



ANNO QUINQUAGESIMO

GEORGI II. REGIS.

Cap. 142.

An Act for inclosing, draining, and preserving Lands
in the Parish of *Tbirne* in the County of *Norfolk*.

[2d June 1810.]

WHEREAS there are within the Parish of *Tbirne*, in the County of *Norfolk*, certain Open Fields and certain Commons and Waste Grounds: And whereas the Right Reverend *Henry* Lord Bishop of *Norwich*, in Right of his Bishoprick, is Lord of the Manor of *Tbirne* with *Ashby* and *Oby*, of which *William Hurnard* Gentleman is Lessee; and *Charles Cooper* Esquire is Lord of the Manor of *Oby* with *Tbirne*; and as Lords of the said Manors, the said *Henry* Lord Bishop of *Norwich* and *Charles Cooper* are or claim to be entitled to the Soil of the said Commons and Waste Grounds: And whereas the said *Henry* Lord Bishop of *Norwich* is Patron of the Rectory of *Ashby* and *Oby* with *Tbirne*, of which *Henry Bathurst* Clerk is the present Rector: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Open Fields are inconveniently situated for the respective Owners thereof; and the said Commons and Waste Grounds are frequently overflowed with Water, and in their present State and Condition yield very little Profit to the several Persons interested therein: And whereas it would be advantageous to the several Persons interested in the Premises, if the Rights of Common in, over, and upon the said Commons and Waste Grounds were extinguished, and if the said Open

[*Loc. & Per.*]

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Fields,

Appointment
of General
Commission-
ers.

Fields, Commons, and Waste Grounds were divided, and specific Parts and Shares thereof allotted to the several Persons interested therein, according to their respective Shares, Rights, and Interests, in, over, or upon the same, and if the said Commons and Waste Grounds were drained; but as these several Objects cannot be attained without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *George Cubitt* of *Catfield*, in the said County of *Norfolk*, Esquire, and *William Unthbank* of *Heigham*, in the County of the City of *Norwich*, Gentleman, and their Successors, to be elected in Manner herein-after mentioned, shall be, and they are hereby appointed General Commissioners for dividing, allotting, and inclosing the said Open Fields, Commons, and Waste Grounds, and for draining and preserving the said Commons and Waste Grounds, and for carrying this Act and the said recited Act into Execution, (save and except such Parts of the said recited Act as are hereby varied or altered).

Umpire to be
appointed in
case of Differ-
ence.

II. Provided always, and be it further enacted, That whenever the said Commissioners shall disagree or differ in Opinion touching or concerning any Matter or Thing to be by them done and performed in pursuance and by virtue of this Act, or of the said recited Act; then and in every such case it shall be lawful for the said General Commissioners, and they are hereby authorized and required with all convenient Speed, after any such Disagreement or Difference in Opinion shall happen, to refer the Matter thereof to such disinterested Person as the said General Commissioners shall think proper to appoint for that Purpose as Umpire, whose Judgement and Determination thereupon respectively, shall be deemed and considered to be the Judgement and Determination of the said General Commissioners.

Umpire to be
sworn.

III. Provided also, That no Person shall be capable of acting as Umpire in the Execution of the Powers given by this or the said recited Act, until he shall have taken and subscribed the Oath following; that is to say,

do swear, [*or, being of the*
I People called *Quakers*, do solemnly affirm], That I will faithfully, im-
partially, and honestly, according to the best of my Skill and Ability,
execute and perform the several Trusts, Powers, and Authorities vested
and reposed in me as an Umpire, by virtue of an Act for inclosing,
draining, and preserving Lands in the Parish of *Thirne*, in the County
of *Norfolk*, according to Equity and good Conscience, and without
Favour or Affection, Prejudice or Partiality, to any Person or Persons
whomsoever. So help me GOD.

Which Oath or Affirmation it shall be lawful for the said General Commissioners, or either of them, to administer; and the said Oath or Affirmation, so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Award of the said General Commissioners, and a Copy of the Inrollment thereof shall be admitted as legal Evidence.

IV. And

IV. And be it further enacted, That if any of the General Commissioners herein named, or to be appointed by virtue of this Act, shall, before the Execution of all the Powers and Authorities hereby vested in them, die, neglect, or refuse to act, or become incapable of acting, in the Execution of this Act, then and in every such Case, it shall and may be lawful to and for the surviving or remaining General Commissioner, and he is hereby required, at any Time within Forty Days next after such Death or Incapacity shall be known to him, by Writing under his Hand, to appoint any other Person, (not being interested in the Premises) to be a General Commissioner, in the Room or Stead of such General Commissioner so dying, neglecting, or refusing, or becoming incapable to act; and every General Commissioner so to be appointed shall, after taking the Oath prescribed in that Behalf, have the like Powers and Authorities for carrying this Act and the said recited Act into Execution, in all Respects, as if he had been originally named and appointed a General Commissioner in and by this Act.

