Case it shall and may be lawful to and for any Justice of the Peace for the said County of *Norfolk*, upon due Proof thereof made before him, on the Oath of any credible Witness or Witnesses (which Oath such Justice is hereby empowered to administer) to commit every such Offender to the Common Gaol or House of Correction for any Time not exceeding Two Calendar Months.

XXIV. And



XXIV. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized, at any Time or Times before the Execution of the said Award, by Notice in Writing under their Hands, to be affixed upon the Door of the Parish Church of *Runham* aforesaid, to order and direct all or any Part of the Rights of Common in, over, or upon the said Fens, Commons, and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Door, cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

For extinguishing or suspending Rights of Common before the Award.

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

For leaving Gaps.

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

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

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spect whereof such Lands and Premises shall be allotted and exchanged are now holden under and subject to; and the said General Commissioners shall, by their Award, determine, describe, and abut the Messuages, Cottages, Lands, and Grounds respectively, which are to be and remain Copyhold or Leasehold; and all other Messuages, Cottages, Lands, and Grounds to be allotted or exchanged by virtue of this Act (except such as shall be so ascertained by the said General Commissioners to be Copyhold or Leasehold), shall be thenceforth deemed, taken, and enjoyed as Freehold Messuages, Cottages, Lands, and Premises, subject nevertheless to such Free Rents and Services as are now due or payable out of or for the respective Messuages, Lands, Tenements, or Hereditaments, for or in respect whereof the same shall or may be allotted or exchanged.

Tenants to give up allotted Lands, etc.

XXVII. And be it further enacted, That all and every the Tenants and Occupiers under any Lease or Agreement for any Term of Years of any Open Fields within the said Parish of *Runbam*, which shall be allotted by virtue of this Act, shall (immediately after the signing the Award of the said General Commissioners, or within such further Time as the said General Commissioners shall appoint, and whereof Notice in Writing shall be given for that Purpose), give and resign up the full and peaceable Possession of such allotted Lands to the Person or Persons to or with whom the same shall be respectively allotted; such Tenants and Occupiers of such allotted Lands receiving from the respective Owners and Proprietors thereof, such Satisfaction as the said General Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenant or Tenants respectively on Account thereof, as an Equivalent for the Loss or Losses he, she, or they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid, shall not be paid to the Person or Persons entitled to receive the same, within Fourteen Days after Demand made thereof, it shall and may be lawful to and for the said General Commissioners, and they are hereby required, to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, may be raised and recovered.

Leases void as to Allotments of Common.

XXVIII. And be it further enacted, That all and every Lease and Leases of any Messuages, Lands, or Tenements within the said Parish of *Runbam*, shall, as far as such Lease or Leases affect or concern any Allotment or Allotments to be made of any Part of the said Fens, Commons, and Waste Grounds, in respect of any such Messuages, Lands, or Tenements comprized in such Lease or Leases, be, and the same is and are hereby declared to be null and void as to such Allotment and Allotments, and such Allotment and Allotments shall be made and assigned unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees; and such Allotment and Allotments shall be freed and discharged from all the Right and Interest which may or otherwise might be claimed in or to the same by virtue of such Lease or Leases; and the Person or Persons to whom the Messuages, Lands, or Tenements comprized in such Lease or Leases shall belong, as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same under such Lease or Leases, as the said General Commissioners shall by Writing under their Hands direct, for the Right of Common, or any other Rights or Interests,

Interests, in, over, and upon the said Fens, Commons, and Waste Grounds, or any Part thereof, appendant or appurtenant to such Messuages, Lands, or Tenements, and which shall be extinguished by this Act; and if any such Person or Persons shall refuse or neglect to make such Compensation to the Person or Persons entitled thereto, on Demand, then and in such Case it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required, to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised or levied.

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

Money advanced to be repaid with Interest.

