



ANNO QUADRAGESIMO QUINTO

GEORGI II. REGIS.

Cap. 8.

An Act for inclosing and draining certain Lands in the Parishes of *Winterton*, *East Somerton*, and *West Somerton*, in the County of *Norfolk*.

[12th March 1805.]

WHEREAS there are within the Parishes of *Winterton*, *East Somerton*, and *West Somerton*, in the County of *Norfolk*, certain open Fields, Marthes, Doles, Commonable Fen Lands, Commons, and Waste Grounds: And whereas the Right Honourable *Edward Earl Winterton* is Lord of the Manor of *Winterton Earls*, and of *Winterton*, *Mautby*, *Bezvilles*, and *Bramptons*, in the County of *Norfolk*, and *Thomas Grove Esquire* is Lord of the Manor of *West Somerton Butly*, with the Rectory, in the said County of *Norfolk*: And whereas *John Barker Huntington Esquire* is Patron of the Rectory of *Winterton*, with *East Somerton*, and *William Gibson Clerk* is the present Rector thereof, and as such is entitled to the Parsonage House, and to certain Glebe Lands situate in the said Parishes of *Winterton* and *East Somerton*: And whereas the said *Thomas Grove* is Proprietor of the Rectory Improprate of *West Somerton*: And whereas the said Right Honourable *Edward Earl Winterton*, the Right Honourable *Richard Aldworth Griffin Lord Braybrooke*, the said *Thomas Grove*, and *John Barker Huntington*, and divers other Persons, are the Owners of the Messuages, Cottages, Lands, Tenements, and Hereditaments within the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One*

[Loc. & Per.]

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Act

*Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts: And whereas the said Marshes, Commonable Fen Lands, and the greater Part of the said Doles, 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 Persons interested therein: And whereas it would be advantageous to the Persons interested in the Premises if the said open Fields, Marshes, Doles, Commonable Fen Lands, Commons, and Waste Grounds, were divided, and specifick Parts and Shares thereof allotted to the several Persons interested therein, according to their respective Shares, Rights, and Interests, and if the said Marshes, Commonable Fen Lands, and such Parts of the said Doles, Commons, and Waste Grounds as are liable to be overflowed with Water were drained; but as such Division, Allotment, and Drainage cannot be 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 *George Cubitt of Catfield in the County of Norfolk Esquire, Thomas Glover Erwen of the City of Norwich Gentleman, and Benjamin Bowgin of Martham in the County of Norfolk Gentleman, and their Successors, to be elected in Manner herein mentioned, shall be, and they are hereby appointed General Commissioners for dividing and allotting the said open Fields, Marshes, Doles, Commonable Fen Lands, Commons, and Waste Grounds, and for carrying this Act into Execution, subject to the Rules, Orders, and Directions herein contained, and also subject to the Powers and Provisions of the said recited Act (except where the same are hereby varied or altered); and that all Acts, Matters, and Things authorized or necessary to be done and executed by the said General Commissioners, or any other General Commissioner or Commissioners, who shall be appointed as hereinafter-mentioned, for the Purposes aforesaid, may be done and executed by any Two of them, and the same shall be as valid and effectual, as if done and executed by all the said General Commissioners.**

Appointment
of Commis-
sioners.

Election of
new Com-
missioners

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 Premises) to be a General Commissioner in the Room 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.

Notices of
Meetings.

III. And be it further enacted, That the said General Commissioners shall, and they are hereby required to cause Notice of the Time and Place
of

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 Commissioner so attending may adjourn such Meeting to such Time and Place, within Eight Miles of the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, or One of them; as he shall think most convenient, and shall cause Notice of such Adjournment to be given to the absent Commissioners.

IV. Provided always, and be it enacted, That all other Notices, requisite or necessary to be given by the said General Commissioners, shall be so given by Advertisement in the said *Norfolk Chronicle*, or *Norwich Mercury*, or in some other Newspaper printed and circulated within the said County of *Norfolk*.

Other Notices
how to be
given.

V. And be it further enacted, That all Encroachments, which at any Time within Thirty Years now last past, have been made upon the said open Fields, Marshes, Doles, Commonable Fen Lands, Commons, and Waste Grounds hereby directed to be divided and allotted, shall be deemed Part thereof, and divided and allotted accordingly (save and except such Parts thereof as have been inclosed by virtue of any Licence in Writing, or Consent or Grant from the Lords of the respective Manors beforementioned, and duly inrolled in the Court Books of the said Manors respectively); and that no Person in Possession of any Lands, Commons, or Waste Grounds, which have been inclosed within the Time, and without such Consent and Entry or Inrolment as aforesaid, shall be entitled to any Allotment in respect thereof, under or by virtue of this Act; and in case any Dispute shall arise, touching any such Encroachments 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 case any Cottages or other Buildings shall have been erected upon any Part of the said Open Fields, Marshes, Doles, Commonable Fen Lands, Commons, and Waste Grounds, or upon any Encroachments which shall have been made thereon within Thirty Years now last past, then the said General Commissioners are hereby authorized and empowered, in case they shall think fit, to make Sale, and dispose of such Encroachments whereon such Cottages or other Buildings shall stand, or such other Parts of the said Commons and Waste Grounds in lieu thereof as they the said General Commissioners shall think more proper and convenient (not exceeding the Quantity of such Encroachments respectively) to the Owners of such Cottages or other Buildings, or any of them respectively, at such Price or Prices as they the said General Commissioners shall deem fair and reasonable, and in and by their Award to set out and allot the same to such Purchaser or Purchasers, his, her, or their Heirs accordingly; and the Monies arising from such Sale or Sales shall be applied in and towards the Payment of the Expences attending the passing and executing of this Act.

