



ANNO QUADRAGESIMO SECUNDO

GEORGI III. REGIS.

Cap. 74.

An Act for dividing, allotting, and inclosing, the Open Fields, Commons, and Waste Grounds, in the Parishes of *Catfield* and *Sutton* within the County of *Norfolk*; and for draining and preserving the said Commons and Waste Grounds.

[28th May 1802.]

WHEREAS there are within the Parishes of *Catfield* and *Sutton* in the County of *Norfolk*, certain Open Fields, Commons, and Waste Grounds: And whereas the Right Honourable *Henry* Earl of *Abergavenny* is Lord of the Manors of *Sutton Infoken* and *Sutton Outfoken*, and *George Cubitt* Esquire, is Lord of the Manor of *Catfield*; and as Lords of the said Manors, the said *Henry* Earl of *Abergavenny* and *George Cubitt* are or claim to be entitled to the Soil of the said Commons and Waste Grounds: And whereas the said *Henry* Earl of *Abergavenny* is Patron of the Rectory of *Sutton*, of which *Ellis Burroughes* Clerk is the present Rector; and the Right Reverend *Charles* Lord Bishop of *Norwich*, in Right of his Bishoprick, and the said *George Cubitt*, are Patrons of the Rectory of *Catfield*, of which *George Lucas* Clerk, is the present Rector: And whereas the said Open Fields are inconveniently

[*Loc. & Per.*]

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situated

General Com-
missioners.

situated for the respective Owners thereof; and the said Commons and Waste Grounds are frequently overflowed with Water, and in their present State and Condition yield very little Profit to the several Persons interested therein: And whereas it would be advantageous to the several Persons interested in the Premises if the said Open Fields, Commons, and Waste Grounds were divided, and specifick Parts and Shares thereof allotted to the several Persons interested therein, according to their respective Rights and Interests, under the Directions in this Act contained; and if the said Commons and Waste Grounds were drained: But as these several Objects cannot be attained 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 *Thomas Glover Ewen* of the City of *Norwich*, *William Unthbank* of *Heigham*, in the County of the said City, and *Joseph Sewell* of the said City, Gentlemen, shall be and they are hereby appointed General Commissioners for dividing and allotting the said Open Fields, Commons, and Waste Grounds, and for carrying this Act, and also the Act herein-after mentioned into Execution; and if any of the General Commissioners herein named or to be appointed by virtue of this Act, shall, before the Execution of all the Powers and Authorities hereby and by the Act herein-after mentioned vested in him or them, die, or refuse or become incapable to act in the Execution thereof, then and in every such Case it shall and may be lawful to and for the surviving or remaining General Commissioners or Commissioner, and they and he are and is hereby required, at any Time within Forty Days next after such Death, Refusal, or Incapacity shall be known to them or him, by Writing under their or his Hands or Hand, to appoint another Person (not being interested in the Premises) to be a General Commissioner in the Place of each General Commissioner so dying, or refusing or becoming incapable to act; and every General Commissioner so to be appointed as aforesaid, shall, after taking the Oath prescribed in that Behalf, have the like Powers and Authorities for carrying this Act into Execution, in all Respects, as if he had been named and appointed a General Commissioner in and by this Act.

Notice of Ge-
neral Commis-
sioners Meet-
ings.

II. 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 all Acts, Matters, and Things authorized or necessary to be done and executed by the said General Commissioners, may be done and executed by any Two of them, and the same shall be as valid and effectual, and shall have the same Force and Effect, as if such Acts, Matters, and Things had been done and executed by all the said General Commissioners.

One General
Commissioner
may adjourn.

III. Provided always, That if at any Meeting appointed to be holden by the said General Commissioners, it shall happen that no more than One General Commissioner shall attend, such General Commissioner may adjourn

adjourn such Meeting to such Time and Place, within either of the said Parishes of *Catfield* and *Sutton*, or within Eight Miles of One of them, as he shall think most convenient.

IV. Provided also, and be it enacted, That all other Notices necessary or requisite to be made and given by the said General Commissioners in pursuance of this Act, or in pursuance of 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 so made and given by Advertisements in the said *Norfolk Chronicle* or *Norwich Mercury*, or in some other Newspaper usually circulated in the said County of *Norfolk*.

Other Notices
how to be
given.

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

For shortening
the Boundary
Fence, etc.

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

Encroach-
ments made
within 20
Years to be
deemed Part
of the Lands
to be inclosed.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division and Allotments, touching or concerning the

General Com-
missioners to
settle Differ-
ences.

Right

Right to the Soil of the Commons and Waste Grounds hereby directed to be divided and allotted, or touching or concerning the respective Rights or Interests which they or any of them shall claim to have of and in the said Lands and Grounds hereby directed to be divided and allotted, or touching any Wood, Underwood, Bushes, Reeds, Thorns, Whins, or Furze, growing thereon, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required, to examine into, hear, and determine the same.

General Commissioners not to determine Titles.

