ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 107.

An Act for inclosing and draining Lands in the Honor, Manor, and Parish of *Wormegay*, in the County of *Norfolk*. [3d *July* 1806.]

WHEREAS an Act was passed in the Forty-first Year of the Reign of his present Majesty, intituled "An Act for consolidating in one Act certain Provisions usually inserted in "Acts of Inclosure, and for facilitating the Mode of proving the several "Facts usually required on the passing of such Acts:" And whereas there are within the Honor, Manor, and Parish of *Wormegay*, in the County of *Norfolk*, divers Arable, Meadow, and Pasture Lands, Fens, Marshes, Commons, and Waste Grounds: And whereas *Daniel Henry Lee Warner* Esquire is Lord of the Honor and Manor of *Wormegay*, in the said County, and claims to be entitled to the Soil of the said Commons and Waste Grounds; and *Thomas Berners Plestow* Esquire is Lord of the Manor of *Tottenhill*, and claims to be entitled to the Soil of Part of the said Commons and Waste Grounds, called *West Briggs Common*; and all the Messuages, Cottages, Lands, and Tenements, situate lying and being within the said Honor, Manor, and Parish of *Wormegay* belong to the said *Daniel Henry Lee Warner*, and *Thomas Berners Plestow*, and to *James Parker Curties*, and divers other Persons respectively: And whereas Part of the said Arable, Meadow, and Pasture Lands are inconveniently situated for the respective Owners and Proprietors thereof, and great Part of the said Fens, Marshes, Commons, and Waste Grounds are frequently overflowed with Water, and in their present State and Condition yield but little Profit to the several Persons interested therein: And whereas it would be advantageous to the several Persons entitled to and interested in the Premises if the said Arable, Meadow, and Pasture Lands, Fens, Marshes, Commons and Waste Grounds were divided, and specific Parts or Shares thereof allotted to the several Persons entitled thereto and

interested in the same according to their respective Estates, Rights, and Interests, and if the said Fens, Marshes, Commons, and Waste Grounds were drained; but such Division, Allotments, 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 *Henry Bell* of *Wallington*, in the County of *Norfolk*, Esquire, *John Dugmore* of *Swaffham*, in the said County, Gentleman, and *John Burcham* of *Bale*, in the said County, Gentleman, shall be and they are hereby appointed General Commissioners for dividing and allotting the said Arable, Meadow, and Pasture Lands, Fens, Marshes, Commons and Waste Grounds, and for carrying this Act into Execution, subject to such Directions and Provisions as are herein contained, and also subject to such Powers, Authorities, Directions, Regulations, Restrictions, and Provisions contained in the said recited Act, as are not altered, varied, or otherwise provided for by this Act; 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, may be done and executed by any two of them, and the same shall be as good, valid, and effectual, and shall have the same Force and Effect as if such Acts, Matters and Things had been done and executed by all the said General Commissioners hereinbefore named, or to be appointed as hereinafter mentioned.

Commissioners.

For appointing New Commissioners.

II. And be it further enacted, That, if any of the General Commissioners hereinbefore named, or to be appointed by virtue of this Act, shall refuse or become incapable to act as a General Commissioner in the Execution of the said recited Act and this Act, or shall die before all the Powers, Authorities, and Trusts reposed and vested in the said General Commissioners, shall be fully executed and performed; then, and in every such Case, the surviving or remaining General Commissioner or Commissioners shall, within Forty Days next after his or their Knowledge of such Refusal or Incapacity to act, or of such Death, by Writing, under his or their Hand or Hands, appoint another Person (not interested in the Premises) to be a General Commissioner for the Purposes of this Act, and the said recited Act, in the Place of such General Commissioner so refusing or becoming incapable to act, or dying as aforesaid; and every Person so to be appointed a General Commissioner as aforesaid shall, after taking and subscribing the Oath or Affirmation set forth in the said recited Act have the like Powers and Authorities for carrying the said recited Act, and this Act into Execution, in all Respects, as if he had been named and appointed a General Commissioner in and by this Act.

Appointment of Surveyor.

III. And be it further enacted, That all such Surveys, Admeasurements, and Plans, as shall be necessary and requisite to be made and taken for the Purpose of carrying the said recited Act, and this Act into Execution, shall be made and taken by *Charles Burcham* of *Bale* aforesaid, Land Surveyor, in case he shall in all Things conform to or comply with the Orders and Directions of the said General Commissioners; but, in case the said *Charles Burcham* shall die, or decline, or be incapable to act in the Premises, or shall neglect or refuse to make such Surveys, Admeasurements, and

and Plans, or to conform to or comply with the Orders and Directions of the ſaid General Commiſſioners, then the ſaid Surveys, Admeaſurements, and Plans ſhall be made and completed by ſuch Perſon or Perſons (not intereſted in the Premiſes) as the ſaid General Commiſſioners ſhall nominate and appoint for that Purpoſe.

Notice of General Commiſſioners' Meetings.

IV. 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 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 or circulated within the ſaid County of *Norfolk*, Eight Days at leaſt before every ſuch Meeting (Meetings by Adjournment excepted); and if one only of the ſaid General Commiſſioners ſhall be preſent at the Time and Place to be appointed for any ſuch Meeting, then, and in ſuch Caſe, and ſo often as the ſame ſhall happen, it ſhall be lawful for the General Commiſſioner then and there preſent to adjourn ſuch Meeting to ſuch Place within the ſaid Pariſh of *Wormegay*, or within Eight Miles thereof, as he ſhall think moſt convenient, giving Notice of ſuch Adjournment to the abſent Commiſſioners.

One General Commiſſioner may adjourn.

Other Notices, how to be given.

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

For ſhortening the Boundary Fences againſt adjoining Pariſhes.

VI. And be it further enacted, That, in order to ſhorten the Boundary Fences between the ſaid Pariſh of *Wormegay*, and the Pariſh or Pariſhes adjoining thereto, and to make the ſame regular, it ſhall be lawful 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 Pariſh of *Wormegay*, (ſuch Value to be aſcertained by the Land-Tax Aſſeſſment for ſuch Pariſh or Pariſhes reſpectively,) 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, or of the Owner or Owners of the Land upon which ſuch Fence or Fences ſhall or may be intended to be made,) to ſet out, aſcertain, and determine the Boundary Fences to be made between the Lands 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 Boundaries ſhall be ſo ſet out, aſcertained, and determined, the ſame ſhall be incloſed and fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time as the ſaid General Commiſſioners ſhall direct, and ſhall for ever thereafter be deemed and taken to be the Boundaries between the ſaid Pariſh of *Wormegay* and ſuch adjoining Pariſh or Pariſhes, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Commiſſioners to ſettle Differences.

VII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted, or claiming to be intereſted, in the ſaid intended Diviſion and Allotments, touching, or concerning the reſpective Rights and Intereſts, which they, or any of them, ſhall claim to have, of, in, to, or upon the Lands hereby directed to be divided and allotted, or concerning any Allowance claimed, or to be made for

ploughing,

ploughing, sowing Turnips or Corn, laying down with Grass Seeds, manuring or improving the said Lands, or touching or concerning any other Matter or Thing whatsoever, it shall be lawful for the said General Commissioners, and they are hereby authorized and required to examine into, hear, and determine the same.

Persons giving false Evidence to be punished.