XXX. And be it further enacted, That the Costs, Charges, and Expences of inclosing the Allotments which shall, by virtue of this Act, be made to the said Rector, in Right of his said Rectory, and Vicar, in Right of his said Vicarage of *Runbam* respectively, and of inclosing the Allotments hereby directed to be made to the Lord of the said Manor, and the Rector, Vicar, Churchwardens, and Overseers of the Poor of the said Parish of *Runbam*, in Trust as aforesaid, and of inclosing the Allotments hereby directed to be made to the Surveyors of the Highways within the said Parish of *Runbam*, and to the Commissioners for Drainage herein-after appointed, and all the Costs and Charges incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, valuing, dividing, allotting, draining, and exchanging the Lands, Grounds, and Premises to be divided, allotted, drained, and exchanged by virtue of this Act, and of preparing and inrolling the Award of the said General Commissioners, and all the Charges and Expences of the said General Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said General Commissioners in and about the Premises, either before or after the Execution of the said Award, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said General Commissioners, and all other Expences of carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the said Rector and Vicar of *Runbam* aforesaid, in respect of any Allotment which shall be made to them respectively, in Right of the said Rectory and Vicarage; and the Lord of the said Manor, the Rector, Vicar, Churchwardens, and Overseers of the Poor of the said Parish, for the Time being, for and in respect of any Allotment or Allotments which shall be made to him or them in Trust as aforesaid; also save and except the Surveyors of the Highways within the said Parish of *Runbam*, for or in respect of the Allotments hereby directed to be made to them, and the said Commissioners for Drainage for the Time being as aforesaid; and also save and except such Person or Persons whose Real Property

For defraying Expences of this Act.

Property within the said Parish of *Runbam*, or elsewhere, shall not, in the Judgement of the said General Commissioners, exceed the yearly Value of Five Pounds, or who shall not be possessed of Personal Property to the Amount of One hundred Pounds at the Time of making the said Allotments), in such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said General Commissioners shall appoint.

General Commissioners to lay Accounts before Two Justices Once every Year.

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

Proprietors, etc. to pay their Expences.

XXXII. Provided always, That the said Proprietors, their Attornies, and Agents, shall pay their own Expences, when they or any of them shall attend the said General Commissioners at any of their Meetings to be holden in pursuance of this Act.

Wills, etc. not to be affected.

XXXIII. Provided always, That nothing in this Act contained shall extend, or be construed to extend, so as to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, enclosed, or exchanged as aforesaid, or any Part or Parts thereof respectively, but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the said Award to be made by the said General Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been made.

Award to be deposited.

XXXIV. And be it further enacted, That the Award to be made by the said General Commissioners, when inrolled in Manner directed by an Act made in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, shall be deposited in the Parish Church

Church of *Runham* aforesaid, or in such other Place as the said General Commissioners shall appoint.

XXXV. And be it further enacted, That the said General Commissioners shall, at or before the Execution of the said Award, make or cause to be made such Compensation in Money as they shall think proper, for any Land or Ground which shall be taken or used for the making or erecting of the said Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, Houses and Buildings, or any of them, or set out or allotted for repairing or preserving the same, to the Proprietor or Proprietors of the Part or Parts of the said Lands and Grounds so to be taken, used, set out, or allotted for the Purposes above mentioned, or any of them, by the several Proprietors interested in such Drainage; and such Money shall and may be levied and recovered as the Costs, Charges, and Expences of obtaining and executing this Act may be levied and recovered; and such Money shall, when received by the said General Commissioners, be applied in the Discharge of such Proportion of the Charges and Expences of obtaining and executing this Act, as the Proprietor or Proprietors whose Lands shall have been so taken, used, set out, or allotted, shall be subject or liable to pay, and the Overplus (if any) shall be by them paid to the Person or Persons entitled to the same: Provided always, that if any Body Politick, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or any Person acting as Guardian, Committee, or Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other Cestuique Trust, or any Person or Persons whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, shall be entitled to receive such Sum of Money or Overplus, the same shall be by the said General Commissioners applied and disposed of in Manner directed by the said recited Act, made in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts.*

Compensation to be made for Lands taken.

XXXVI. And be it further enacted, That the Lord or Lords, Lady or Ladies of the said Manor, and the Rector of the said Rectory, and Vicar of the Vicarage of the said Parish of *Runham* for the Time being, and each and every Owner or Proprietor of Twenty Acres of Land to be drained by virtue of this Act, shall, from and after the Execution of the Award herein directed to be made by the said General Commissioners, be, and they are hereby appointed Commissioners for the Purpose of draining the said Marsh Lands, Fens, Commons, and Waste Grounds.

Commissioners for Drainage appointed.

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

Appointment of Deputy Commissioners for Drainage.