VIII. Provided always, 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 to assess Costs.

IX. And be it further enacted, That in case the said General Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act, or upon the Hearing and Determination of any Dispute or Difference as aforesaid, see Cause to award any Costs, it shall and may be lawful to and for the said General Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said General Commissioners shall be made, by the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled, or against whom the said General Commissioners shall have determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, 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, or Body or Bodies Politick, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try Rights by an Issue at Law.

X. Provided always, and be it enacted, That in case any Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Allotments, shall be dissatisfied with any Determination of the said General Commissioners, touching or concerning any Claim or Claims of the Right of the Soil of the said Commons and Waste Grounds, or of any Estate, Property, Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, it shall and may be lawful to and for such Person or

or Persons, or Body or Bodies Politick, Corporate, or Collegiate, 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, or Body or Bodies Politick, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said General Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within One Calendar Month 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 that after Judgement shall be given in such Action or Actions, the said General Commissioners shall, and they are hereby required to act in Conformity to such Judgement or Judgements, and to allow or disallow of the Claim or Claims thereby determined, according to the Event of such Action or Actions.

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, or Body or Bodies Politick, Corporate, or Collegiate, in or to any Messuages, Lands, or Tenements, in the said Parishes of *Catfield* and *Sutton*, or either of them, such Suit or Suits shall not impede, delay, or hinder the said General Commissioners from proceeding in the Execution of the Powers vested in them by this Act; but the said Division and Allotments shall be proceeded in, notwithstanding such Suit or Suits; and the Allotment or Allotments to which any such Suit shall relate, may be had and taken by the Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, who, upon the Determination of such Suit or Suits, shall become entitled to the same.

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

XII. 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 Reed, Rushes, Turf, or Flags, in, upon, or from the said 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 the said General Commissioners, upon due Proof thereof made before them upon Oath, (which Oath any One of the said General Commissioners is hereby authorized to administer), shall cause, and they are hereby required to cause, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, any Sum of Money not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of every Person so offending in the Premises, rendering the Overplus, (if any), upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the

No Turf or Flags to be cut, after passing this Act, without Leave of the General Commissioners.

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Costs

Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards defraying the Costs and Charges of obtaining and executing this Act.

For extinguishing or suspending Rights of Common before the Award.

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

Drainage Clause.

XIV. And be it further enacted, That the said General Commissioners shall make and erect, and they are hereby authorized and required to make and erect, by such Agents, Workmen, and Labourers as they shall think fit to employ, all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, in, through, upon, and over the Commons and Waste Grounds hereby directed to be divided and allotted, or any Part thereof, or any other Lands or Grounds in the said Parishes of *Catfield* and *Sutton*, or either of them, which shall appear to the said General Commissioners to require to be drained, as they the said General Commissioners shall judge proper and expedient for effectually draining such Parts of the said Commons and Waste Grounds, and such other Lands and Grounds in the said Parishes, or either of them, as in their Judgement shall require to be drained; and to erect such Houses or Buildings for the Habitation of the Person or Persons who shall have the Care or Superintendance of the said Works of Drainage, or any of them, or for depositing Stores or Materials necessary for the making and maintaining of such Works, as they the said General Commissioners shall think proper; and also to make a Dike through any Part of the said Commons and Waste Grounds to the Common River or Water called *Barton Broad* or *Irstead Broad* adjoining thereto, to be used as a common or publick Boat Dike by the Owners and Occupiers of Estates within the said Parishes of *Catfield* and *Sutton*, or either of them, for the Time being, for the Conveyance of Corn, Manure, and other Things, to and from the said River or Water; and that the said General Commissioners shall set out and allot unto the Commissioners for Drainage herein-after appointed, the Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, Houses, Buildings, and Boat Dike, so to be made and erected by them, and such Parts of the Commons and Waste Grounds to be divided, allotted, or drained by virtue of this Act, as they shall think proper, for the maintaining, repairing, or preserving of the same; and also a Piece or Pieces of Land adjoining to the said Boat Dike, to be used as a publick Staithe or publick Staithes by the Owners and Occupiers of Estates within the said Parishes of *Catfield* and *Sutton*, or either of them, for the Time being, for the laying

laying and depositing thereon of the Corn, Manure, and other Things which shall be conveyed, or shall be intended to be conveyed, to or from the said Common River, by means of the said Boat Dike.

XV. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace for the said County of *Norfolk*, (acting in and for the Division in which such Road or Roads, Footpath or Footpaths, shall be situate, and not interested in the Repair of such Road or Roads, Footpath or Footpaths), to stop up, and to direct to be discontinued, any publick Road or Roads, Footpath or Footpaths through any Part or Parts of the Lands and Grounds in the said Parishes of *Catfield* and *Sutton*, or either of them, which to the said General Commissioners shall appear to be useless or unnecessary: Provided always, that such Order so made by such Justices shall be subject to an Appeal to the Quarter Sessions, in like Manner, and under the same Forms and Restrictions, as if such Road or Roads, Footpath or Footpaths, had been made by the Order of such Justices.

Commissioners may stop old Roads.