Power to sell
Encroach-
ments where-
on Houses
are erected to
the Owners
thereof.

VII. And be it further enacted, That, in order to shorten the Boundary Fences between the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*,

For shorten-
ing the Boun-
dary Fences.

Somerton, or some or One of them, and the adjoining Parishes, it shall and may be lawful to and for the said General Commissioners, (with the Consent in Writing, under the Hands of the Lords or Ladies of the Manors, and the Hands of the major Part in Value of the Land Owners in any Parish or Parishes adjoining to the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, or some or One of the said Parishes, 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 let out, ascertain, and determine the Boundary Fences to be made between the Lands in the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, or some or One of them, and the Lands lying in such adjoining Parish or Parishes, in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be let 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 Parishes of *Winterton*, *East Somerton*, and *West Somerton*, and such adjoining Parish or Parishes, any Law, Usage, or Custom to the contrary thereof notwithstanding.

Commissioners to settle Disputes.

VIII. 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 Allotments touching or concerning the Right to the Soil of the said Commonable Pen Lands, Commons, and Waste Grounds, or any Part or Parts thereof, 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 finally determine the same (save and except as is herein-after mentioned).

Commissioners not to determine Titles;

IX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend so as to authorize and empower the said General Commissioners to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Power to assess Costs.

X. And be it further enacted, That in case the said General Commissioners, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act, shall 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 whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; 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 whatsoever, 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,

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.

XI. Provided always, and be it enacted, That in case any Person or Persons interested, or claiming to be interetted in the said Division and Allotment, 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 Commonable Fen Lands, Commons, and Waste Grounds, or of any Rights of Common, or other Rights or Interests in, over, or upon the Open Fields, Marshes, Doles, Commonable Fen Lands, Commons, and Waste Grounds, herein directed to be divided, allotted, and inclosed, or any Part thereof, and shall, by Writing under his, her, or their Hand or Hands, signify such Dissatisfaction to the said General Commissioners, within Thirty Days next after their Determination shall be made and declared, 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 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 the said Action or Actions shall be final, binding, and conclusive, upon all and every Person or Persons whatsoever, unless the Court where such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had, which it shall and may be lawful to and for the 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: Provided always, that the Determination of the said General Commissioners, touching such Claim or Claims of Right to the Soil of the said Commonable Fen Lands, Commons, and Waste Grounds, or of any Rights of Common, or other Interests as aforesaid, in, over, or upon the Lands and Grounds hereby intended to be divided and inclosed, or any Part thereof which shall not be objected to, or being objected to, the Party or Parties objecting, not causing such Action at Law to be brought and proceeded in as aforesaid, shall be binding and conclusive upon all Parties.

Allowing the Parties to try Rights by an Issue at Law.

XII. And be it further enacted, That if any of the Parties, in any Action to be brought in pursuance of this Act, shall die, pending the

[*Loc. & Per.*]

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same,

If any of the Parties die, Proceedings not to abate.

same, such Action shall not abate by Reason thereof, but shall be proceeded in as if no such Event had happened.

Allotments
for the Poor.