VIII. And be it further enacted, That if any Person having been summoned, according to the Directions of the said recited Act, to testify the Truth, upon Oath, touching any Matter in Difference between any of the said Proprietors or Persons interested, or otherwise relating to the Execution of the Powers given by the said recited Act, and this Act, and having been paid, or tendered a sufficient Sum of Money to be ascertained by the said General Commissioners, to defray the Charges of his, or her Attendance, shall not appear before the said General Commissioners, pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing, shall refuse to be sworn, or to be examined, and give Evidence touching the Premises, the said General Commissioners, upon due Proof thereof, made before them upon Oath, (which Oath either of the said General Commissioners is hereby empowered to administer,) shall, and they are hereby authorized, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause any Sum of Money, not exceeding Ten Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear and give Evidence, rendering the Overplus, (if any,) upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid, shall be applied towards defraying the Costs and Charges of obtaining this Act, and executing the said recited Act, and this Act.

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

X. Provided

X. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, or Body or Bodies, Politic, Corporate, or Collegiate, who ſhall make any Claim of any Commonable, or other Right or Intereſt in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, or who ſhall make any Objection to any ſuch Claim of any other Perſon or Perſons, or Body or Bodies, Politic, Corporate, or Collegiate, ſhall be diſſatisfied with any Determination of the ſaid General Commiſſioners, touching or concerning any ſuch Claim or Objection, or be deſirous of having the Matter of any ſuch Claim or Objection decided by the Verdict of a Jury, and ſhall within One Calendar Month next after ſuch Determination, cauſe Notice, in Writing, of ſuch Diſſatisfaction, or Deſire to be delivered to, or left at the uſual Place of Abode of the ſaid General Commiſſioners, and of the Party or Parties in whoſe Favour ſuch Determination ſhall be made, or his, her, or their Agent, it ſhall be lawful for ſuch Perſon or Perſons, or Body or Bodies, Politic, Corporate, or Collegiate, (giving ſuch Notice as aforeſaid) to proceed to a Trial at Law of the Matter ſo determined by the ſaid General Commiſſioners, at the then next Aſſizes, to be held for the ſaid County of *Norfolk*, unleſs ſuch Aſſizes ſhall happen within Two Calendar Months next after the Determination of the ſaid General Commiſſioners, and, in that Caſe, at the ſecond Aſſizes, to be held for the ſaid County next after ſuch Determination; and for that Purpoſe, the Perſon or Perſons, or Body or Bodies, Politic, Corporate, or Collegiate, giving ſuch Notice as aforeſaid, ſhall within Six Weeks next after ſuch Determination, cauſe an Action to be brought in One of His Majeſty's Courts of Record at *Weſtminſter*, upon a feigned Iſſue, againſt the Perſon or Perſons, or Body or Bodies, Politic, Corporate, or Collegiate, in whoſe Favour ſuch Determination ſhall have been made, 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, and the Right or Intereſt thereby inſiſted upon, may be tried and determined, (ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court, in which the ſaid Action ſhall be commenced in caſe the Parties ſhall differ about the ſame,) and the Verdict which ſhall be given upon the Trial of ſuch Action ſhall be binding, final, and concluſive, unleſs the Court wherein ſuch Action ſhall be brought, ſhall ſet aſide ſuch Verdict, and order a new Trial to be had therein, which it ſhall and may be lawful for the ſaid Court to do, in caſe the ſaid Court ſhall think proper; and that after ſuch Verdict ſhall be obtained, and not ſet aſide by the ſaid Court, the ſaid General Commiſſioners ſhall, and they are hereby required to act in conformity thereto, and to allow or diſallow of the Claim thereby determined, according to the Event of ſuch Trial or Trials.

Power to try Rights by an Iſſue at Law.

XI. Provided always, That if no ſuch Notice ſhall be given, or if any ſuch Notice ſhall be given, and ſuch Action at Law ſhall not be commenced as aforeſaid, or if any ſuch Action ſhall be commenced, and the Plaintiff or Plaintiffs therein ſhall not proceed to Trial within the Time hereinbefore limited for that Purpoſe, then and in every ſuch Caſe the Determination of the ſaid General Commiſſioners ſhall be final, binding, and concluſive to all Intents and Purpoſes whatſoever.

If no Action brought, or not proceeded in, the Determination of the General Commiſſioners to be final.

Suit not to abate by Death of any Party thereto.

XII. Provided alſo, That if any of the Parties, in any ſuch Action to be brought or commenced as aforeſaid, ſhall die before the Determination thereof, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in, as if no ſuch Event had happened.

No Reed, Ruſhes, Fodder, Turf, Flags, Whins, or Furze, to be cut after the Firſt Meeting of the General Commiſſioners, without their leave.

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

For extinguiſhing or ſuſpending Rights of Common before the Award.

XIV. And be it further enacted, That it ſhall and may be lawful for the ſaid General Commiſſioners, and they are hereby authorized, at any Time or Times before the Execution of their Award, by Writing under their Hands, to be affixed upon the Door of the Church of *Wormegay* aforeſaid, to order and direct all or any Commonable Rights in, over, and upon the ſaid 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 ſuch Rights ſhall be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Commiſſioners to direct the Courſe of Huſbandry.

XV. And be it further enacted, That from and after the paſſing of this Act, until the Execution of the ſaid Award, no Part of the Meadow or Paſture Lands, hereby directed to be divided and allotted, ſhall be ploughed or converted into Tillage without the Conſent of the ſaid General Commiſſioners firſt had and obtained in Writing for that Purpoſe; and that all the Lands, hereby directed to be divided and allotted, ſhall, during that Time, be uſed and managed in ſuch Manner and 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, to be affixed

affixed upon the Door of the Church of *Wormegay* aforesaid appoint, as well with regard to the stocking, as to the draining, ploughing, folding, tilling, sowing, and laying down the same, and also as to the cutting of Thorns or Bushes thereon; and that 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 interested in the said Lands, or any Part thereof, or his or her Tenant, to any other Person in like Manner interested therein, or his or her Tenant, as they, the said General Commissioners, shall think reasonable; and in case any Person, who shall be directed to pay any such Sum or Sums of Money, 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 this Act, and executing the said recited Act and this Act, or any Part thereof, can or may be raised and levied.

XVI. And be it further enacted, That none of the present Public Highways or Roads within the said Parish of *Wormegay*, shall be shut up or discontinued until the Roads intended to be and remain Public Highways within the same Parish, shall be set out according to the Directions of the said recited Act, and until the same shall be properly formed, and made safe and convenient for Horses, Cattle and Carriages. **Old Roads to be continued until the New Roads are made.**

XVII. And be it further enacted, That the said General Commissioners shall in the first Place assign, set out, and allot unto the Lord or Lords, Lady or Ladies, of the said Honor and Manor of *Wormegay*, and unto the Lord or Lords, Lady or Ladies of the said Manor of *Tottenhill*, for the Time being, and unto any other Person or Persons, being Lord or Lords, Lady or Ladies of any Manor or Manors within the Parish of *Wormegay* aforesaid, or to such of them as is, are, or shall then be entitled to the Soil of the said Commons and Waste Grounds, or any Part thereof, so much and such Part or Parts of the Lands hereby directed to be divided and allotted as shall, in the Judgment of the said General Commissioners, be equal in Value to one-eighteenth Part of the said Commons and Waste Grounds hereby directed to be divided and allotted, and the said Allotment or Allotments shall be a full Compensation and Recompence to such Lord or Lords, Lady or Ladies, for his, her, or their Right in and to the Soil of the said Commons and Waste Grounds. **Allotment for Right of Soil.**