XVI. Provided always, That none of the present Roads in, over, or upon the said Commons and Waste Grounds, shall be shut up and discontinued, until the said General Commissioners shall have caused the publick Roads to be set out in Manner directed by the said recited Act, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle, and Carriages.

None of the present Roads to be shut up until others are set out.

XVII. And be it further enacted, That the said General Commissioners shall assign, set out, and allot unto the respective Surveyors of the Highways within the said Parishes of *Catfield* and *Sutton*, such Parts of the Commons and Waste Grounds hereby directed to be divided and allotted, not exceeding Two Acres in the Whole, as the said General Commissioners shall think necessary, as and for publick watering Places for Cattle, and as and for publick Sand, Gravel, Clay, and Chalk Pits; and the same Allotment or Allotments, when set out, shall for ever thereafter be used by the respective Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said Parishes of *Catfield* and *Sutton* respectively, and their Tenants for the Time being, in such Manner, and under such Rules and Regulations, as the Commissioners for Drainage herein-after appointed shall from Time to Time direct and appoint.

Allotment for publick Sand and Gravel Pits.

XVIII. And be it further enacted, That the said General Commissioners shall in the next place assign, set out, and allot unto the Lord or Lords of the said Manors, or any of them, or any other Person or Persons, being Owner or Owners of, or entitled to the Soil of the said Commons and Waste Grounds, such Parts of the said 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 Commons and Waste Grounds; and such Allotment or Allotments shall be a full Compensation and Recompence for the Right of such Lord or Lords of such Manor or Manors, or of such other Person or Persons respectively, in and to the Soil of the said Commons and Waste Grounds: Provided always, that the said Allotment

Allotments for Right of Soil.

lotment or Allotments shall be made and taken out of the Commons and Waste Grounds lying in each of the said respective Parishes, for the Right to the Soil of the same.

Allotment to Trustees for the Poor of Catfield.

XIX. And be it further enacted, That the said General Commissioners shall in the next Place assign, set out, and allot unto the Lords of the said Manors of *Sutton Insoken*, *Sutton Outsoken*, and *Catfield*, and to the Rector of the said Rectory of *Catfield*, and the Churchwardens and Overseers of the Poor of the said Parish of *Catfield*, such Part of the Commons and Waste Grounds hereby directed to be divided and allotted, lying within the said Parish of *Catfield*, as they the said General Commissioners shall judge and deem to be equal in Value, *per Annum*, to the annual Average Value of a Fourteenth Part of the said Commons and Waste Grounds, lying in the said Parish of *Catfield*; and such Allotment shall, from and after the Execution of the Award herein-after mentioned, be vested in the Lords of the said Manors of *Sutton Insoken*, *Sutton Outsoken*, and *Catfield*, the Rector of the said Rectory of *Catfield*, and the Churchwardens and Overseers of the Poor of the said Parish of *Catfield* for the Time being for ever, as Trustees for the Poor of the said Parish of *Catfield*, and shall be used as a Common by such poor Inhabitants of the same Parish who shall be legally settled therein, at such Times of the Year, for such Purposes, in such Manner, and subject to such Rules, Orders, and Regulations, as the Trustees of the same for the Time being, or the major Part of them, shall from Time to Time nominate, direct, appoint, or prescribe; and the said General Commissioners shall in the next Place assign, set out, and allot unto the Lord of the said Manors of *Sutton Insoken* and *Sutton Outsoken*, the Rector of the said Rectory of *Sutton*, and the Churchwardens and Overseers of the Poor of the said Parish of *Sutton*, such Part of the said Commons and Waste Grounds lying within the said Parish of *Sutton*, as they the said General Commissioners shall judge and deem to be equal in Value, *per Annum*, to the annual Average Value of Twenty five Acres of the said Commons and Waste Grounds lying within the said Parish of *Sutton*; and such Allotment shall, from and after the Execution of the said Award, be vested in the Lord of the said Manors of *Sutton Insoken* and *Sutton Outsoken*, the Rector of the said Rectory of *Sutton*, and the Churchwardens and Overseers of the Poor of the said Parish of *Sutton* for the Time being for ever, as Trustees for the Poor of the said Parish of *Sutton*, and shall be used as a Common by such poor Inhabitants of the same Parish who shall be legally settled therein, at such Times of the Year, for such Purposes, in such Manner, and subject to such Rules, Orders, and Regulations, as the Trustees of the same for the Time being, or the major Part of them, shall from Time to Time nominate, direct, appoint, or prescribe.

Lord of the Manor, Rector, and Vicar, to act by Proxy.

XX. Provided always, That it shall and may be lawful to and for the Lords of the said Manors, and the said Rectors respectively for the Time being, to act in the Execution of the Trusts hereby reposed in them as aforesaid, by their Agents or Proxies respectively, to be appointed by Writing under their respective Hands.

Allotment of the Residue.