[*Loc. & Per.*]

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Purposes

Purposes of this Act, for more than One Commissioner for Drainage at any One Time.

Commissioners to take an Oath or Affirmation.

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

‘ I *A. B.* do swear [*or*, being of the People called *Quakers*, do solemnly affirm], That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Commissioner for Drainage, appointed in and by an Act made in the Forty-second Year of the Reign of His Majesty King *George* the Third, intituled, *An Act for dividing, allotting, inclosing, draining, and preserving the Open Fields, Marsh Lands, Fens, Commons, and Waste Grounds, within the Parish of Runham, in the County of Norfolk.*

‘ So help me GOD’.

Which Oath or Affirmation it shall and may be lawful to and for any One of the said Commissioners for Drainage to administer to any other of the said Commissioners for Drainage.

Persons acting not being qualified, to forfeit 20*l.*

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

Times and Places of holding Meetings.

XL. And be it further enacted, That the said Commissioners for Drainage shall, and they are hereby required to hold their First Meeting for carrying this Act into Execution, in the said Parish of *Runham*, on the First *Monday* in the Month next after the Execution of the said Award by the said General Commissioners, between the Hours of Ten and Twelve of the Clock in the Forenoon; and the said Commissioners for Drainage shall meet on the First *Monday* in the Month of *May* in each and every Year, between the Hours of Ten and Twelve of the Clock in the Fe-  
noon

noon, in the said Parish of *Runham*; which last mentioned Meeting shall be called *The General annual Meeting of the said Commissioners for Drainage*; and the said Commissioners for Drainage shall and may from Time to Time adjourn themselves to meet at any convenient Place within the said Parish, or within Eight Miles thereof, which they the said Commissioners for Drainage, or the major Part of them present at any such Meeting shall appoint; and if it shall so happen that there shall not appear a sufficient Number of the said Commissioners for Drainage at any such Meeting to act, or to adjourn to another Day, (Two Commissioners for Drainage to be deemed sufficient for the Purpose of Adjournment), or if they shall refuse or neglect to adjourn, or if any Two or more of the said Commissioners for Drainage shall deem a Meeting of the said Commissioners for Drainage to be necessary or proper before the Time appointed for the then next General annual Meeting, or Meeting by Adjournment of such Commissioners, then and in every or any such Case it shall and may be lawful to and for any Two or more of the said Commissioners for Drainage, to call a Meeting to be holden within the said Parish of *Runham*, by Writing under their Hands, affixed to the Door of the Parish Church of *Runham*, and by publishing the same in the *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper printed and circulated in the said County of *Norfolk*, Eight Days at least previous to the Time of such Meeting; and no Act of the said Commissioners for Drainage shall be good or valid unless done at some publick Meeting to be holden by virtue of this Act, (save as may be herein excepted); and that all Powers and Authorities granted to or vested in the said Commissioners for Drainage, shall and may from Time to Time be exercised by the major Part of them present at any Meeting, the whole Number present at such Meeting not being less than Five; and the said Commissioners for Drainage shall at all their Meetings in pursuance of this Act, be allowed Ten Shillings each *per Day*, out of the Monies to arise by virtue of this Act, and no more, towards their Expences, so that no such Allowance do in the Whole exceed the Sum of Four Pounds *per Day* at every such Meeting of the said Commissioners for Drainage.

XLI. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Commissioners for Drainage, relative to the Execution of this Act, and of the Names of the Commissioners for Drainage, who shall be present at their respective Meetings, and the same shall be signed with the Name of the Clerk to the said Commissioners for Drainage; and all such Entries being so signed shall be deemed Originals, and shall be allowed to be read in Evidence in all Courts whatsoever, in all Cases, Suits, and Actions touching any Thing done in pursuance of this Act.

Entries of Proceedings to be good Evidence.

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

Actions to be in the Name of the Clerk.

Action or Actions as shall be prosecuted between the said Commissioners for Drainage and their Clerk for the Time being, in which Action any One of the said Commissioners for Drainage, shall or may be made Plaintiff or Defendant, as the Case shall be: Provided always, that every such Clerk or Commissioner for Drainage, in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or chargeable with by reason of his being so made Plaintiff or Defendant therein.