XVIII. And be it further enacted, That the said General Commissioners shall then assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said Honor and Manor of *Wormegay*, and the Churchwardens and Overseers of the Poor of the said Parish of *Wormegay* for the Time being, such Parts of the said Commons and Waste Grounds, lying in the Parish of *Wormegay* aforesaid, as the said General Commissioners shall think proper, (the Annual Value of such Allotment or Allotments not exceeding the Annual Average Value of fifteen Acres of the whole of the said Commons and Waste Grounds, lying in *Wormegay* aforesaid,) and such Allotment or Allotments shall be vested in the Lord of the said Honor and Manor, and the Churchwardens and Overseers of the Poor of the said Parish of *Wormegay* for the Time being, for ever, upon the **Allotment for Fuel for firing for the Poor.**

Trusts,

Trusts, and for the Purposes hereinafter mentioned; and the said Trustees for the Time being, or the major Part of them, shall, if necessary, cause the said Allotment or Allotments, or any Part thereof, to be ploughed, and Whin or Furze Seed to be sown thereon, and shall cause the Whins, Furze, Turf, or Flags growing and being thereon, to be from Time to Time cut by such Person or Persons, in such Manner, and at such Times in every Year, as they the said Trustees for the Time being, or the major Part of them shall appoint; and the Whins, Furze, Turf, and Flags, so to be cut as aforesaid, shall be distributed by the said Trustees for the Time being, or the major Part of them, unto and amongst the Inhabitants of the said Parish of *Wormegay*, who shall be legally settled therein, and shall not respectively occupy Lands or Tenements of more than the Yearly Value of Six Pounds, in such Quantities, Shares, and Proportions, in such Manner, at such Times in every Year, and according to such Rules and Regulations as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe, and not otherwise; and it shall and may be lawful for the Inhabitants of the said Parish of *Wormegay*, who shall answer the Description aforesaid, to use and enjoy a Right of Common of Pasture over and upon the said Allotment or Allotments hereby directed to be made, in Trust as aforesaid, with such Geese or Cattle, in such Manner, and at such Times in every Year, and under such Rules and Regulations, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe, and not otherwise.

Allotments for Public Sand and Gravel Pits.

XIX. And be it further enacted, That the said General Commissioners shall assign, set out, and allot unto the Surveyors of the Highways within the Parish of *Wormegay* aforesaid, such Part of the Lands hereby directed to be divided and allotted lying in *Wormegay* aforesaid, not exceeding Three Acres, as the said General Commissioners shall think proper and reasonable, for the Purposes hereinafter mentioned; and it shall and may be lawful for the Surveyors of the Highways, and the Proprietors of Lands and Estates within the said Parish of *Wormegay*, and their Tenants for the Time being, respectively to use such Allotment or Allotments, and any convenient Part or Parts of the said Allotment or Allotments hereby directed to be made, in Trust as aforesaid, as and for Public Watering-places for Cattle, and as and for Public Sand, Gravel, Stone, Clay, and Chalk Pits, in such Manner, and under such Rules and Regulations as the Lord or Lords, Lady or Ladies of the said Honor and Manor of *Wormegay*, and the Churchwardens and Overseers of the Poor, and the Surveyors of the Highways in *Wormegay* aforesaid for the Time being, or the major Part of them, shall from Time to Time direct or appoint.

Lords of Manors to act by Proxy.

XX. Provided always, That it shall be lawful for the Lord or Lords, and Lady or Ladies of the said Honor and Manor of *Wormegay* for the Time being, to act in the Execution of the Trusts hereby reposed in him, her, or them as aforesaid, by his, her, or their Agent or Proxy respectively, such Agent or Proxy being appointed by Writing under the Hand or Hands of such Lord or Lords, Lady or Ladies for the Time being, and producing his Appointment at the Time of his acting by virtue thereof.

XXI. And

XXI. And be it further enacted, That the ſaid General Commiſſioners ſhall aſſign, ſet out, and allot unto the ſeveral Owners of Meſſuages or Cottages in *Wormegay* aforeſaid, having in reſpect thereof Rights of Common upon the ſaid Commons and Waſte Grounds, or any Part thereof, ſuch Part of the Lands hereby directed to be divided and allotted, as the ſaid General Commiſſioners ſhall deem and conſider to be equal in Value *per* Annum to the Annual Average Value of Three Acres of the ſaid Commons and Waſte Grounds, for each and every ſuch Meſſuage or Cottage, over and above the Allotment or Allotments to which the Owners of ſuch Meſſuages or Cottages reſpectively ſhall be entitled by virtue of this Act.

Allotment out of the Commons and Waſte Grounds to the Value of Three Acres to the Owner of each Commonable Houſe.

XXII. And be it further enacted, That the ſaid General Commiſſioners ſhall aſſign, ſet out, and allot the Reſidue and Remainder of the Lands and Grounds hereby directed to be divided and allotted, (ſave and except ſuch Parts thereof as ſhall be aſſigned, ſet out, and allotted to the Special Commiſſioners hereinafter appointed for the Purpoſes hereinafter mentioned,) unto and among the ſeveral Owners and Proprietors thereof, and all and every other Perſon or Perſons, and Body or Bodies Politic, Corporate, or Collegiate, having any Right or Intereſt in, to, over or upon the ſame, or any Part thereof, in ſuch Shares and Proportions 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, or them reſpectively, for his, her, or their reſpective Parts and Shares of ſuch Lands and Grounds, and his, her, or their reſpective Rights and Intereſts therein; in making which laſt mentioned Allotments, the ſaid General Commiſſioners ſhall not pay any Regard to the Land hereinbefore directed to be allotted to the Owners of the ſaid Meſſuages or Cottages reſpectively.

Allotment of the Reſidue.

XXIII. 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, and Property in, to, over, or upon the Lands hereby directed to be divided and allotted, or any Part thereof, to any other Perſon, then and in every ſuch Caſe it ſhall 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 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 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 as the Vendor, in every ſuch Sale, Contract, or Agreement might, could, or ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract, or Agreement had not been made, or ſuch Right, Intereſt, or Property had been veſted in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

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

XXIV. And be it further enacted, That the ſaid General Commiſſioners ſhall, by their Award, aſcertain and deſcribe the Lands hereby directed to be divided and allotted, which ſhall in their Judgment require to be drained; and ſuch Lands, ſo aſcertained and deſcribed, ſhall, from and after the Execution

Landsrequiring to be drained, to beaſcertained by the Award, and Award

to be delivered to the Lord of the Honor and Manor of Wormegay, and One Copy thereof to the Clerk of the Peace, and another Copy thereof to be deposited in the Parish Church of Wormegay.