XXI. And be it further enacted, That the said General Commissioners shall then assign, set out, and allot the Residue and Remainder of the Lands

Lands and Grounds hereby directed to be divided and allotted, unto and among all and every Person and Persons, Body and Bodies Politick, Corporate, or Collegiate, being Owner or Owners of the said Lands and Grounds, or any Part thereof, or having any Right or Rights of Common, or other Rights or Interests, in, over, or upon the same, or any Part thereof, in such Parts and Shares as the said General Commissioners shall adjudge and determine to be proportionate to the Value of, and a full Compensation to him, her, and them respectively, for his, her, and their respective Shares, Rights of Common, or other Rights or Interests of, in, over, or upon the said Lands and Grounds, or any Part or Parts thereof.

XXII. Provided always, That the respective Owners and Proprietors of all the Lands and Grounds lying within the said Parish of *Catfield*, who shall deliver in their Accounts or Claims in Manner prescribed by the said recited Act, shall be deemed to be entitled to, and to have had and enjoyed a Right of Common of Pasture upon the Commons and Waste Grounds within the said Parish of *Catfield*, at all Times of the Year, for all their Commonable Cattle, Levant and Couchant upon their respective Lands; and that the respective Owners and Proprietors of all the Lands and Grounds lying within the said Parish of *Sutton*, who shall deliver in their Accounts or Claims in Manner prescribed by the said recited Act, shall be deemed to have been entitled to, and to have had and enjoyed a Right of Common of Pasture upon the Commons and Waste Grounds lying within the said Parish of *Sutton*, at all Times of the Year, for all the Commonable Cattle, Levant and Couchant, upon their respective Lands.

Proprietors entitled to Common for Cattle Levant and Couchant.

XXIII. Provided also, That if any Person or Persons (save and except the said Rectors, in respect of the said Rectories) hath or have sold, or contracted or agreed to sell, or shall at any Time, before the Execution of the said Award, sell, or contract or agree to sell, his, her, or their Right, Interest, and Property in the said Commons and Waste Grounds, or any Part thereof, to any other Person or Persons, then and in every such Case it shall and may be lawful for the said General Commissioners, and they are hereby authorized and required to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, Contract, or Agreement, or to his or her Heirs, Executors, Administrators, or Assigns, for and in respect of such Right, Interest, and Property so sold, or contracted or agreed to be sold as aforesaid; and every such Vendee or Purchaser, or his, or her Heirs, Executors, Administrators, or 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 Rights, Interest, or Property, had been vested in such Vendor at the Time of making such Allotment as aforesaid.

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

XXIV. And be it further enacted, That all such Parts of the Commons and Waste Grounds hereby directed to be divided and allotted, as are Meadow or Marsh Land, shall be exempt and discharged from the

Lands free from Tythe for a certain Time.

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Payment

Payment of all Manner of Tythes for the Term of Four Years, to be computed from the Date of the Award to be formed and drawn up by the said General Commissioners; and that the Remainder of the said Commons and Waste Grounds shall be exempt and discharged from the Payment of all Manner of Tythes for the Term of Two Years, to be computed also from the Date of the said Award.

General Commissioners to direct the Course of Husbandry.

XXV. And be it further enacted, That, from and after the passing of this Act, until the Execution of the said Award, all the Arable Lands hereby directed to be divided and allotted, shall be subject and liable to such Directions and Regulations as the said General Commissioners shall from Time to Time, by Writing under their Hands, appoint, as well with regard to the stocking as to the plowing, tilling, sowing, and laying down the same; and it shall be lawful for the said General Commissioners to order and direct such Sum or Sums of Money in respect thereof, to be paid by any Person or Persons interested in the said Arable Lands, or any Part thereof, or his, her, or their Tenant or Tenants, to any other Person or Persons in like Manner interested therein, or his, her, or their Tenant or Tenants, as they the said General Commissioners shall think reasonable; and in case any Person or Persons, who shall be directed to pay any Sum or Sums of Money on any of the Accounts aforesaid, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said General Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

For fencing Allotments.

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

For leaving Gaps.

XXVII. 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.

XXVIII. And

XXVIII. And be it further enacted, That all and every Lease and Leases of any Messuages, Lands, or Tenements, within the said respective Parishes of *Catfield* and *Sutton*, shall, as far as such Lease or Leases affect or concern any Allotment or Allotments to be made of the said 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, or Body or Bodies Politick, Corporate, or Collegiate, 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 in, over, or upon the said 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 Person or Persons, or Body or Bodies Politick, Corporate, or Collegiate, shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto, on Demand, then and in such Case it shall be lawful for the said General Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Leases void as to Allotments

XXIX. 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 Messuages, Cottages, Lands, and Grounds, holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Copyhold or Leasehold Premises, shall, from and after the Execution of the said Award, 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 Parchment requisite to be used for the Copies of such Admissions respectively, and such reasonable Fees to the respective