For appoint-  
ing Officers:

XLIII. And be it further enacted, That the said Commissioners for Drainage shall and may, at their First or any subsequent Meeting, appoint a Clerk or Clerks, Treasurer, Surveyor, and such other Officer or Officers for the Execution of this Act, as the said Commissioners for Drainage shall think proper, and from Time to Time to remove them or any of them, and appoint others, as they shall find necessary or convenient; and by and out of the Monies to be raised by this Act, may and they are hereby empowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by them the said Commissioners for Drainage employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners for Drainage shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid, as the said Commissioners for Drainage shall think proper; and all such Officers and Persons so to be appointed as aforesaid, shall, under their Hands, at such Time or Times, and in such Manner as the said Commissioners for Drainage shall direct, deliver to such Commissioners for Drainage, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and also of all Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purpose, together with the proper and legal Receipts or Vouchers for such Payments; and shall pay all such Monies as shall remain in their respective Hands, to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint; and all the said Officers and Persons so accounting as aforesaid, shall upon Oath verify their said Accounts, (which Oath any One of the said Commissioners for Drainage is hereby empowered to administer); and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not deliver to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint, within Twenty Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in their respective Hands, to the said Commissioners for Drainage, or as they shall direct and appoint, then and in any of the Cases aforesaid, such Commissioners for Drainage may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid; or if Complaint shall be  
made



made by the said Commissioners for Drainage, or by such other Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons, so neglecting or refusing, shall be and reside, such Justices may and are hereby authorized and required, by Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons, so refusing or neglecting to be brought before them, and upon his or their appearing, or not being found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath such Justices are hereby empowered to administer), it shall appear to such Justices that any of the Money that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and they are hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively, and if no Goods or Chattels of such Officer or Officers, Person or Persons can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justices upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath the said Justices are hereby empowered to administer), that any such Officer or Person shall not have made and rendered, or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not have delivered to the said Commissioners for Drainage, or to such Person or Persons as they shall have appointed, within Twenty Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his or their Custody or Power; relating to the Execution of this Act, then and in any of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County of *Norfolk*, there to remain, without Bail or Mainprize, until he shall make and give a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Commissioners for Drainage, and shall have paid such Composition in such Manner as they shall appoint, (which Composition the said Commissioners for Drainage are hereby empowered to make), and until he shall deliver up such Books, Papers, Vouchers, and Writings as aforesaid, or give Satisfaction in respect thereof, to the said Commissioners for Drainage.

XLIV. And be it further enacted, That the said Commissioners for Drainage shall be, and they are hereby fully empowered from Time to Time, by such Agents or Persons as they shall think proper to employ, to support, maintain, repair, and improve all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works as shall be made or erected by the said General Commissioners in, through, over, or upon the Lands and Grounds to be drained by virtue of this Act, for the Purpose of draining the same, and from Time to Time to renew such of them as shall fall into Decay and become incapable of being repaired, and also to make and erect all such other Drains, Dams, Banks, Mills, Sluices, Engines, Bridges,

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and other Works, as shall appear to the said Commissioners for Drainage to be necessary for effectually draining the said Lands and Grounds, all which Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, to be made or erected by the said General Commissioners, or by the said Commissioners for Drainage, for the Purpose of draining the Lands and Grounds to be drained by virtue of this Act, and the Right and Property to and in the same, and the Materials of which the same shall consist, and also the Piece or Pieces of Land to be set out and allotted by the said General Commissioners to the said Commissioners for Drainage, for maintaining, repairing, and preserving the same, shall be and the same is and are hereby vested in the said Commissioners for Drainage, for the Time being; and they are hereby authorized and required from Time to Time to insure from Fire all and every such Mills, Engines, Edifices, and Buildings, as shall at any Time or Times be erected by virtue of this Act.

To raise Money for maintaining Works.

XLV. And be it further enacted, That the said Commissioners for Drainage shall and may from Time to Time and at all Times after the said Award of the said General Commissioners shall be made and executed, at any of their Meetings to be holden in pursuance of this Act, assess, rate, tax, and charge all and every the Owners and Occupiers of the said Lands and Grounds to be drained by virtue of this Act, with such equal and proportionable Rates and Assessments upon their respective Parts and Shares thereof, as they the said Commissioners for Drainage shall judge necessary for the making, maintaining, repairing, and supporting of the several Works for the Drainage of the said Lands and Grounds, or any Part thereof, and for making any necessary Alterations or Enlargements thereon or thereto, as Occasion shall require; all which Rates, Taxes, and Assessments shall be collected by and paid to such Collector or Collectors, or other Person or Persons, and at such Times, as they the said Commissioners for Drainage shall appoint, and shall be applied by them in Discharge of all such Expences as they shall incur in the Execution of this Act.