XIII. And be it further enacted, That the said General Commissioners (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 inclosed, by virtue of this Act) shall assign, set out, and allot, unto the Lords or Ladies of the said Manors of *Winterton Earls*, and *Winterton Mautby*, *Begvilles*, and *Bramptons*, to the Rector of the said Rectory of *Winterton*, with *East Somerton*, and to the Churchwardens and Overseers of the Poor of the said Parish of *Winterton*, for the Time being, and to their respective Successors, for the Use and Benefit of the poor Persons residing within the said Parish of *Winterton*, such Part of the Commonable Fen Lands, Commons, and Waste Grounds, hereby directed to be divided and allotted, lying within the said Parish of *Winterton*, as they, the said General Commissioners, shall judge and deem to be most proper and necessary for the Purposes herein-after mentioned; and such Allotment shall, from and after the Execution of the Award herein directed to be made by the said General Commissioners, be vested in the respective Lords or Ladies of the said Manors of *Winterton Earls* and *Winterton Mautby*, *Begvilles*, and *Bramptons*, the Rector of the said Rectory of *Winterton*, with *East Somerton*, and the Churchwardens and Overseers of the Poor of the said Parish of *Winterton*, for the Time being, for ever, as Trustees, for the said poor Persons; and shall assign, set out, and allot, to the Rector of the Rectory of *Winterton*, with *East Somerton*, and the Churchwardens and Overseers of the Poor of the said Parish of *East Somerton*, for the Time being, and to their respective Successors, for the Use and Benefit of the poor Persons residing within the said Parish of *East Somerton*, such Part of the Commonable Fen Lands, Commons, and Waste Grounds, hereby directed to be divided and allotted, lying within the said Parish of *East Somerton*, as they the said General Commissioners shall judge and deem to be most proper and necessary for the Purposes herein-after mentioned; and such Allotment shall, from and after the Execution of the Award herein directed to be made by the said General Commissioners, be vested in the Rector of the said Rectory of *Winterton*, with *East Somerton*, and the Churchwardens and Overseers of the Poor of the said Parish of *East Somerton*, for the Time being, for ever, as Trustees for the said poor Persons residing within the said Parish of *East Somerton*; and shall assign, set out, and allot, unto the Lords or Ladies of the said Manor of *West Somerton Butley*, with the Rectory, to the said Impropiator, and to the Churchwardens and Overseers of the Poor of the said Parish of *West Somerton*, for the Time being, and to their respective Successors, for the Use and Benefit of the poor Persons residing within the said Parish of *West Somerton*, such Part of the Commonable Fen Lands, Commons, and Waste Grounds, hereby directed to be divided and allotted, lying within the said Parish of *West Somerton*, as they the said General Commissioners shall judge and deem to be most proper and necessary for the Purposes herein-after mentioned; and such Allotment shall, from and after the Execution of the said Award herein directed to be made by the said General Commissioners, be vested in the Lords or Ladies of the said Manor of *West Somerton Butley*, with the Rector, the said Impropiator, and the Churchwardens and Overseers of the Poor of the said Parish of *West Somerton*, for the Time being, for ever, as Trustees for the said poor Persons, residing within

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the said Parish of *West Somerton*; and the Trustees in whom the said respective Allotments for the Benefit of the Poor shall for the Time being be respectively vested, or the major Part of such respective Trustees, are hereby empowered and required, from Time to Time, by any Writing or Writings under their Hands and Seals, to lease or demise any Part or Parts of the said Allotment or Allotments so vested in them respectively as aforesaid, not exceeding One Moiety thereof, to any Person or Persons whatsoever, for any Term of Years, not exceeding Twenty-one Years, so that in every such Lease there be reserved and made payable to the Trustees for the Time being, of the Allotments, or Part of the Allotments thereby demised, or the major Part of them, by Two equal Half-yearly Payments in every Year, 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 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 respective Trustees, or the major Part of them, shall think proper to be inserted therein; and the Rents and Profits arising from the said Allotments, or Parts of the said Allotments, so leased or demised, respectively, shall be from Time to Time laid out in purchasing Fuel, and such Fuel shall be distributed among the poor Inhabitants of the said respective Parishes of *Winterton*, *East Somerton*, and *West Somerton*, 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 Times in every Year, and according to such Rules and Orders as the said respective Trustees, for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose; and it shall and may be lawful to and for the said respective Trustees to retain and keep so much, and such Part or Parts as they shall think proper, of the Remainder of such Allotment or Allotments respectively, not so let or demised as aforesaid, for the Purpose of cutting Fuel; and such Fuel shall be distributed in Manner aforesaid; and the Remainder of the said respective Allotment or Allotments, not so let or demised, or used for the Purpose of cutting Fuel, shall be used and enjoyed solely and exclusively by such poor Inhabitants of the said Parishes respectively as aforesaid, who shall be legally settled and resident therein, and shall not occupy Lands and Tenements of more than the yearly Value of Five Pounds as a Common of Pasture, in such Manner, and at such Time or Times, and according to such Rules and Directions as the said respective Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise: Provided always, that, from and immediately after the Execution of the said Award, no poor or parochial Rates, Taxes, or Assessments whatever shall be paid or payable out of, or for or in respect of, the said Allotment or Allotments herein-before directed to be made for the Benefit of the Poor as aforesaid.

Poor's Allotments to be free from Parochial Assessments.

XIV. Provided always, and be it enacted, That it shall and may be lawful to and for the Lords and Ladies of the said Manors, the Rector of the said Rectory of *Winterton*, with *East Somerton*, and the Proprietor of the said Rectory Improprate of *West Somerton* for the Time being, to act in the Execution of the Trusts hereby resolved in them by their Agents or Proxies respectively, such Agents or Proxies respectively being appointed

Lords of Manors and Rectors to act by Proxy.

pointed by Writing or Writings under the Hands of the Lords and Ladies of the said Manors, Rector and Impropiator respectively for the Time being, and producing their respective Appointments at the Time of their acting by virtue thereof.

Allotment
for Right of
Soil.