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

Steward or Stewards of the said Manor or Manors, as the said General Commissioners shall by their said Award order and direct; but in case any Person or Persons, to or with whom such Lands and Premises shall be allotted or exchanged, shall die without Admission within the said Six Calendar Months, then the customary Fines and other Payments shall be due and payable on the Admission of the Person or Persons 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 Tenure, Fines, and other Payments, as the present Copyhold Messuages, Cottages, Lands, or Tenements, in lieu or in respect whereof such Lands and Premises shall be allotted or exchanged, are now held under and subject to; and the said General Commissioners shall by their said Award determine, describe, and abut the Messuages, Buildings, Lands, and Grounds, respectively, which are to be and remain Copyhold or Leasehold; and all other Messuages, Buildings, Lands, and Grounds, to be allotted or exchanged by virtue of this Act, (except what shall be so ascertained by the said General Commissioners to be Copyhold or Leasehold), shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Buildings, Lands, and Grounds; subject nevertheless to such Free Rents and Services as are now payable out of the respective Messuages, Buildings, Lands, Tenements, or Hereditaments, for or in respect whereof the same shall or may be allotted or exchanged.

Wills and Settlements not to be affected.

XXX. Provided always, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Messuages, Buildings, Lands, and Grounds, to be divided, allotted, or exchanged, by virtue of this Act, or any Part thereof; but that each and every Proprietor shall stand and be seized of the several Messuages, Buildings, Lands, and Grounds, to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, and Charges, and no other, as the Messuages, Buildings, Lands, and Grounds, whereof such Proprietor was seized or possessed at or immediately before the Execution of the said Award, would have been subject to, charged with, or affected by, in case this Act had not been made, or such Exchange or Exchanges had not taken place.

Compensation to be made for Right of Sheepwalk.

XXXI. And whereas the said *Henry*, Earl of *Abergavenny*, is entitled to a Right of Sheepwalk in, over, and upon certain Lands and Grounds belonging to divers Persons within the said Parishes of *Catfield* and *Sutton*, or some of them, for and during a certain Time in every Year: And whereas it would be of great Advantage to the Owners of the Lands and Grounds which are subject to the said Right of Sheepwalk, if the same were extinguished; be it therefore enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized, empowered, and required, by any Writing or Writings under their Hands, to ascertain, fix, and determine the Sums of Money which shall be paid by the respective Owners or Proprietors of the

the Lands and Grounds which are subject to the said Right of Sheepwalk, as a full Equivalent, Satisfaction, and Compensation for releasing, exonerating, and discharging such Lands and Grounds from the said Right of Sheepwalk, and such Sums of Money shall be paid to the said General Commissioners, at such Place or Places, and Time or Times, as they shall by any Writing or Writings under their Hands appoint, and the Receipt or Receipts of the said General Commissioners shall be a sufficient Discharge for all and every such Sum and Sums of Money as shall be so paid to them; and such Sum and Sums of Money shall be applied by the said General Commissioners in Discharge of such Proportion of the Charges of obtaining and executing this Act, as the said *Henry Earl of Abergavenny*, or such other Person or Persons as shall be entitled to the said Right of Sheepwalk, shall be subject and liable to pay; and the Overplus, if any, of such Money, shall be paid by the said General Commissioners to the said *Henry Earl of Abergavenny*, or such other Person or Persons as aforesaid: Provided always, that if any Body Politick, Corporate, or Collegiate, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or Trustee, for or on Behalf of any Infant, Lunatick, Idiot, Feme Covert, or other *Cestuique* Trust, shall be entitled to receive such Overplus of the aforesaid Money, or if the said Right of Sheepwalk is or shall be limited in strict, or other Settlement, such Overplus of the aforesaid Money shall be laid out and applied in such Manner as is prescribed and directed by the said recited Act.

XXXII. Provided always, and be it enacted, That if any of the Owners or Proprietors of the Lands and Grounds which are subject to the said Right of Sheepwalk, shall refuse or neglect to pay the Sum or Sums of Money to be ascertained, fixed, and determined by the said General Commissioners to be paid by him, her, or them, or any Part thereof, at such Place or Places, Time or Times, as the said General Commissioners shall appoint for Payment thereof, then and in such Case it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized, empowered, and required to set out and allot unto the said *Henry Earl of Abergavenny*, or to the Person or Persons who shall be entitled to such Right of Sheepwalk, so much and such Part or Parts of the Lands and Grounds of such Owner or Proprietor, Owners or Proprietors, subject to the said Right of Sheepwalk, as shall in the Judgment of the said General Commissioners be a full Equivalent, Satisfaction, and Compensation for the said Right of Sheepwalk in, over, and upon the Lands and Grounds of such Owner or Proprietor, Owners or Proprietors.

On Neglect or Refusal to pay Compensation in Money, Lands to be allotted.

XXXIII. And be it further enacted, That, from and after the making of such Satisfaction and Compensation as aforesaid, all Right of Sheepwalk in, over, and upon the Lands and Grounds in the said Parishes of *Catfield* and *Sutton*, for which such Satisfaction and Compensation shall be made, shall cease, determine, and be extinguished, and the said Lands and Grounds shall for ever thereafter be absolutely released, exonerated, and discharged from all such Right of Sheepwalk.

After Compensation made, the Right of Sheepwalk to cease.