Tenants to pay Taxes.

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

For Recovery of Taxes.

XLVII. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers, of any Lands or Grounds to be drained by virtue of this Act, shall make Default in Payment of the Whole or any Part of the Sum or Sums of Money to be rated, assessed, taxed,

taxed, or charged upon him, her, or them; for or in respect of such Lands or Grounds, or any Part thereof, and shall continue in such Default by the Space of Ten Days next after the Time appointed by the said Commissioners for Drainage for such Payment, and after such Demand of such Rates or Assessments made by the Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments by Writing left at the usual Place or Places of Abode of such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, who ought to pay the same, or if such Owner or Owners, Tenant or Tenants, Occupier or Occupiers, shall not have any Place of Abode within the said Parish of *Runham*, or within Two Miles of the same, then (after Demand made by the said Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Notice in Writing affixed on some conspicuous Part of the Premises charged with such Rates and Assessments), it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons authorized as aforesaid, by virtue of any Warrant or Precept under the Hands and Seals of any Three or more of the said Commissioners for Drainage (which Warrant or Precept such Three or more of the said Commissioners for Drainage are hereby empowered and required to make and give, as there shall be Occasion, though not assembled at any Meeting in pursuance of this Act), to enter into and upon all or any Part of the Lands and Grounds so rated and assessed as aforesaid, and into and upon all or any Messuages or Tenements thereupon standing, and there, or in any Part or Parts of the Lands, Grounds, Messuages, or 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 Collector or Collectors, or other Person or Persons authorized as aforesaid, to impound the Goods, Chattels, or Cattle so distrained, on any Part of the Messuages or Lands whereon the same shall be found, or otherwise to take, lead, drive, or carry away, and keep the same for the Space of Five Days, leaving Notice in Writing of the Cause of such Distress or Distresses at the Messuage or Tenement, Messuages or Tenements, or in some conspicuous Part of the Lands or Grounds upon which such Distress shall be taken, or otherwise at the usual Place or Places of Abode of the Owner or Owners of such Goods, Chattels, or Cattle; and if the Owner or Owners of such Goods, Chattels, or Cattle so distrained, shall not pay the Sum or Sums of Money so assessed, rated, and distrained for as aforesaid, together with the Costs and Charges of such Warrant, and taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, or Cattle so distrained according to the Law now in Force for Non-payment of Rent, within the said Five Days, that then the said Goods, Chattels, and Cattle so distrained, shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made (who is hereby authorized and required to administer an Oath for that Purpose), to appraise the same according to the best of their Judgements; and that after such Appraisalment as aforesaid, the said Goods, Chattels, and Cattle shall be sold by the said Collector or Collectors, or other Person or Persons as aforesaid, for Payment of the said Sum or Sums of Money so assessed, rated, and distrained for, and of the said Costs and Charges, and also of the Costs and Charges of appraising and selling such Distress, and that the Overplus arising from such Sale (if any), after Payment of the said Sum or Sums of Money, shall

shall be returned, on Demand to the Owner or Owners of such Goods, Chattels, and Cattle.

Lands untenanted to remain a Security for the Rates.

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

Punishment for destroying Works.

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

Persons damaging Works to forfeit a Sum not exceeding 50/.

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

Penalty on Neglect to cleanse Dikes.