XV. And be it further enacted, That the said General Commissioners shall, in the next Place, assign, set out, and allot, unto and for the Lord or Lords, Lady or Ladies of the said respective Manors, and unto any other Person or Persons being Lord or Lords, Lady or Ladies of any Manor or Manors within any of the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, as Owner or Owners of, or claiming to be Owner or Owners of, or being entitled to the Soil of the said Commonable Fen Lands, Commons, and Waste Grounds, or any Part thereof, such Part or Parts of the Commonable Fen Lands, Commons, and Waste Grounds in the respective Parishes of *Winterton*, *East Somerton*, and *West Somerton*, as in the Judgement of the said General Commissioners shall be equal in Value to One-seventeenth Part of the said Commonable Fen Lands, Commons, and Waste Grounds, in the said respective Parishes; (that is to say,) to the Lord or Lady, Lords or Ladies of any Manor or Manors in the said Parish of *Winterton*, a Seventeenth Part of the Commonable Fen Lands, Commons, and Waste Grounds in the said Parish of *Winterton*; to the Lord or Lady, Lords or Ladies of any Manor or Manors in the said Parish of *East Somerton*, a Seventeenth Part of the Commonable Fen Lands, Commons, and Waste Grounds within the said Parish of *East Somerton*; and to the Lord or Lady, Lords or Ladies of any Manor or Manors in the said Parish of *West Somerton*, a Seventeenth Part of the Commonable Fen Lands, Commons, and Waste Grounds, within the said Parish of *West Somerton*; and such Allotment or Allotments shall be a full Compensation and Recompence for the Right of such Lord or Lords, Lady or Ladies, of such Manors respectively in and to the Soil of the said Commonable Fen Lands, Commons, and Waste Grounds respectively, or any Part thereof.

Allotment of
Residue.

XVI. And be it further enacted, That the said General Commissioners shall then assign, set out, and allot the said Open Fields, Marthes, and Doles; and the Residue and Remainder of the said Commonable Fen Lands, Commons, and Waste Grounds hereby directed to be divided and allotted, unto and amongst all and every Person and Persons 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 to be proportionate to the Value of, and a full Satisfaction and Compensation to him, her, and them respectively for his, her, and their respective Rights of Common, or other Rights or Interests in, over, and upon the said Open Fields, Marthes, Doles, Commonable Fen Lands, Commons, and Waste Grounds, or any Part or Parts thereof.

In case any
Person shall
sell his Com-
mon Right,
the Allot-
ment to be
made to the
Purchaser.

XVII. 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 Open Fields, Marthes, Doles, Commonable Fen Lands, Commons, and Waste Grounds, or any Part thereof, or any Allotment or Allotments in respect thereof to any other Person, then

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 such Allotment or Allotments, or an Allotment of Land unto the Vendee or Purchaser in such Sale, Contract, or Agreement, or to his or her Heirs or Assigns for and in respect of such Allotment or Allotments, 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 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 Allotment or Allotments, Right, Interest, or Property, had been vested in such Vendor at the Time of making such Allotment as aforesaid.

XVIII. 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, Reed, Rushes, Fodder, Turf, or Flags, in, upon, or from the said Doles, Commonable Fen Lands, 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 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 Three Calendar Months.

No Turf to be cut without Leave of General Commissioners.

XIX. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized at any Time before the Execution of the said Award, by Writing under their Hands, to be affixed upon the principal Door of the respective Churches of *Winterton*, with *East Somerton* and *West Somerton* aforesaid, to order and direct all or any Part of the Rights of Common in, over, or upon the said Commonable Fen Lands, 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 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 be suspended accordingly; any Law, Usage, or Custom, to the contrary notwithstanding.

For extinguishing or suspending Rights of Common before the Award.

XX. And be it further enacted, That, from and after the passing of this Act, until the Execution of the said Award, all the Open Fields hereto 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

Commissioners to direct the Course of Husbandry over the Open Fields.

[Loc. & Per.]

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Regard to the stocking as to the ploughing, folding, tilling, sowing, and laying down the same; and it shall and may be lawful to and for the said General Commissioners to order and direct such Sum and Sums of Money, in respect thereof, to be paid by any Person or Persons interested in the said Open Fields, 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 and may be lawful to and for the said General Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

For leaving
Gaps.

XXI. 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.

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

XXII. And be it further enacted, That all the Messuages, Cottages, Lands, and Grounds which shall be allotted by virtue of this Act, and of the said recited Act, to any Person or Persons for or in respect of any Messuages, Cottages, Lands, or Grounds holden of any Manor or Manors, by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Cottages, Lands, and Grounds, 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 respect whereof such Allotments shall be made, are now holden: Provided always, that all and every Person or Persons to or with whom Copyhold Messuages, Cottages, Lands, and Premises shall be allotted or exchanged by virtue of this Act and the said recited Act, 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 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 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, 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 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,

Cottages, Lands, or Tenements, in lieu or in respect whereof such Lands and Premises shall be allotted, are now holden under and subject to; and the said General Commissioners shall by their Award determine, describe, and about the Messuages, Cottages, Lands, and Grounds respectively, which are to be and remain Copyhold or Leasehold; and all other Messuages, Buildings, Lands, and Grounds, to be allotted by virtue of this Act, (except what shall be so ascertained by the said General Commissioners to be Copyhold or Leasehold,) shall be thenceforth deemed, taken, and enjoyed as Freehold Messuages, Buildings, Lands, and Grounds, 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 and may be allotted.