For appointing new General Commissioners.

V. And be it further enacted, That the said General Commissioners shall cause, and they are hereby required to cause, Notice in Writing of the Time and Place of their First and every other Meeting, for the Execution of this Act, to be inserted in the *Norfolk Chronicle* or *Norwich Mercury*, or in some Newspaper published in the City of *Norwich*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and if at any Meeting appointed to be holden by the said General Commissioners it shall happen that no more than one of the said General Commissioners shall attend, such General Commissioner may adjourn such Meeting to such Time and Place as he shall think most convenient, giving Notice of such Adjournment to the absent General Commissioner; and that all Meetings of the said General Commissioners in the Execution of this or the said recited Act, shall be held within the said Parish, or within Eight Miles thereof.

Notice of Meetings.

VI. And be it further enacted, That all Notices necessary or requisite to be given by the said General Commissioners in pursuance of this Act or the said recited Act, for any Purpose whatsoever (except such Notices as are in and by this Act authorized or particularly directed to be given in any other Manner) shall be made and given, by Advertisement in the *Norfolk Chronicle* or *Norwich Mercury*, or in some Newspaper published in the said City of *Norwich*; and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Parties concerned, respecting all the Matters and Things to which such Notices respectively shall relate; any Thing in the said recited Act contained to the contrary thereof in anywise notwithstanding.

Other Notices how to be given.

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, Allotment, and Inclosure, touching or concerning the respective Shares, Rights, and Interests which they or any of them shall claim to have of and in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required, to examine into, hear, and determine the same:

General Commissioners to settle Differences.

Provided always, that nothing in this Act contained shall authorize the said General Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

General Commissioners to assess Costs.

VIII. And be it further enacted, That in case the said General Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or this Act, or upon the Hearing and Determination of any Difference or Dispute as aforesaid, see Cause to award any Costs, it shall and may be lawful to and for the said General Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any such Determination shall be made by the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled, or against whom the said General Commissioners shall have made any Determination as aforesaid; and in case any Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same, on Demand, then and in such Case it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies 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.

Objections to Claims to be delivered to Parties whose Claims shall be objected to.

IX. Provided always, That the Objections to the Accounts or Claims by the said recited Act, directed to be delivered to the said General Commissioners as therein mentioned shall also be delivered to such Person or Persons whose Account or Accounts, Claim or Claims shall be so objected to, or his, her, or their Agent or Agents in such Manner, and at such Time or Times as the said General Commissioners shall direct or appoint for that Purpose.

Power to try Rights by an Issue at Law.

X. Provided also, and be it further enacted, That in case any Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the said intended Allotment, Division, and Inclosure, shall be dissatisfied with any Determination of the said General Commissioners touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Right of Common, or of any other Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall and may be lawful to and for such Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said General Commissioners at the then next or at the following Assizes to be holden for the said County of *Norfolk*; and for that Purpose the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate who shall be dissatisfied

fixed with the Determination of the said General Commissioners, shall cause an Action to be brought upon a feigned Issue, against the Person or Persons or Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within One Calendar Month after such Determination of the said General Commissioners; and the Defendant or Defendants in such Action or Actions shall name, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto, or file common Bail, and accept one or more Issue or Issues whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced (in case the Parties shall differ about the same); and the Verdict or Verdicts, which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do in case the said Court shall think proper; and that after such Verdict or Verdicts shall be obtained, the same not being set aside by the Court, the said General Commissioners shall act in conformity thereto, and allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials.

XI. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Proceedings not to abate by the Death of any of the Parties.

XII. Provided always, and be it further enacted, That the Determinations of the said General Commissioners touching the Right to the Soil of the said Commons and Waste Grounds, and the other Rights and Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, which shall not be over-ruled by the Event of any such Trial as aforesaid, shall be final and conclusive upon all Parties.

Determinations of General Commissioners not overruled by the Event of an Action to be final.

XIII. Provided also, and be it further enacted, That if any Person or Persons, in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, or Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said General Commissioners with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith, if living, and it shall thereupon be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had

Provision in Case of Death of Parties before Actions brought.

been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Rights of Persons not to be determined by the General Commissioners contrary to Possession.

XIV. Provided also and be it further enacted, That nothing in this Act contained shall extend to enable the said General Commissioners to determine any Right between any Parties contrary to the Possession of any of such Parties, except in cases of Encroachments made within the Period of Twenty Years, as herein-after mentioned; but in case the said General Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

General Commissioners may stop old Roads.

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

None of the present Roads to be stopped up until new Roads be made.

XVI. Provided also, That none of the present Roads or Public Highways in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, shall be shut up or discontinued, until the several Roads intended to be and remain publick Highways over and upon the said Lands and Grounds, shall be set out according to the Directions of the said recited Act, and until the same Roads shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages.