LI. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any Part or Parts of the Lands and Grounds to be drained by virtue of this Act, to which any Ditch or Ditches, Drain or Drains, shall belong, shall neglect or refuse sufficiently to scour, cleanse, open, or repair any such Ditch or Drain, or to make the same of a sufficient Depth and Width, after Ten Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place of Abode from Time to Time for that Purpose by the Collector or other Officer appointed under and by virtue

virtue of this Act (such Collector, or other Officer having an Order in Writing for that Purpose, under the Hands of Two or more of the said Commissioners for Drainage), every such Owner or Owners shall, for every such Neglect or Refusal, forfeit and pay the Sum of Two Shillings for every Rod of the Ditch or Drain so neglected to be scoured, cleansed, opened, repaired, deepened, or widened; and it shall and may be lawful from Time to Time for such Collector or other Officer to cause such Ditches and Drains, at the Charge and Expence of such Owners or Occupiers to be scoured, cleansed, opened, repaired, and deepened, in a sufficient Manner; and where a Way shall have been made over any Ditch or Drain, without a sufficient Tunnel, to cause such Way to be taken up, and such Ditch or Drain to be made of a proper Width and Depth, and by a Warrant or Precept under the Hands of Three or more of the said Commissioners for Drainage (which Warrant they hereby have full Power to grant, although they shall not be assembled at any Meeting under this Act), to levy such Penalty; and also such Charges and Expences, upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels; and such Penalties shall be applied for the Purposes of this Act.

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

No Trees to be planted or Buildings erected within 200 Yards of Engines, except by the Order of the Commissioners.

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

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

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

Appeal to Sessions.

[Loc. & Per.]

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except

except in such Cases wherein an Issue at Law shall be tried as herein mentioned), then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said General Commissioners, or any Two of them, and to the Party or Parties concerned, in case the Appeal shall be made against any Act or Determination of the said General Commissioners, or to the Clerk of the said Commissioners for Drainage, in case the Appeal shall be made against any Act or Determination of the said Commissioners for Drainage, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale, and the Determination of the said Justices shall be final and conclusive to all Parties concerned; but in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable; and such Costs shall be levied in Manner aforesaid.

Recovery of  
Penalties by  
Distress.

LV. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (for the Recovery and Application whereof no particular Method is herein directed), shall be levied and recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice of the Peace for the said County of *Norfolk* (which Warrant such Justice is hereby empowered to grant), upon the Conviction of the Party or Parties, on his, her, or their Confession, or upon the Evidence of One or more credible Witness or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), and the Overplus (if any) after deducting the Costs and Charges of such Distress and Sale, shall be rendered to the Owner or Owners of such Goods and Chattels; and such Penalties and Forfeitures when recovered, shall be paid to the Treasurer or Clerk of the said Commissioners for Drainage, and shall be applied for such of the Purposes of this Act as the said Commissioners for Drainage shall think fit; but nevertheless, it shall and may be lawful to and for the said Commissioners for Drainage, at any of their Meetings, to pay or cause to be paid such Part of the said Penalties or Forfeitures, not exceeding One Moiety thereof, to the Informer or Informers, as the said Commissioners for Drainage shall think reasonable; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be paid forthwith, it shall and may be lawful to and for such Justice, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause the Offender or Offenders to be committed to the Common Gaol or House of Correction of the said County of *Norfolk*, there to remain without Bail or Mainprize, for any Time not exceeding Six Calendar Months nor less than One Calendar Month,

Month, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

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

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

Form of Conviction.

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

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

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

Distress not unlawful for Want of Form.

LIX. And be it further enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, until after Thirty Days Notice thereof in Writing, signed by the Party or Parties aggrieved, shall have been given to the Party or Parties complained of, or left at his, her, or their last or usual Place or Places of Abode, thereby setting forth the Cause of such Action or Suit, nor after sufficient Satisfaction, or Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every Action commenced and prosecuted against any Person or Persons for any Thing done in pursuance of this Act, shall be brought and laid in the said County of *Norfolk*, and not elsewhere; and

Limitation of Actions.

if

if upon the Trial of such Action or Suit it shall appear that such Action or Suit shall be brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every such Case the Jury shall find a Verdict for the Defendant or Defendants; and in all Cases where a Verdict shall be found for any Defendant or Defendants in any such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be Nonsuited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have such and the like Remedy for recovering the same as any Defendant or Defendants hath or have for recovering Costs of Suit in any other Case by Law.

General  
Saving.

LX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body or Bodies Politick, Corporate, and Collegiate, his, her, or their Heirs, Successors, Executors, Administrators, and Assigns, all such Estate, Right, Title, and Interest (other than and except such as is and are hereby meant and intended to be barred, destroyed, and extinguished), as they or any of them could or ought to have had and enjoyed of, in, to, or out of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

Publick Act.

LXI. 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.

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