XXIII. And be it further enacted, That all Tenants and Occupiers, under Leases or Agreement for any Terms, of any Open Fields within the said respective Parishes of *Winterton, East Somerton, and West Somerton*, which shall be allotted or exchanged by virtue of this or the said recited 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 or exchanged Lands, to the Person or Persons to or with whom the same shall be respectively allotted or exchanged, such respective Tenants and Occupiers of such allotted or exchanged Lands receiving the Lands allotted or exchanged therefor in lieu thereof; and such of the said Tenants and Occupiers as in the Judgement of the said General Commissioners shall be prejudiced by such Exchange, by reason of the different State of Cultivation of the said Lands, shall receive from the respective Tenants and Occupiers of the Lands given in Exchange therefor such Satisfaction in Money as the said General Commissioners shall ascertain, order, direct, or appoint, as an Equivalent for such different State of Cultivation; 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.

Tenants to give up Open Fields allotted or exchanged, receiving in lieu thereof what shall be exchanged, therefor, with such Compensation, as the General Commissioners shall direct.

XXIV. And be it further enacted, That all and every Lease and Leases of any Messuages, Lands, or Tenements within the said respective Parishes of *Winterton, East Somerton, and West Somerton*, shall, as far as such Lease and Leases affect or concern any Allotment or Allotments to be made of any Part of the said Doles, Commonable Fen Lands, Commons, or 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 unto 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,

Leases void as to Allotments of Common.

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 Doles, Commonable Fen Lands, Commons, or 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 shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto on Demand, then and in such Case, it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied.

Money advanced to be repaid with Interest.

XXV. And be it further enacted, That if any of the Proprietors or Persons interested in the Open Fields, Marshes, Doles, Commonable Fen Lands, Commons, and Waste Grounds hereby directed to be divided, allotted, and inclosed, or any other Person or Persons on his, her, or their Behalf, 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.

For defraying the Charges of obtaining and executing this Act.

XXVI. 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 of the said Rectory of *Winterton*, with *East Somerton*, in Right of his said Rectory, and to the said Proprietor in Right of his said Rectory Improprate, and of inclosing the Allotments hereby directed to be made to the Surveyors of the Highways within, and Trustees of the Poor of the said Parishes of *Winterton*, *East Somerton*, and *West Somerton* respectively, and to the Special Commissioners hereinafter appointed, and all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of surveying, admeasuring, planning, valuing, dividing, allotting, and draining the Lands, Grounds, and Premises to be divided, allotted, and drained, by virtue of this Act, and of preparing and inrolling the Award of the said General Commissioners, and of the Copies thereof, and 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 in respect of any Allotment or Allotments which shall be made to him in respect of his said Rectory, the said Improprator in respect of any Allotment or Allotments which shall be made to him in respect of his said Rectory, and also save and except the Surveyors of the Highways and the Trustees for the Poor of the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*)

respectively, and the said Special Commissioners for the Time being, for or in respect of the Allotments hereby directed to be made to them respectively as aforesaid, and also save and except such Person or Persons whose Real Property, within the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, or any of them, 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.

XXVII. Provided always, and be it further enacted, That all the Costs, Charges and Expences attending the making and completing of any Exchanges and Partitions which shall be made by virtue of this or the said recited Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions in such Manner and in such Shares and Proportions as the said General Commissioners shall by their Award or other separate Deed or Instrument order and direct.

Expences of Exchanges and Partitions by whom to be paid.

XXVIII. And be it further enacted, That once at least in every Year, during the Execution of this Act, (such Year to be computed from the Day of the passing thereof), the said General Commissioners shall, and they are hereby required to make a true and just Statement or 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 One or more of His Majesty's Justices of the Peace for the County of *Norfolk*, to be by him or them examined and allowed; and the Balance of such Account shall be by such Justice or Justices stated in the Book of Accounts, to be kept in the Office of the Clerk to the said General Commissioners, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

The General Commissioners to lay Accounts before a Justice of the Peace once in every Year.

XXIX. And be it further enacted, That the Award to be made by the said General Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in the Church belonging to the Parishes of *Winterton* and *East Somerton* aforesaid, or in the Parish Church of *West Somerton* aforesaid, or in such other Place as the said General Commissioners shall appoint.

Award to be deposited.

XXX. 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.

Proprietors and Agents to pay their own Expences.

XXXI. 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,

Wills or Settlements not to be affected.

Lands, or Grounds to be divided, allotted, inclosed, 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, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Clause for
Drainage, &c.

XXXII. 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, Dikes, Sluices, Engines, Bridges, and other Works in through, over and upon the Open Fields, Marshes, Doles, Commonable Fen Lands, 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 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 Buildings, for the Habitation of the Person or Persons who shall have the Care or Superintendance of the said Mills or Works, or any of them, or for depositing Stores, or Materials necessary for the making or maintaining of such Mills and Works as they the said General Commissioners shall think proper, and also to make a Dike or Dikes through any Part of the said Lands and Grounds to *Martham Broad* adjoining thereto, to be used as a common or publick Boat Dike or Dikes by the Owners and Occupiers of Estates within the said Parishes of *Winterton, East Somerton, and West Somerton*, for the Time being, for the Conveyance of Corn, Manure, and other Things to and from the said Broad; and that the said General Commissioners shall set out and allot unto the Special Commissioners hereafter appointed the Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works, Houses, Buildings, and Boat Dike or Dikes, so to be made and erected, or purchased by them, and such Part of the Lands and Grounds to be drained 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 Land adjoining to the said Boat Dike or Dikes, to be used as a publick Staithe or publick Staithes, by the Owners and Occupiers of Estates within the said Parishes of *Winterton, East Somerton, and West Somerton*, for the Time being, for the 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 Broad, by Means of the said Boat Dike or Dikes.