Encroachments made on Commons to be deemed Part of the Lands to be divided.

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

Drainage Clause.

XVIII. And be it further enacted, That the said General Commissioners shall make and erect, and they are hereby authorized and required to make and erect, by such Agents, Workmen and Labourers as they shall think fit to employ, all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, Boat Dike, and other Works, in, through, upon, and over the Commons and Waste Grounds, hereby directed to be divided and allotted or any Part thereof, or any other Lands or Grounds in the said Parish of *Thirne*, which shall appear to the said General Commissioners to require to be drained as they the said General Commissioners shall judge proper and expedient, for effectually

effectually draining such Parts of the said Commons and Waste Grounds, and such other Lands and Grounds in the said Parish of *Thirne*, as in their Judgement shall require to be drained, and to erect such Houses or Buildings for the Habitation of the Person or Persons who shall have the Care or Superintendance of the said Works of Drainage or any of them, or for depositing Stores or Materials necessary for the making and maintaining of such Works as they the said General Commissioners shall think proper; and that the said General Commissioners shall set out and allot unto the Commissioners for Drainage herein-after appointed, the Drains, Dams, Banks, Mills, Sluices, Engines, Bridges and other Works, Houses, Buildings, and Boat Dike, so to be made and erected by them, and such Parts of the Commons and Waste Grounds to be divided, allotted or drained by virtue of this Act, as they shall think proper, for the maintaining, repairing or preserving of the same.

XIX. And be it further enacted, That the said General Commissioners shall assign, set out, and allot unto the Surveyors of the Highways, in the said Parish of *Thirne*, such Parts of the Lands and Grounds hereby directed to be divided and allotted, as the said General Commissioners shall think necessary, as and for public watering Places for Cattle, and as and for public Sand, Gravel, Clay, Chalk, and Marl Pits; and the same Allotment or Allotments when so set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands and Estates within the said Parish, and their Tenants for the Time being, in such Manner and under such Rules and Regulations, as the said General Commissioners shall by their Award direct or appoint, and not otherwise.

Allotments for public Watering Places, Gravel Pits, &c.

XX. And be it further enacted, That the said General Commissioners shall in the next Place assign, set out, and allot unto, and for the Lords of the Manors herein-before mentioned, or either of them, or unto the Lord or Lords, Lady or Ladies of any other Manor or Manors, being Owner or Owners of the Soil of the said Commons and Waste Grounds, such Part of the same as in the Judgment of the said General Commissioners shall be equal in Value to One Eighteenth Part of the Value of the said Commons and Waste Grounds; which Allotment or Allotments shall be a full Recompence and Compensation to such Lord or Lords, Lady or Ladies, for his, her, or their Right or Rights, in and to the Soil of the said Commons and Waste Grounds.

Allotment for Right of Soil.

XXI. And be it further enacted, That the said General Commissioners shall in the next Place assign, set out, and allot unto the Lords of the aforesaid Manors, the Rector of the said Rectory of *Ashby* and *Oby* with *Thirne*, and the Churchwardens and Overseers of the Poor of the said Parish of *Thirne*, a Piece of Land, containing by Estimation Twenty-five Acres, Part of the said Commons and Waste Grounds, bounded by the Parish of *Repps* towards the North; by Land of the said Lord Bishop of *Norwich* towards the East; by Land of *Sarah Nuthall* and *John Parker* towards the South; and by other Part of the said Commons and Waste Grounds towards the West; and such other Part of the said Commons and Waste Grounds as the said General Commissioners shall adjudge and deem to be equal in Value to One Twelfth Part of the Value of the same Commons and Waste Grounds; and the same Allotment or Allotments shall, on the Ex-

Allotment for the Poor.

ecution

execution of the Award of the said General Commissioners, be vested in the Lords of the said Manors, the Rector of the said Rectory, and the Churchwardens and Overseers of the Poor of the said Parish of *Thirne*, for the Time being for ever, as Trustees for the Poor of the same Parish; and the said Trustees, or the major Part of them, are hereby empowered from Time to Time, by Writing under their Hands and Seals, to lease and demise such Allotment or Allotments, or so much thereof as they shall think proper, to any Person or Persons whomsoever, for any Term of Years not exceeding Twenty-one Years, so as in every such Lease there be reserved and made payable to the said Trustees, or the major Part of them, by Two equal Half-yearly Payments in every Year, the most improved yearly Rent or Rents that can be obtained, for the Land thereby demised, without taking any Income, Fine, Premium, or Foregift, in Consideration of granting such Lease or Leases; and that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants and Stipulations as the said Trustees, or the major Part of them shall think proper to be inserted therein, and the Rents and Profits arising from such Allotment or Allotments, or from so much thereof as shall be demised as aforesaid, shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed among such poor Inhabitants of the said Parish of *Thirne* who shall not occupy Lands or Tenements of more than the yearly Value of Ten Pounds, in such Proportions and Quantities, and at such Times in every Year, and according to such Rules and Orders as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise; and so much of the last-mentioned Allotment or Allotments, as shall not be leased or demised as aforesaid, shall be held, used, and appropriated by the said Trustees, for the Purpose of cutting Fuel and Fodder, which Fuel and Fodder shall be distributed amongst such poor Inhabitants of the said Parish of *Thirne*, as are herein-before mentioned in such Shares and Proportions, and according and subject to such Rules, Orders, and Regulations, as the said Trustees for the Time being, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise.