Execution of the said Award, be deemed to be the Lands to be drained by virtue of this Act; and a true Copy of the said Award, wrote upon Parchment, and signed and attested by the said General Commissioners to be a true Copy thereof, together with a proper Map or Plan, thereto annexed, shall, within Twelve Calendar Months next after the Execution of the said Award, be delivered to the Clerk of the Peace for the said County of *Norfolk*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto, by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Guineas shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling and no more shall be paid; and the said Award shall, from and after the Delivery of such Copy thereof, so signed and attested as aforesaid to the said Clerk of the Peace, be deemed and taken to be inrolled, according to the Directions, and within the Meaning of the said recited Act; and another Copy of the said Award, wrote on Parchment, and signed and attested by the said General Commissioners to be a true Copy thereof, with a proper Map or Plan thereto annexed, shall, within the Time aforesaid, be deposited and kept in the Parish Church of *Wormegay* aforesaid, and the said Award, and the said Copies thereof, or any other Copy thereof, or of any Part thereof, attested by the said General Commissioners, or by the said Clerk of the Peace or his Deputy, (for which Copy no more shall be paid than Fourpence *per* Sheet, each Sheet containing Seventy-two Words) shall, from Time to Time, and at all Times hereafter, be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever; and the Original Award shall be delivered to, or deposited with the Lord of the said Honor and Manor of *Wormegay*, and the several Allotments, Partitions, Orders, Directions, Matters and Things contained in the said Award, shall be, and are hereby declared to be binding, final and conclusive, upon all and every Person and Persons interested in the Premises: And all Commonable Rights and Interests whatsoever, in, over, or upon the Lands hereby directed to be divided and allotted, or any Part thereof, shall, from and immediately after the Execution of the said Award, cease, determine, and be for ever extinguished, and the same Lands shall for ever thereafter be held and enjoyed by the several and respective Owners and Proprietors thereof in Severalty.

All Rights to cease and determine.

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

XXV. Provided always, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act, whereon any new Fence shall be raised during the Space of Seven Years next after the Execution of the said Award, unless the Person keeping the same shall first, at his or her own Expence, make and maintain a sufficient Fence to guard and protect the young Fences belonging to such Allotments from being hurt or damaged by such Sheep or Lambs whether such young Fences be made or set by the Owner or Occupier of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto and in case any Person shall turn in, or keep any Sheep or Lambs in any such Allotment or Allotments, without raising and keeping up such Fences as aforesaid, it shall be lawful for the Owner or Occupier of any adjoining Allotment or Allotments to enter into such Allotment or Allotments, when, where, and so often as such Sheep or Lambs shall be so turned in or kept, and from Time to Time to take, drive away, and impound the same.

XXVI. And

XXVI. And be it further enacted, That all Leases, or other Agreements, at rack or extended Rent, which are now subsisting, or respect all or any Part of the Messuages, Buildings, and Lands, within the Parish of *Wormegay* aforesaid, either alone, or together with any other Lands, Tenements, or Hereditaments, in any adjoining Parish or Parishes, shall cease, determine, and be void immediately after the Execution of the said Award, the respective Tenants or Lessees of the same Premises, receiving from the respective Owners and Proprietors thereof, such Sum of Money as the said General Commissioners shall ascertain as reasonable to be paid to such Tenant or Tenants, as an Equivalent for the same; 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 Ten Days after Demand made thereof, it shall be lawful 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 this Act, and executing the said recited Act and this Act, or any Part thereof, can or may be raised and levied.

Leases and other Agreements to be void on making Tenants a Satisfaction.

XXVII. Provided always, and be it enacted, That no Lease or Leases, heretofore granted by the said *Thomas Berners Plestow*, of any Messuages, Lands, Tenements, or Hereditaments, in the said Parish of *Wormegay*, and any adjoining Parish or Parishes, shall be made void by any Thing herein contained; but that from and immediately after setting out any Allotment or Allotments to the said *Thomas Berners Plestow*, for and in respect of any Right of Sheep-walk, Common, Lands, Tenements, or other Hereditaments, belonging to the said *Thomas Berners Plestow*, and by him demised or leased to any Tenant or Tenants at Rack Rent, the said General Commissioners shall, by Writing under their Hands, ascertain and determine the Part or Parts of such Allotment or Allotments, which such Tenant or Tenants shall or may hold and enjoy, for the Residue of the Term or Terms of Years, created by any such Demise or Lease, and then unexpired, for and in lieu of any such Right of Sheep-walk, or Common, which shall be extinguished, and of any Lands or Tenements comprised in any such Lease or Demise, which shall be allotted to any other Person or Persons, than the said *Thomas Berners Plestow*; and the said General Commissioners shall also, by such Writing as aforesaid, ascertain and settle the Rent or Rents, Course of Tillage, and Conditions to be paid, used and performed by such Tenant or Tenants for the Residue of such unexpired Term or Terms of Years.

Except Leases granted by Mr. Plestow, which are not to be void.

XXVIII. And whereas the Lord or Lords, Lady or Ladies, of the said Honor and Manor, or of some Manor or Manors adjoining to, or extending into the Parish of *Wormegay* aforesaid, may be willing to manumize and enfranchise the Messuages, Lands, or Tenements, held of the said Manors respectively by Copy of Court Roll, and also to release and extinguish all Fines, Heriots, Chief Rents, Quit Rents, Customs and Services, which are, or shall be due and payable to them respectively, out of, and for, or in respect of such Copyhold Messuages, Lands, or Tenements, and all Rents and Reliefs which are or shall be due and payable to them respectively, out of, and for or in respect of any Freehold Hereditaments, on receiving an adequate Satisfaction and Compensation for the same; and the several

Power of enfranchising Copyholds, with Consent of Lords and Tenants.

veral Owners and Proprietors of ſuch Freehold and Copyhold Hereditaments may be deſirous of procuring ſuch Manumiſſion and Enfranchiſement, Releaſe and Extinguiſhment; Be it therefore enacted, That it ſhall be lawful for the ſaid General Commiſſioners, with the Conſent in Writing of the Lord or Lords, Lady or Ladies of the ſaid Honor and Manor, or of any ſuch other Manor or Manors reſpectively, and alſo with the Conſent in Writing of the Freehold or Copyhold Tenants thereof reſpectively, or any of them, to aſſign, ſet out and allot unto ſuch Lord or Lords, Lady or Ladies reſpectively, ſuch Part of the Lands hereby directed to be divided and allotted, as ſhall, in the Judgment of the ſaid General Commiſſioners, be a full Equivalent, Satisfaction, and Compenſation to them reſpectively, for all Fines, Heriots, Chief Rents, Quit Rents, Reliefs, Cuſtoms and Services, which are, or ſhall be due and payable to them reſpectively, out of, and for, and in reſpect of any ſuch Freehold or Copyhold Hereditaments which ſhall, by any ſuch Conſent in Writing as aforeſaid, be agreed to be releaſed and extinguiſhed; and that the Land ſo to be allotted as laſt aforeſaid, ſhall be deducted out of the Allotment or Allotments, to which ſuch Owner or Owners of ſuch Freehold or Copyhold Hereditaments reſpectively ſhall be entitled by virtue of this Act, and that all ſuch Copyhold Hereditaments ſhall, from and after the Execution of the ſaid Award, be held and enjoyed by the Perſon or Perſons entitled thereto, freed and diſcharged of and from all Fines, Heriots, Chief Rents, Quit Rents, Cuſtoms and Services whatſoever, now due and payable as aforeſaid, and ſhall paſs by Deed or Will, and be deſcendible as Freehold Eſtates of Inheritance; and every ſuch Enfranchiſement of Copyhold or cuſtomary Meſſuages, Lands and Tenements, and every ſuch Releaſe and Extinguiſhment of any Rents or Reliefs iſſuing out of any ſuch Freehold Lands and Hereditaments ſhall be mentioned and deſcribed in the ſaid Award: Provided always, That the Lands which ſhall be ſo aſſigned, ſet out, and allotted to the ſaid Lord or Lords, Lady or Ladies of the ſaid Honor and Manor, or of any other Manor or Manors as laſt aforeſaid, ſhall ſtand limited and ſettled, and ſhall be veſted in, and be held and enjoyed by him, her, or them reſpectively, in ſuch Manner, and to, for, and upon ſuch Eſtates, Uſes, Truſts, Intents and Purpoſes, as the ſame Honor and Manor, or ſuch other Manor or Manors reſpectively ſhall be held and enjoyed by him, her, or them reſpectively, at the Time of making ſuch Allotment or Allotments.