Compensation
to be made
for Lands
taken.

XXXIII. 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 the Part or Parts of the said Lands which shall be taken or used for the making or erecting of the said Drains, Dams, Banks, Mills, Dikes, Sluices,

Stices, Engines, Bridges, and other Works, Houfes, and Buildings, or any of them, or set out and allotted for Ways and Passages to and from the same, and for repairing or preserving the same to the Proprietor or Proprietors of the Part or Parts of the said Lands and Grounds to be taken, used, set out, or allotted for the Purposes abovementioned, 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 Expenses 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 Expenses 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 Tail, 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 *Congue* 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 such Manner as is directed by the said recited Act.

XXXIV. And be it further enacted, That the Lord or Lords, Lady or Ladies of the said Manors of *Winterton Earls*, and of *Winterton Mautby*, *Leggilles*, and *Bramptons*, and of *West Somerton Butley*, with the Rectory, the Rector of the said Rectory of *Winterton*, with *East Somerton*, for the Time being, the Proprietor of the said Rectory Improprate of *West Somerton* for the Time being, and each and every Owner or Proprietor of Thirty 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 are hereby appointed Special Commissioners for the Purpose of draining the Marshes, Commonable Fen Lands, Commons, and Waste Grounds directed to be drained by virtue of this Act.

Special Commissioners appointed.

XXXV. And be it further enacted, That it shall and may be lawful to and for each and every such Special Commissioner 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 in his or her Stead; 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 Special Commissioner, and shall have the like Power and Authority as the Person by whom such Agent or Deputy shall be appointed; but no such Agent or Deputy shall be capable of acting as Agent or Deputy for the Purposes of this Act for any more than One Special Commissioner at any One Time.

Appointment of Deputy Special Commissioners.

XXXVI. And be it further enacted, That no Person shall be capable of acting as a Special Commissioner (except it be in administering the Oath or Affirmation herein-after mentioned to any of the other Special Commissioners)

Commissioners to take an Oath or Affirmation.

Commissioners) until he or they shall have taken the Oath following, or being of the People called *Quakers*, make Affirmation; *videlicet*,

I *A. B.* do swear [or, being of the People called *Quakers*, do solemnly affirm] That I will, without Favour or Affection, Hatred or Malice, truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities in the Execution whereof I shall at any Time act as a Special Commissioner appointed in and by an Act made in the Forty-fifth Year of the Reign of His Majesty King *George* the Third, intituled, *An Act* [here insert the Title of this Act.]

So help me GOD.

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

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

XXXVII. And be it further enacted, That in case any Person shall presume to act as a Special Commissioner before he or she shall have taken the said Oath or made Affirmation, or if any Person, not being duly qualified as required by this Act, shall have acted or shall have appointed an Agent or Deputy who shall have acted as such Agent or Deputy in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit by Action of Debt, or on the Case, Bill, 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 Imparance 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 Special Commissioner 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.

First Meeting of Special Commissioners.

Annual Meeting.

XXXVIII. And be it further enacted, That the said Special Commissioners shall, and they are hereby required to hold their First Meeting for carrying this Act into Execution in One of the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, 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 in the Forenoon, and the said Special Commissioners shall meet on the first Monday in the Month of *May* in each and every Year, between the Hours of Ten and Twelve in the Forenoon, in One of the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, which last-mentioned Meeting shall be called, *The General Annual Meeting of the said Special Commissioners*; and the said Special Commissioners shall and may from Time to Time adjourn themselves to meet at any convenient Place within any of the said Parishes, or within Twelve Miles thereof, which they the said Special Commissioners, or the major Part of them present at any such Meeting, shall appoint; and

and if it shall so happen that there shall not appear a sufficient Number of the said Special Commissioners at any such Meeting to act or adjourn to another Day, (Two Special Commissioners to be deemed sufficient for the Purpose of adjourning,) or if they shall refuse or neglect to adjourn, or if any Two or more of the said Special Commissioners shall deem a Meeting of the said Special Commissioners 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 such Case the Clerk of the said Special Commissioners, or any Two or more of the said Special Commissioners, shall and may call a Meeting to be holden within any of the said Parishes of *Winterton*, *East Somerton*, and *West Somerton*, by Writing under his Hand, or their Hands, affixed on the principal Door of the said Church belonging to the Parishes of *Winterton* and *East Somerton*, and on the principal Door of the said Parish Church of *West Somerton*, and by publishing the same 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 previous to the Time of such Meeting; and no Act of the said Special Commissioners 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 Special Commissioners 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 Special Commissioners 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 Expenses, so that such Allowance do not in the Whole exceed the Sum of Three Pounds *per Day* at every such Meeting of the said Special Commissioners.