XXXIV. And be it further enacted, That all Costs, Charges, and Expences of inclosing the Lands which shall by virtue of this Act be allotted

Directions for defraying the Expences of this Act.

[*Loc. & Per.*]

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ted to the said Rectors respectively in respect of the said Rectories, and of inclosing the Allotment or Allotments hereby directed to be made, to the Surveyors of the Highways, and to the Trustees for the Poor of the said Parishes of *Catfield* and *Sutton* respectively, and to the Commissioners for Drainage herein-after appointed, and all the Costs and Charges incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, allotting, draining, and exchanging the Lands and Premises hereby directed to be surveyed, measured, planned, valued, divided, allotted, drained, and exchanged, and of preparing and inrolling the said Award, and of the Copies thereof, and all the Charges and Expences of the said General Commissioners, their Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said General Commissioners in and about the Premises, and all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said General Commissioners, and all other Expences of carrying this Act into Execution (save and except such Charges and Expences as shall be incurred by virtue of this Act after making the said Award), shall be borne, defrayed, and paid by the several Persons, and Body or Bodies Politick, Corporate, or Collegiate, interested in the Premises (save and except the said Rectors for the Time being, for or in respect of any Allotment or Allotments which shall be made to them respectively in Right of the said Rectories, and also save and except the Surveyors of the Highways, and the Trustees for the Poor of the said Parishes of *Catfield* and *Sutton* respectively, and the said Commissioners for Drainage for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them respectively as aforesaid, and also save and except such Person or Persons whose Property within the said Parishes, or either of them, shall not, in the Judgement of the said General Commissioners, exceed the yearly Value of Five Pounds, and who shall not, in the Judgement of the said General Commissioners, be possessed of Personal Estate of the Value of One hundred Pounds at the Time of making the said Allotments), in such Shares and Proportions, at such Time or Times, and to such Person or Persons, as the said General Commissioners shall appoint.

Directions for charging Copyholds with Expences.

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

XXXVI. Provided

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

Proprietors and their Agents to pay their own Expences.

XXXVII. Provided also, That if any of the Persons interested in the Lands and Grounds hereby directed to be divided and allotted, or any other Person or Persons, shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and 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.

XXXVIII. Provided always, and be it enacted, That the several General Commissioners acting from Time to Time in the Execution of this Act, and each of them, shall make out an Account, containing a true Statement of all Sum and Sums of Money by him or them received or expended, or due to him or them for his or their own Trouble or Expences; and that such Account shall, at least Once in every Year, from the Date of the passing of this Act, until such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined by the said Henry Earl of Abergavenny and George Cubitt, or One of them, or by any Justice of the Peace acting for the said County of Norfolk, and the Amount or Balance thereof shall be by them, or One of them, stated in the Book of Accounts by the said recited Act required to be kept in the Office of the Clerk of such General Commissioners as therein mentioned; and that no Charge or Items in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Persons as aforesaid, or One of them.

Commissioners Accounts to be examined yearly.

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

General Commissioners to specify what Lands shall be drained.

XL. And be it further enacted, That the Lord or Lords, Lady or Ladies of the said Manors of *Sutton Insofen*, *Sutton Outsofen*, and *Catfield*, the Rectors of the said Rectories of *Catfield* and *Sutton* for the Time being, and each and every Owner or Proprietor of Twenty Acres of Land to be drained by virtue of this Act, shall, from and after the Execution of the Award to be made by the said General Commissioners, be, and are hereby appointed Commissioners for the Purpose of draining the Lands and Grounds directed to be drained by virtue of this Act.

Commissioners for Drainage appointed.

XLI. And

Appointment
of Deputy
Commission-
ers for
Drainage.

XLI. 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 if the Person by whom such Agent or Deputy shall be appointed were present; but no such Agent or Deputy shall be capable of acting as Agent or Deputy for the Purposes of this Act, for any more than One Commissioner for Drainage at any One Time.

Commission-
ers to take an
Oath or Af-
firmation.

XLII. 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 Commis- sioners, until he or she shall have taken the Oath following, or, being of the People called *Quakers*, made Affirmation; (*videlicet*),

‘ I *A. B.* do swear [*or, being One of the People called Quakers, do so-
lemly 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 Autho-
‘ rities, in the Execution whereof I shall at any Time act as a Commis-
‘ sioner, appointed in and by One Act, made in the Forty-second Year of
‘ the Reign of His Majesty King *George the Third*, intituled, *An Act for
‘ dividing, allotting, and inclosing the Open Fields, Commons, and Waste
‘ Grounds, within the Parishes of Catfield and Sutton, and for draining
‘ and preserving the said Commons and Waste Grounds.*

‘ So help me GOD.’

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

Persons acting
not being
qualified, to
forfeit 20l

XLIII. And be it further enacted, That in case any Person shall presume to act as a Commissioner for Drainage before he or she shall have taken the said Oath or made the said Affirmation, or if any Person, not being duly qualified as required by this Act, shall have acted, or shall have ap- pointed an Agent or Deputy, who shall have acted as such Agent or De- puty 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 Per- sons 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, or Wager of Law, or any more than One Impar lance, 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; One Moiety of which Penalty shall be

be paid to the Prosecutor, and the other Moiety shall be applied to the Purposes of this Act.