Lands to be given for Enfranchiſement to be limited to the ſame Uſes as the Manors.

XXIX. And be it further enacted, That all the Lands which ſhall be allotted by virtue of this Act to any Perſon or Perſons, for or in lieu or in reſpect of any Buildings or Lands holden of any Manor or Manors, by Copy of Court Roll, or for or in reſpect of any Leaſehold Buildings or Lands, or for or in reſpect of any Right of Common, or other Right or Intereſt appurtenant 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, and under ſuch cuſtomary Rents, Payments, Fines, and Services, as the Copyhold or Leaſehold Buildings or Lands reſpectively, for or in reſpect whereof ſuch Allotments ſhall be made are now held; and that all and every Perſon or Perſons to whom ſuch Copyhold Lands ſhall be allotted as aforeſaid, ſhall, within Six Calendar Months next after the Execution of the ſaid Award, be admitted

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

mitted 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 Stewards of the ſaid Manors as the ſaid General Commiſſioners ſhall, by their ſaid Award, order and direct); but, in caſe the Perſon or Perſons to whom ſuch Copyhold Lands ſhall be allotted, ſhall not have been admitted to the Copyhold Lands and Hereditaments in lieu or in reſpect whereof ſuch Allotment or Allotments ſhall be made, or ſhall die without having been admitted to the Lands allotted in lieu or in reſpect of ſuch Copyhold Lands and Herditaments, then the cuſtomary Fines and other Payments ſhall be due and payable on the Admiſſion of the Perſon entitled to ſuch Lands ſo allotted as laſt aforeſaid, and after every ſuch firſt Admiſſion, the Copyhold Premiſes ſo to be allotted as laſt aforeſaid, ſhall, at all Times, be held under and ſubject to the ſame Tenure, Fines, and other Payments, as the Copyhold Buildings or Lands in reſpect whereof ſuch Lands were allotted, are now held under and ſubject to; and the ſaid General Commiſſioners ſhall, by their ſaid Award, determine, deſcribe, and abut the Buildings and Lands reſpectively, which are to be and remain Copyhold or Leaſehold; and all other Buildings and Lands (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, ſubject nevertheleſs to ſuch free Rents and Services as are now payable out of the Premiſes for or in lieu, or in reſpect whereof the ſame ſhall or may be allotted.

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 Lands to be divided or allotted by virtue of this Act, or any Part thereof; but that each and every Proprietor ſhall ſtand and be ſeiſed of the Lands to be allotted to him or her as aforeſaid, to ſuch and the ſame Uſes, for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, and Charges, and no other as the Buildings and Lands whereof ſuch Proprietor was ſeiſed or poſſeſſed at or immediately before the Execution of the ſaid Award, or for which, or in reſpect whereof ſuch Allotments ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been paſſed.

Directions for defraying the Expences of this Act.

XXXI. And be it further enacted, That the Coſts and Expences of incloſing, ploughing, and ſowing Whin and Furze Seeds on the Allotment or Allotments hereby directed to be made, in Truſt as aforeſaid, and of incloſing the Allotment or Allotments hereby directed to be made to the Surveyors of the Highways in *Wormegay* aforeſaid, and to the Special Commiſſioners hereinafter appointed, and all the Coſts and Expences incident to and attending the obtaining and paſſing this Act, and of ſurveying, admeaſuring, planning, valuing, dividing, allotting, and draining the Lands hereby directed to be divided, allotted, and drained, and of preparing and ingroſſing the ſaid Award, and the Copies thereof, and of all the Charges and Expences of the ſaid General Commiſſioners, their

Assistants and Servants, and all other necessary Expences of the several Persons to be employed by the said General Commissioners in and about the Premises, (either before or after the Execution of the said Award,) and all the Expences of forming, completing, and repairing the Public Carriage Roads and Highways to be set out and appointed by the said General Commissioners, and all other Expences of carrying the said recited Act and this Act into Execution, shall be borne, defrayed, and paid by the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, interested in the Premises to whom any Allotment or Allotments shall be made by virtue of this Act, (save and except the Lord or Lords, Lady or Ladies of the said Honor and Manor of *Wormegay*, and the Churchwardens and Overseers of the Poor of the said Parish of *Wormegay* for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them in Trust as aforesaid; and also save and except the Surveyors of the Highways within the said Parish of *Wormegay* for the Time being, for or in respect of the Allotment or Allotments hereby directed to be made to them as aforesaid; and also save and except the Special Commissioners hereinafter appointed for the Time being, for and in respect of the Allotment or Allotments hereby directed to be made to them as hereinafter mentioned; and also save and except such Person or Persons whose real Property within the said Parish of *Wormegay*, or elsewhere, shall not, in the Judgment of the said General Commissioners, exceed the Yearly Value of Six Pounds at the Time of making the said Allotments, or whose personal Property shall not, in the Judgment of the said General Commissioners, then exceed the Sum of One hundred and twenty Pounds,) in such Shares and Proportions, at such Time and Place, and to such Person or Persons, as the said General Commissioners shall by their said Award, or any Writing under their Hands, appoint; and if any Person or Persons, and Body or Bodies Politic, Corporate or Collegiate, shall refuse or neglect to pay his or her Share or Proportion of the said Costs, Charges, and Expences, to the Person or Persons authorized to receive the same, at the Time and Place which shall be appointed by the said General Commissioners for the Payment thereof, then and in such Case the said General Commissioners shall cause the same to be raised, levied, and recovered in Manner directed by the said recited Act.

How Expences of Exchanges, &c are to be paid.

XXXII. Provided always, That all the Costs, Charges, and Expences, attending any Exchange or Partition, or any Enfranchisement of Copyhold Land, or any Release of Fines, Quit-rents, Heriots, and Services as hereinfore mentioned, or any Agreement relating thereto, which shall be made under or by virtue of the said recited Act, or this Act, shall be borne and defrayed by the several Parties making or interested in any such Exchange, Partition, Enfranchisement or Release, or any Agreement relating thereto, in such Manner, and in such Proportions as the said General Commissioners shall, by their said Award, or any other Writing under their Hands, order and direct.

Directions for charging Copyhold Lands, with Expences.

XXXIII. And be it further enacted, That when and so often as it shall be necessary to charge any Lands or Tenements, which shall be allotted or exchanged by virtue of the said recited Act, or of this Act, and which shall be, or become Copyhold, with any Sum or Sums of Money, by Way of Mortgage, for defraying any Share or Shares of the Costs, Charges, and Expences

Expences of obtaining and passing this Act, and executing the said recited Act, and this Act, then, and in such Case, such Copyhold Premises shall be surrendered to the Use of the Person or Persons who shall advance and lend such Sum or Sums of Money, and his, her, or their Heirs or Assigns, according to the Custom of the Manor or Manors whereof the same shall be holden, by way of Mortgage, for securing such Sum or Sums of Money, and Interest for the same, instead of being mortgaged and surrendered to such Person or Persons, and his, her, or their Executors, Administrators, or Assigns, for a Term of Years, as mentioned in the said recited Act.