XXXIX. 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 Special Commissioners, relative to the Execution of this Act, and of the Names of the Special Commissioners who shall be present at the respective Meetings, and the same shall be signed by the Clerk to the said Special Commissioners; 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. Books to be kept.

XI. And be it further enacted, That the said Special Commissioners shall and may sue and be sued in the Name of their Clerk, and that no Action that shall be brought or commenced by or against the said Special Commissioners, 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 Special Commissioners, but the Clerk for the Time being of the said Special Commissioners 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 Special Commissioners, and their Clerk for the Time being, in which Case any One of the said Special Commissioners shall or may be made Plaintiff or Defendant, as the Case shall

[Loc. & Per.]

Li

be :

Clerk to be
paid his Ex-
pences.

be: Provided always, that every such Clerk or Special Commissioner, 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 become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

For appoint-
ing Officers.

XLI. And be it further enacted, That the said Special Commissioners 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 Special Commissioners 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 Special Commissioners employed in the Execution of this Act, as they shall think reasonable; and the said Special Commissioners shall take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid as the said Special Commissioners shall think proper, and all such Officers and Persons, to be appointed as aforesaid, shall under their Hands, at such Time and Times and in such Manner as the said Special Commissioners shall direct, deliver to such Special Commissioners, 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 Special Commissioners, 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 Special Commissioners is hereby enabled to administer,) and if 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 Special Commissioners, or to such Person or Persons as they shall appoint, within Twenty Days after being thereunto required by such Special Commissioners, 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 Special Commissioners, or as they shall direct or appoint, then and in any of the Cases aforesaid such Special Commissioners may, and they are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid; or if Complaint shall be made by the said Special Commissioners, 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

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 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 Special Commissioners, or to such Person or Persons as they shall have appointed within Twenty Days after being thereunto required by such Special Commissioners, all Books, Papers, and Writings, in his or their Custody or Power, relating to the Execution of this Act, then and in any or either of the Cases aforesaid, such Justices shall commit 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 Special Commissioners and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Special Commissioners 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 Special Commissioners.

XLII. And be it further enacted, That the said Special Commissioners 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, Dikes, 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 Drains, Dams, Banks, Mills, Dikes, Sluices, Engines, Bridges, and other Works, as shall appear to the said Special Commissioners to be necessary for effectually draining the said Lands and Grounds, all of which Drains, Dams, Banks, Mills, Dikes, Sluices, Engines, Bridges, and other Works, to be made or erected by the said General Commissioners or by the said Special Commissioners, and the Right and Property to and in the same, and the Materials of which

Works of
Drainage to
be kept in
Repair.

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 Special Commissioners, for maintaining, repairing, and preserving the same, shall be, and the same is and are hereby vested in the said Special Commissioners 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.

XLIII. And be it further enacted, That the said Special Commissioners shall and may from Time to Time, and at all Times after the said Award of the 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 Special Commissioners 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 Special Commissioners 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.

XLIV. 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 Special Commissioners to the Collector or Collectors, or other Person or Persons appointed by the said Special Commissioners, for the Purpose of receiving the same; and it shall and may be lawful to and for every such Tenant and Occupier to deduct and retain the same out of his, her, or their Rent or Rents, and the several Owners are hereby required to allow such Deductions, and every such Tenant paying such Rate or Assessment shall be discharged of so much Money as the same shall amount to, as fully as if the same had been paid to his or her Landlord.

For Recovery
of Taxes.

XLV. And be it further enacted, That in case any Owner or Owners, Tenant or Tenants, or Occupier or Occupiers of any Lands or Grounds to be drained by virtue of this Act, shall make Default in Payment of the Whole or any Part of the Sum or Sums of Money to be assessed, rated, taxed, or charged upon him, her, or them, for or in respect of such Lands or Grounds, or any Part thereof, and shall continue in such Default for the Space of Ten Days next after the Time appointed by the said Special Commissioners for such Payment, and after Demand of such Rates and 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

or Occupier or Occupiers, shall not have any Place of Abode within the said Parishes of *Winterton, East Somerton, and West Somerton*, or any of them, or within Two Miles of the same, then after Demand made by the 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 Special Commissioners, (which Warrant or Precept such Two or more Special Commissioners are hereby empowered and required to 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 be there found; and it shall and may be lawful to and 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 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, and distrained for, as aforesaid, together with the Costs and Charges of such Warrant, and of taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, or Cattle so distrained, according to the Laws now in Force for Non-payment of Rent, within the said Five Days, that then the said Goods, Chattels, or Cattle so distrained, shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made, (who is hereby authorized and required to administer an Oath for that Purpose,) to appraise the same according to the best of their Judgement; and that after such Appraisement as aforesaid, the said Goods, Chattels, or Cattle shall be sold by the said 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.

XLVI. 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

Lands untenanted to remain a Security for the Rates.