XLIV. And be it further enacted, That the said Commissioners for Drainage shall, and they are hereby required to hold their First Meeting for carrying this Act into Execution in the Parish of *Catfield* or *Sutton* aforesaid, on the First *Monday* in the Month which shall next happen after the Execution of the said Award by the said General Commissioners, between the Hours of Ten and Twelve in the Forenoon; and the said Commissioners for Drainage shall meet on the First *Monday* in the Month of *March* in each and every Year, between the Hours of Ten and Twelve in the Forenoon, in the said Parish of *Catfield* or *Sutton*, 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 either of the said Parishes, or within Eight Miles thereof, which they the said Commissioners for Drainage, or the major Part of them present at any such Meeting shall appoint; and if it shall so happen that there shall not appear a sufficient Number of the said Commissioners for Drainage at any such Meeting to act, or to adjourn to another Day, (Two Commissioners for Drainage to be deemed sufficient for the Purpose of Adjournment), or if they shall refuse or neglect to adjourn, or if any Two or more of the said Commissioners for Drainage shall deem a Meeting of the said Commissioners for Drainage to be necessary or proper before the Time appointed for the then next General annual Meeting, or Meeting by Adjournment, of such Commissioners, then and in every or any such Case any Two or more of the said Commissioners for Drainage shall and may call a Meeting, to be holden within the said Parish of *Catfield* or *Sutton*, by Writing under their Hands, affixed to the principal Doors of the Parish Churches of *Catfield* and *Sutton* aforesaid, and by publishing the same in One of the *Norwich Weekly Newspapers* Eight Days at the least previous to the Time of such Meeting; and no Act of the said Commissioners for Drainage shall be good or valid, unless done at some publick Meeting to be holden by virtue of this Act, (save as may be herein excepted); and that all the 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 Three; and the said Commissioners for Drainage shall, at all their Meetings in pursuance of this Act, be allowed Five Shillings each *per Day*, out of the Monies to arise by virtue of this Act, and no more, towards their Expences, so that such Allowance do not in the Whole exceed the Sum of Two Pounds *per Day* at every such Meeting of the said Commissioners for Drainage.

Times and
Places of hold-
ing Meetings.

XLV. And be it further enacted, That fair and regular Entries shall be made in a Book or Books to be provided for that Purpose, of all the Acts, Orders, Rules, Regulations, Directions, and Proceedings of the said Commissioners for Drainage, relative to the Execution of this Act, and of the Names of the Commissioners for Drainage who shall be present at the respective Meetings, and the same shall be signed with the Name of the Clerk to the said Commissioners for Drainage; and all such Entries, being so signed, shall be deemed Originals, and shall be allowed to be

Entries of
Proceedings
good Evi-
dence.

[*Loc. & Per.*]

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read

read in Evidence in all Courts whatsoever, in all Cases, Suits, and Actions, touching any Thing done in pursuance of this Act.

Actions to be
in the Name
of the Clerk.

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

For appoint-
ing Officers.

XLVII. 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 remove them or any of them, and appoint others, as they shall find necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, may and are hereby empowered to appoint and pay such Salaries and Allowances to such Officers, and to all other Persons by them the said Commissioners for Drainage employed in the Execution of this Act, as they shall think reasonable; and the 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 and Times, and in such Manner as the said Commissioners for Drainage shall direct, deliver to such Commissioners for Drainage, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers, and Person or Persons respectively, received by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint; and all the said Officers or Persons so accounting as aforesaid shall, upon Oath, verify their said Accounts, (which Oath any of the said Commissioners for Drainage is hereby

hereby enabled to administer); and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not deliver to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his 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 his Hands, to the said Commissioners for Drainage, or as they shall direct or appoint, then and in any of the Cases aforesaid such Commissioners for Drainage may, and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons, so neglecting or refusing as aforesaid; or if Complaint shall be made by the said Commissioners for Drainage, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing, shall be and reside, such Justices may, and are hereby authorized and required, by a 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 are hereby authorized and required, upon Non-payment thereof, by a 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 Ten Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the common Gaol or House of Correction for the said County of *Norfolk*, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for Drainage, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners for Drainage are hereby empowered to

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.

Works of
Drainage to
be kept in
Repair.

XLVIII. 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, and upon the Lands and Grounds to be drained by virtue of this Act, for the Purpose of draining the same, and from Time to Time to renew such of them as shall fall into Decay, and become incapable of being repaired; and also to make and erect all such other Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, as shall appear to the said Commissioners for Drainage to be necessary for effectually draining the said Lands and Grounds; all which Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, to be made or erected by the said General Commissioners, or by the said Commissioners for Drainage, for the Purpose of draining the Lands and Grounds to be drained by virtue of this Act, the Boat Dike and Staithe to be allotted to the said Commissioners for Drainage, and the Right and Property 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 or Engines, Edifices and Buildings, as shall at any Time or Times be erected by virtue of this Act.