Rights to Tithes not to be prejudiced.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, in, or, to any Tithes, arising, or renewing out of, or payable in respect of any Lands hereby directed to be divided and allotted; but that such Tithes shall be payable and paid, at all Times hereafter, in the same Manner as they would have been, in case this Act had not been passed.

Commissioners to lay their Accounts before One Justice, once in every Year.

XXXV. 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 Monies by them received and expended, or due to them for their own Trouble and Expences in the Execution of the said recited Act, and 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 said County of *Norfolk*, to be by him, or them, examined and balanced; and such Balance 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.

Proprietors and their Agents to pay their own Expences.

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

Money advanced to be repaid with Interest.

XXXVII. Provided also, That if any Person or Persons shall advance any Money in Discharge of the Fees, or other Expences of obtaining this Act, or of executing the said recited Act, and this Act, the Money so advanced shall be repaid and satisfied by the Direction of the said General Commissioners, together with lawful Interest for the same.

Clause for Drainage, &c.

XXXVIII. 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 Water-courses, Drains, Dams, Banks, Mills, Sluices, Cuts, Engines, Bridges, Tunnels, Culverts, Inlets, Outlets, Weirs, Fences, and other Works, in, through, over, and upon the Lands hereby directed to be

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 ſame Lands as ſhall, in their Opinion, require to be drained; and to purchaſe any Mill or Mills, or other Works, for that Purpoſe, and to erect ſuch Buildings for the Habitation of the Perſon or Perſons who ſhall have the Care or Superintendance of the ſaid Mills or Works of Drainage, or any of them, or for depoſiting Stores or Materials neceſſary for making or maintaining ſuch Mills or Works as the ſaid General Commiſſioners ſhall think proper; and that the ſaid General Commiſſioners ſhall ſet out and allot unto the Special Commiſſioners hereafter appointed, the Water-courſes, Drains, Dams, Banks, Mills, Sluices, Cuts, Engines, Bridges, Tunnels, Culverts, Inlets, Outlets, Weirs, Fences and other Works, Houſes, and Buildings, ſo to be made and erected, or purchaſed by them; and ſuch Part of the Lands to be drained by virtue of this Act as they ſhall think proper for maintaining or preſerving the ſame.

No Lands to be drained by Polver Drain, except ſuch as are now drained by it.

XXXIX. Provided always, That nothing in this Act contained ſhall authorize the Drainage of any Lands hereby directed to be divided and allotted through, or by Means of a certain Drain, called *Polver Drain*, in *Wormegay* aforeſaid (ſave and except ſuch Lands as have been, and are now drained through, or by Means of the ſame Drain); or the making any new Drain, Cut, or other Work for the Purpoſe of conveying Water into, or in the Direction of *Polver Drain* aforeſaid.

Special Commiſſioners appointed.

XL. And be it further enacted, That the Lord or Lords, Lady or Ladies of the ſaid Honor and Manor of *Wormegay* 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 ſaid Award, be and are hereby appointed Special Commiſſioners for the Purpoſe of draining the Lands to be drained by virtue of this Act, and for the ſeveral other Purpoſes hereinafter mentioned.

Appointment of Deputy Special Commiſſioners.

XLI. And be it further enacted, That it ſhall and may be lawful 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 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 was inveſted with; but no ſuch Agent or Deputy ſhall be capable of acting as Agent or Deputy for any more than one Special Commiſſioner at any one Time.

Commiſſioners to take an Oath or Affirmation.

XLII. And be it further enacted, That no Perſon ſhall be capable of acting as a Special Commiſſioner (except in adminiſtering the Oath or Affirmation hereinafter mentioned to any other Special Commiſſioner,) until he or ſhe ſhall have taken the Oath, or, being of the People called Quakers, made the Affirmation hereinafter mentioned, (that is to ſay,)

Oath.

" 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

" truly and impartially, according to the beſt of my Skill and Know-
" ledge, execute and perform all and every the Powers and Authorities
" in the Execution whereof I ſhall at any Time act as a Special Com-
" miſſioner appointed in and by an Act made in the 46th Year of the
" Reign of His Majeſty King GEORGE the Third, intitled, An Act
" for incloſing and draining Lands within the Honor, Manor, and
" Pariſh of *Wormegay*, in the County of *Norfolk*.

" So help me GOD."

Which Oath, or Affirmation, it ſhall be lawful for any one of the ſaid Special Commiſſioners to adminiſter to any other ſuch Special Commiſſioner.

Perſons acting not being qualified, to forfeit 20l.

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

First Meeting of Special Commiſſioners.

Annual Meeting.

XLIV. 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 at ſome Place ſituate in the ſaid Pariſh of *Wormegay*, or within the Diſtance of Eight Miles from the ſame Pariſh, on the Firſt *Monday* in the Month next after the Execution of the ſaid Award, 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 every Year, between the Hours of Ten and Twelve in the Forenoon, at ſome Place ſituate within the ſaid Pariſh of *Wormegay*, or within the Diſtance of Eight Miles from the ſame Pariſh, which laſt-mentioned Meeting ſhall be called the General Annual Meeting of the ſaid Special Commiſſioners; and the ſaid Special Commiſſioners, or the major Part of them preſent at any Meeting, to be held by them by virtue of this Act, ſhall and may from Time to Time adjourn to ſuch convenient Place in the ſaid Pariſh of *Wormegay*, or within the Diſtance of Eight Miles from the ſame Pariſh, as they the ſaid Special Commiſſioners, or the major Part of them preſent at any ſuch Meeting ſhall appoint; and if three of the ſaid Special Commiſſioners ſhall not appear at any ſuch Meeting, or if they ſhall refuſe or neglect to adjourn, or if any Two 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 to the said Special Commissioners, or any Two of the said Special Commissioners, shall and may call a Meeting, to be holden at some Place in the Parish of *Wormegay* aforesaid, or within the Distance of Eight Miles from the same Parish, by Writing under his or their Hand or Hands affixed on the Door of the said Church, and published in the said Newspapers, or some or one of them, Eight Days at least previous to the Time appointed for such Meeting; and no Act of the said Special Commissioners shall be valid, unless done at some Public Meeting to be holden by virtue of this Act, (save as in this Act is particularly mentioned;) 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 (in case three Special Commissioners shall be then present); and the said Special Commissioners shall, at all their said Meetings, be allowed Ten Shillings each *per* Day out of the Monies to be raised by virtue of this Act, and no more, towards their Expences, so that such Allowance do not in the whole exceed the Sum of Three Pounds *per* Day at any such Meeting.

Books to be kept.

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 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 admitted and allowed as 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 Special Commissioners shall and may sue and be sued in the Name of their Clerk, and that no Action 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 any 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 may be.

Clerk to be paid his Expences.

XLVII. 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 be raised 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.