[*Loc. & Per.*]

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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 destroy-
ing Works.

XLVII. 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, Dike, Sluice, or Tunnel already made, or which shall at any Time hereafter be made or erected, supported, maintained, or used for 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 punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or, in Mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Persons da-
maging
Works to
forfeit a Sum
not exceed-
ing Fifty
Pounds.

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

Penalty on
Neglect to
cleanse
Ditches.

XLIX. 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 Dike or Dikes, Ditch or Ditches, Drain or Drains shall belong, shall neglect or refuse sufficiently to scour, cleanse, open, or repair any such Dike, Ditch, or Drain, or to make the same of a sufficient Depth and Width after Ten Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, from Time to Time for that Purpose by the Collector or other Officer 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 Special Commissioners,) every such Owner or Occupier shall for every such Neglect or Refusal forfeit and pay the Sum of Four 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 to and for such Collector or other Officer to cause such
Dikes,

Dikes, Ditches, and Drains, at the Charges and Expences of such Owner or Occupier, to be scowered, cleaned, opened, repaired, deepened, and widened in a sufficient Manner; and where a Way shall have been made over any Dike, Ditch, or Drain, without a sufficient Tunnel, to cause such Way to be taken up, and such Dike, Ditch, or Drain, to be made of a proper Width and Depth; and by Warrant or Precept, under the Hands of Three or more of the Special Commissioners, 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.

I. And be it further enacted, That no Tree or Trees shall at any Time or Times hereafter be planted, or any Building, Stack, or Rick erected or built (except by Order or Permission of the said Special Commissioners) 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, Buildings, 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 Special Commissioners, then and in any such Case it shall and may be lawful to and for the said Special Commissioners 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, and the Costs and Expences thereby incurred shall be reimbursed to the said Special Commissioners by the Person or Persons who committed the Offence, and may be recovered by Distress and Sale of his, her, or their Goods, Chattels, and Stock, wherever the same shall be found, by Warrant under the Hands and Seals of any Three of the said Special Commissioners.

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

II. 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 Special Commissioners, shall in future be let by the said Special Commissioners 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 Special Commissioners for the general Purposes of Drainage under this Act, in such Manner as they shall at such annual Meeting direct.

Herbage of Drovers, etc. to be let annually.

III. 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 or by the said recited Act 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

Appeal to the Sessions.

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 Special Commissioners, in case the Appeal shall be made against any Act or Determination of the said Special Commissioners, Ten Day's 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 the 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.

Offenders to
be committed:

LIII. 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 Goods and Chattels of the Offender or Offenders, 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 Special Commissioners, and shall be applied to such of the Purposes of this Act as the said Special Commissioners shall think fit; but nevertheless, it shall and may be lawful to and for the said Special Commissioners, 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 Special Commissioners shall think reasonable; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful 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, unless such Penalties and Forfeitures, and all reasonable Charges attending the same, shall be sooner paid and satisfied.

LIV. And

LIV. 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 of this Act, the Form of Conviction shall be in the Words or to the Effect following; (that is to say),

BE it remembered, That on this Day of . . .
 in the Year of our Lord . . . A. B. is con-
 victed 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-
 fifth Year of the Reign of King George the Third, intituled, [here insert
 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 Con-
 viction.

LV. And be it further enacted, That no Order, Determination, Judge-
 ment, 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 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*.

LVI. 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 Ac-
 count of any Defect or Want of Form in the Rate or Assessment to be
 made, or in the Information, Summons, Conviction, Warrant, Distress,
 or other Proceedings relating thereto; nor shall the Party or Parties dis-
 training be deemed a Trespasser or Trespassers *ab initio*, on account of
 any Irregularity which shall be afterwards done by the Party or Parties so
 distraining; but the Party or Parties so aggrieved by such Irregularity
 shall and may recover full Satisfaction for the Special Damage in an
 Action upon the Case.

Distresses not
 unlawful for
 Want of
 Form.

LVII. 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 Satisfac-
 tion 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 prose-
 cuted 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 Per-
 sons acting by Authority of Commissioners of Sewers are enabled to do,
 [Loc. & Per.] L! and

Limitation of
 Actions.

and give this Act, and the Special Matter in Evidence, at any Trial to be had thereupon, and that the same was done in pursuance or by the Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall be brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants, Avowant or Avowants, and in all Cases where a Verdict shall be found for any Defendant or Defendants, Avowant or Avowants, in any such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same after the Defendant or Defendants shall have appeared thereto, or shall be nonsuited; or if upon Demurrer Judgment shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants, Avowant or Avowants, shall recover Treble Costs, and have such and the like Remedy for recovering the same, as any Defendant or Defendants, Avowant or Avowants, hath or have for recovering Costs of Suit in any other Case by Law.

General
Saving.

LVIII. 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, or their Heirs, Successors, Executors, and Administrators, (save and except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for or in respect of such Rights and Interests as are hereby meant or intended to be barred, destroyed, or extinguished, and all Persons respectively claiming under them or in Remainder after them,) all such Right, Title, and Interest, as they, every, or any of them, could or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

Publick Act.

LIX. 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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