To raise
Money for
maintaining
Works.

XLIX. 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 proportionate 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 therein or thereto, as Occasion shall require; all which said Rates, Taxes, and Assessments, shall be collected by, and paid to such Collector or Collectors, or other Person or Persons, and at such Times, as they the said Commissioners for Drainage shall appoint, and shall be applied by them in Discharge of all such Expences as they shall incur in the Execution of this Act.

Tenants to
pay Taxes.

L. 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

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 or her 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.

LI. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of any Lands or Grounds to be drained by virtue of this Act, shall make Default in Payment of the Whole or any Part of the Sum or Sums of Money to be assessed, rated, taxed, or charged upon him, her, or them, for or in respect of such Lands or Grounds, or any Part thereof, and shall continue in such Default by the Space of Fourteen Days next after the Time appointed by the said Commissioners for Drainage for such Payment, and after Demand of such Rates or Assessments made by the Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Writing left at the usual Place or Places of Abode of such Owner or Owners, Tenant or Tenants, or Occupier or Occupiers, who is, are, or ought to pay the same; or if such Owner or Owners, Tenant or Tenants, or Occupier or Occupiers, shall not have any Place of Abode within the said Parishes of *Catfield* and *Sutton*, or One of them, or within Two Miles of the same, then (after Demand made by the said Collector or Collectors, or other Person or Persons authorized to collect such Rates and Assessments, by Notice in Writing affixed on some conspicuous Part of the Premises chargeable with such Rates and Assessments), it shall and may be lawful to and for such Collector or Collectors, or other Person or Persons authorized as aforesaid, by virtue of any Warrant or Precept under the Hands and Seals of any Two or more 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 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 there be 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 on 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,

For Recovery
of Taxes.

[*Loc. & Per.*]

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and

and distrained for as aforesaid, together with the Costs and Charges of such Warrant, and taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, and Cattle so distrained, according to the Laws now in force for Nonpayment of Rent, within the said Five Days, that then the said Goods, Chattels, and Cattle so distrained, shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made, (who is hereby authorized and required to administer an Oath for that Purpose), to appraise the same according to the best of their Judgement; and that after such Appraisement as aforesaid, the said Goods, Chattels, or Cattle, shall be sold by the said Collector or Collectors, or other Person or Persons as aforesaid, for Payment of the said Sum or Sums of Money so assessed, rated, and distrained for, and of the said Costs and Charges, and also of the Costs and Charges of appraising and selling such Distress; and that the Overplus arising from such Sale, (if any), after Payment of the said Sum or Sums of Money, shall be returned, on Demand, to the Owner or Owners of such Goods, Chattels, or Cattle.

Lands untenanted to remain a Security for the Rates.

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

Punishment for destroying Works.

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

Persons damaging Works to forfeit a Sum not exceeding 50*l*.

LIV. 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 the Purposes of this Act, every Person so offending, and being thereof convicted before any Two or more Justices of the Peace for the said County of *Norfolk*, on the Oath of One or more credible Witness or Witnesses, which Oath such Justices are hereby authorized to administer, shall forfeit and pay any Sum not exceeding Fifty Pounds, to be levied by Distress and Sale of the Goods and Chattels of every such Offender, by Warrant under the Hands and Seals of such Justices; and such

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.

LV. 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 Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, from Time to Time for that Purpose, by the Collector or other Officer to be appointed under and by virtue of this Act (such Collector or other Officer having an Order in Writing for that Purpose under the Hands of Two or more of the said Commissioners for Drainage), every such Owner or Occupier 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, and widened; and it shall 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 Warrant or Precept under the Hands of Two or more of the said 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 Purposes of this Act.

Penalty on Neglect to cleanse Dikes.

LVI. 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 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 every such Case it shall and may be lawful for the said Commissioners for Drainage to cause such Tree or Trees to be taken down and carried away, and such Building, Stack, or Rick to be pulled down and removed.

No Trees to be planted, Building erected, within 200 Yards of any Engines to be erected by this Act, except by Order of the Commissioners.

LVII. And

Herbage of
Droves, &c.
to be let annu-
ally.

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

Appeal to the
Sessions.

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

Recovery of
Penalties by
Distress and
Sale;

LIX. And be it further enacted, That all Penalties and Forfeitures by this Act imposed and incurred (for the Recovery and Application whereof no particular Method is herein-before directed) shall be levied and recovered by Distress and Sale of the Offenders 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 Witnesses or Witnesses upon Oath (which Oath such Justice is hereby empowered to administer), and the Overplus (if any) after deducting the Costs and
Charges

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.

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

General Saving.

LXIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such 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, every, or any of them could or ought to have had or enjoyed, of, in, to, or out of the said Commons, Fens, and Waste Grounds, hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

LXV. And be it further enacted, That this Act shall be deemed, ad- Publick Act.
judged, 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1802.

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