XLVIII. And

XLVIII. And be it further enacted, That the ſaid Special Commiſſioners ſhall and may, at their firſt or any ſubſequent Meeting, appoint a Clerk, 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 to remove them, or any of them, and appoint others, as they ſhall find neceſſary or convenient; and ſhall and may, by and out of the Monies to be raiſed by virtue of this Act, pay ſuch Salaries and Allowances to ſuch Officers reſpectively, and to all other Perſons to be employed by them, the ſaid Special Commiſſioners, in the Execution of this Act, as they ſhall think reaſonable; and ſhall and may take ſuch Security for the due Execution of the reſpective Offices by ſuch Perſon and Perſons to be appointed as aforeſaid, as they 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 intruſted to them, or 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 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 empowered to adminiſter); and if any ſuch Officer or Perſon ſo to be appointed as aforeſaid ſhall not make and render ſuch Account, or ſhall refuſe to verify the ſame upon Oath, or ſhall refuſe to produce or deliver up the Receipts or Vouchers relating to the ſame; or ſhall not deliver up to the ſaid Special Commiſſioners, or to ſuch Perſon or Perſons as they ſhall appoint, within Twenty Days after he ſhall be thereunto required by ſuch Special Commiſſioners, 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 their reſpective Hands, to the ſaid Special Commiſſioners, or as they ſhall appoint, then, and in any ſuch Caſe, ſuch Special Commiſſioners may, and they are hereby authorized and empowered to bring or cauſe to be brought any Action or Actions againſt any Officer or Perſon 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 Juſtice of the Peace for the County or Place wherein ſuch Officer or Perſon ſo neglecting or refuſing ſhall reſide, ſuch Juſtice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cauſe the Officer or Perſon ſo refuſing or neglecting, to be brought before him, and upon his appearing or not being found, to hear and determine the Matter in a ſummary Way; and if, upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs upon Oath (which Oath ſuch Juſtice is hereby empowered to adminiſter,) it ſhall appear to ſuch Juſtice that any Money collected or raiſed by virtue of this Act, ſhall be in the Hands

For appointing Officers.

Hands of ſuch Officer or Perſon, ſuch Juſtice may, and is hereby authorized and required, upon Non-payment thereof, by Warrant under his Hand and Seal, to cauſe ſuch Money to be levied by Diſtreſs and Sale of the Goods and Chattels of ſuch Officer or Perſon; and if no Goods or Chattels of ſuch Officer or Perſon can be found ſufficient to anſwer and ſatisfy the ſaid Money, and the Charges of ſuch Diſtreſs and Sale; or if it ſhall appear to ſuch Juſtice, upon the Confeſſion of the Party, or by the Teſtimony of any credible Witneſs upon Oath, (which Oath the ſaid Juſtice is hereby empowered to adminiſter,) that any ſuch Officer or Perſon ſhall not have made and rendered any ſuch Account, or ſhall have refuſed to verify the ſame upon Oath, 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 as they ſhall have appointed, within Twenty Days after he ſhall have been 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 ſuch Caſe, ſuch Juſtice 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 have rendered a true and perfect Account, and made 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.

Works of Drainage to be kept in repair.

XLIX. 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 Water Courſes, Drains, Dams, Banks, Mills, Sluices, Cuts, Engines, Bridges, Tunnels, Culverts, Inlets, Outlets, Weirs, Fences, and other Works, to be made or erected by the ſaid General Commiſſioners, in, through, over, or upon the Lands 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 Water Courſes, Drains, Dams, Banks, Mills, Sluices, Cuts, Engines, Bridges, Tunnels, Culverts, Inlets, Outlets, Weirs, Fences, and other Works, as ſhall appear to the ſaid Special Commiſſioners to be neceſſary for effectually draining the ſaid Lands, all which Watercourſes, Drains, Dams, Banks, Mills, Sluices, Cuts, Engines, Bridges, Tunnels, Culverts, Inlets, Outlets, Weirs, Fences, 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 the ſame ſhall conſiſt, and alſo the 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 authoriſed and required, from Time to Time, to inſure from Fire, all and every ſuch Mills, Engines, Houſes and Buildings, as ſhall, at any Time or Times, be erected by virtue of this Act.

L. And

L. And be it further enacted, That the said special Commissioners, shall and may, 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 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 making, maintaining, repairing and supporting the several Works, for the Drainage of the said Lands, 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, at such Time 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. To raise Money for maintaining Works.

LI. And be it further enacted, That all Tenants and Occupiers of the Lands to be drained by virtue of this Act, shall pay, and are hereby authorised and required to pay, all such Sum and Sums of Money as shall be 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 every such Tenant or Occupier, having paid any such Sum or Sums of Money, is hereby authorised and empowered to deduct the same out of the Rent, to become due and payable by him, for the Lands in his or her Occupation; and, on producing to his or her Landlord or Landlady, a Voucher or Receipt for such Money, shall be discharged therefrom, as fully as if the same had been paid to his or her Landlord or Landlady. Tenants to pay Taxes.

LII. And be it further enacted, That in case any Owner or Tenant, or Occupier of any Lands to be drained by virtue of this Act shall make Default in Payment of any 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 any Part thereof, and shall continue 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 other Person authorized to collect such Rates and Assessments, by Writing left at the usual Place of Abode of such Owner or Tenant, or Occupier, who is, are, or ought to pay the same; or if such Owner, or Tenant, or Occupier shall not dwell in the said Parish of *Wormegay*, or within Two Miles of the same, then after Demand made by the Collector, or other Person 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 be lawful for such Collector or other Person 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 issue, 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 so to be rated and assessed as aforesaid, and into and upon all or any Messuages or other Buildings thereupon standing, and there, or in any Part of the Lands, Messuages, or other Buildings upon which For Recovery of Taxes.

such Entry shall be made, to distrain all or any such Goods, Chattels, or Cattle, as shall be there found; and it shall be lawful for such Collector or other Person authorized as aforesaid, to impound the Goods, Chattels, or Cattle so distrained, on any Part of the Messuages, Buildings, or Lands whereon the same shall be found, or otherwise to take, lead, drive, or carry away and keep the same for Five Days, leaving Notice in Writing of the Cause of such Distress at the Messuages or other Buildings, or on some conspicuous Part of the Lands upon which such Distress shall be taken, or otherwise at the usual Place of Abode of the Owner or Owners of such Goods, Chattels, or Cattle; and if the Owner or Owners of such Goods, Chattels, or Cattle so distrained shall not pay the Money so assessed, rated, and distrained for as aforesaid, together with the Costs and Charges of such Warrant, and 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, then the said Goods, Chattels, or Cattle so distrained shall be appraised by Two 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 Judgment; and after such Appraisement as aforesaid, the said Goods, Chattels, or Cattle shall be sold by the said Collector or other Person as aforesaid, for Payment of the 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 the Overplus arising from such Sale (if any), after Payment of the said 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.

LIII. Provided always and be it enacted, That in case any of the said Lands 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 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 and Sale shall be fully paid and satisfied.

Punishment for destroying Works.

LIV. And be it further enacted, That if any Person shall wilfully and maliciously cut, damage, break down, demolish, or destroy any Bank, Mill, Engine, Dam, Floodgate, Bridge, Dike, Sluice, or Tunnel which is or are 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 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.

LV. And

LV. And be it further enacted, That if any Person shall wilfully or maliciously stop, dam up, or damage any Watercourse, Drain, Dam, Bridge, Dike, Sluice, Tunnel, or other Work or Works which any Person, authorized by the said Special Commissioners, shall be employed in making, 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 thereof convicted before any Justice of the Peace for the said County of *Norfolk*, on the Oath of One credible Witness (which Oath such Justice is 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 such Offender, by Warrant under the Hand and Seal of such Justice; and such Money, when levied, shall be paid to any One or more of the said Special Commissioners, or their Clerk, and 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 Justice 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 Justice.

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

LVI. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers of any Part or Parts of the Lands to be drained by virtue of this Act, to which any Dike, Ditch, or Drain 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 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 Dike, Ditch, or Drain so neglected to be scoured, cleansed, opened, repaired, deepened, or widened; and it shall be lawful for such Collector or other Officer to cause any such Dike, Ditch, and Drain, at the Charges and Expences of such Owner or Occupier, to be scoured, cleansed, 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 Two or more of the said Special Commissioners, to levy such Penalty, and also such Charges and Expences, upon such Owner or Occupier, by Distress and Sale of his or her Goods and Chattels, and such Penalties shall be applied for the Purposes of this Act.

Penalty on neglect to cleanse Ditches.

LVII. And be it further enacted, That no Tree or Trees shall at any Time hereafter be planted, or any Building, Stack, or Rick erected or built (except by Order or Permission of the said Special Commissioners,) on any Place within the Distance of Two hundred Yards from any Mill or Engine to be made, erected, or employed as aforesaid; and if any Tree or Trees shall be planted, or any Building, Stack, or Rick shall be erected or built within the Distance aforesaid of any such Mill or Engine, and if the

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

the Owner of any ſuch Tree or Trees, Building, Stack, or Rick ſhall neglect to take down and remove ſuch Tree or Trees, Building, Stack, or Rick for Fourteen Days after Notice in Writing given to him or her, or left at his or her laſt or uſual Place of Abode by the ſaid Special Commiſſioners for that Purpoſe, then, and in ſuch Caſe, it ſhall be lawful for the ſaid Special Commiſſioners to cauſe every ſuch Tree to be taken down and carried away; and every 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 who ſhall have committed the Offence, and may be recovered by Diſtreſs and Sale of his or her 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.

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

LVIII. And be it further enacted, That the Graſs and Herbage growing, ariſing, and renewing upon ſuch Parts of the ſaid Lands as ſhall be veſted in the ſaid Special Commiſſioners ſhall be let by the ſaid Special Commiſſioners, at their General Annual Meeting to be holden as aforeſaid, for the beſt Rent or Rents that can or may be obtained for the ſame; and ſuch Rents ſhall be applied by the ſaid Special Commiſſioners for the Purpoſes of this Act.

Appeal to the Seſſions.

LIX. And be it further enacted, That if any Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act or this Act, (other than and except as to ſuch Claims, Matters, and Things which are hereinbefore directed or authorized to be aſcertained, ſettled, tried or determined by the Verdict of a Jury, or where by any of the Proviſions or Clauſes of the ſaid recited Act or this Act, the Determinations, Orders, Acts, or Proceedings of the ſaid General Commiſſioners are declared or directed to be final and concluſive,) 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 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 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,) upon Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs and Sale; and the Determination of 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 ſufficient Foundation, then the ſaid Juſtices

tices ſhall award ſuch Coſts to be paid by the Appellant, or Appellants, as to the ſaid Juſtices, in their Diſcretion, ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Recovery of Penalties by Diſtreſs and Sale.

LX. 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 hereinbefore preſcribed,) 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 credible Witneſs, 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 be lawful 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; and, in caſe a 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 authoriſed 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, for the ſaid County of *Norfolk*, there to remain, without Bail or Mainprize, for any Time, not exceeding Six Calendar Months, unleſs ſuch Penalties and Forfeitures, and all reaſonable Charges attending the Recovery thereof, ſhall be ſooner paid and ſatisfied.

Offenders to be committed.

Form of Conviction.

LXI. 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*
" *may be*,] of having [*as the Offence ſhall be*,] contrary to an Act of Par-
" liament made in the Forty-ſixth Year of the Reign of King GEORGE
" the Third, intituled, 'An Act for Incloſing and Draining Lands, with-
" in the Honor, Manor, and Pariſh of *Wormegay*, in the County of
" *Norfolk*,' 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."

Proceedings not to be quaſhed for want of Form, nor removable by Certiorari.

LXII. And be it further enacted, That no Order, Determination, Judgment, Conviction, Warrant or other Proceeding to be had, touching the Conviction of any Offender or Offenders againſt this Act, or any Order, Rate,

Rate, or Aſſeſſment to be made, or any other Matter or Thing to be done or tranſacted, by virtue, or in Execution of this Act, ſhall be quaſhed, or vacated for want of Form only, or be removed, or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, any Law, or Uſage to the contrary thereof notwithſtanding.

Diſtreſs not unlawful for want of Form.

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

Limitation of Actions.

LXIV. 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 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, her, 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 under 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 ſhall be brought or laid in any other County than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find a Verdict for the Defendant or Defendants, or Avowant or Avowants; and in all Caſes where a Verdict ſhall be found for any Defendant or Defendants, or 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, and Avowant or Avowants, ſhall recover Treble Coſts, and have ſuch and the like Remedy for

for recovering the ſame as any Defendant or Avowant hath for recovering Coſts of Suit in any other Caſe by Law.

LXV. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend, or be conſtrued to extend to certain Lands belonging to *George Hogg*, Eſquire, and others, called *Wormegay Priory*, ſituate on the North Side of *Polver Drain*; nor to Seven Acres of other Land belonging to the ſaid *George Hogg*, ſituate on the South Side of the ſaid *Polver Drain*, in the Pariſh of *Tottenhill*; all which ſaid Lands are bounded on the North by the River *Nar*, on the South, partly by the *Long Holt*, and partly by other Lands in the ſaid Pariſh of *Tottenhill*, on the Eaſt by *Wormegay* Little River, and on the Weſt by the Turnpike Road, leading from *Lynn* to *London*; nor to ſubject the ſaid *George Hogg*, or any other Perſon or Perſons as Proprietor or Proprietors of the ſaid Lands reſpectively to any Expence incurred, or to be incurred, in obtaining, paſſing, and executing this Act. The Act not to extend to Lands called Wormegay Priory.

LXVI. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend, or be conſtrued to extend to invalidate, leſſen, alter or take away any of the Rights, Powers, and Authorities veſted in any Perſon or Perſons whomſoever by virtue of any Commiſſion of Sewers for the County of *Norfolk*, but the ſame ſhall be and continue as full and effectual to all Intents and Puproſes, as if this Act had not been made. Saving the Rights of Sewers.

LXVII. Saving always to the KING's Moſt Excellent Majeſty, his Heirs and Succeſſors, and to all and every other Perſon or Perſons, and Body or Bodies Politic, Corporate, or Collegiate, and his, her and their Heirs, Succeſſors, Executors, and Adminiſtrators, (except the ſeveral Perſons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments ſhall be made, by virtue, or in purſuance of the ſaid recited Act, or this Act, for and in reſpect of ſuch Rights or Intereſts, as are hereby meant or intended to be barred, deſtroyed, and extinguiſhed; and all Perſons reſpectively claiming under them, or in Remainder after them,) all ſuch Right, Eſtate, Title, and Intereſt, as they, every, or any of them, could, or ought to have had and enjoyed of, in, to, or in reſpect of the Lands hereby directed to be divided, allotted, and drained, in caſe this Act had not been paſſed. General Saving.

LXVIII. And be it further enacted, That this Act ſhall be printed by the Printer to the KING's Moſt Excellent Majeſty; and that a Copy thereof, ſo printed, ſhall be admitted as Evidence thereof by all Judges, Juſtices, and others, in like Manner as if this Act had been declared to be a Public Act. Public Act.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1806.