Directions for
the Application of the
Overplus
Rents.

XXII. Provided always, That in case the Rents and Profits of the last-mentioned Allotment or Allotments or of the Part or Parts thereof, which shall be demised or leased as aforesaid, shall at any Time or Times be more than sufficient to answer the Purpose for which the same is or are hereby directed to be set out, then and so often it shall and may be lawful to and for the Trustees thereof for the Time being, or the major Part of them, to apply and dispose of the Overplus of such Rents and Profits for the Relief and Benefit of the Poor, for whose Benefit such Allotment or Allotments shall be set out in such Manner as the said Trustees or the major Part of them shall think proper.

Lords of the
Manors and
Rector to act
by Proxy.

XXIII. Provided also, That it shall and may be lawful to and for the Lords of the said Manors and the Rector of the said Rectory for the Time being respectively, to act in the Execution of the Trusts hereby reposed in them, by their respective Agents or Proxies, such Agents or Proxies being appointed by Writing under the respective Hands of the Lords of the said Manors and the said Rector respectively for the Time being, and producing their respective Appointments at the Time of their respectively acting

acting by virtue thereof; and that in case any Difference of Opinion shall arise between the said Trustees, touching any of the Matters hereby made subject to their Order or Determination, the said Churchwardens and Overseers of the Poor shall have but One Vote in determining every such Matter in Difference.

XXIV. And be it further enacted, That the said General Commissioners shall assign, set out, and allot, unto every Person, being the Owner of a Messuage, Cottage, or Land within the said Parish of *Thirne*, whose Real and Personal Estates shall not in the Judgement of the said Commissioners be of the Value of One hundred and fifty Pounds at the Time of setting out the Allotments hereby directed to be made, such Part of the said Commons and Waste Grounds as shall be equal in Value to the average Value of One Acre of the said Commons and Waste Grounds, over and besides the Allotment or Allotments to which he or she shall be entitled by virtue of this Act, for or in respect of his or her Messuage or Messuages, Cottage or Cottages, or Lands within the said Parish of *Thirne*, or the Rights of Common appendant or appurtenant thereto.

Allotments to Persons whose Real and Personal Estates do not amount to 150l.

XXV. And be it further enacted, That the said General Commissioners shall then assign, set out, and allot the Residue and Remainder of the Lands and Grounds hereby directed to be divided and allotted unto and amongst all and every Person and Persons and Body and Bodies Politic, Corporate, or Collegiate, being the Owner or Owners of, or having any Rights of Common or other Rights or Interests in, over, or upon the same or any Part or Parts thereof, in such Parts and Shares as the said General Commissioners shall adjudge and determine to be proportionate to the Value of and a full Satisfaction and Compensation to him, her, or them respectively for his, her, and their respective Shares, Rights of Common, or other Rights or Interests over or upon the said Lands and Grounds or any Part or Parts thereof.

Allotment of the Residue.

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

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

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XXVII. And

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

No Turf,
Flags, Whins,
or Furze to be
cut without
Leave of the
General Com-
missioners.

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

For extin-
guishing or
suspending
Rights of
Common be-
fore the Exe-
cution of the
Award.

XXIX. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and empowered at any Time or Times before the Execution of the Award directed to be made by the said recited Act, by Notice in Writing under their Hands, to be affixed on the principal Door of the Parish Church of *Thirne* aforesaid, to order and direct all or any Part of the Rights of Common, or any other Rights whatsoever, in, over, and upon the said Commons and Waste Grounds hereby directed to be divided and allotted, or any
Part

Part thereof to be extinguished, or the Exercise thereof, to be suspended for and during such Time or Times as shall be expressed in such Notice; and that all such Rights of Common, and all such other Rights as the said General Commissioners shall by such Notice order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Notice cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom to the contrary thereof notwithstanding.

XXX. And be it further enacted, That all Leases and Agreements for Leases at Rack or extended Rent now subsisting of any Messuages, Lands, or Tenements within the said Parish of *Tbirne*, shall as far as such Leases or Agreements affect or concern any Allotment or Allotments to be made of any Part of the said Commons and Waste Grounds, in respect of any such Messuages, Lands, or Tenements comprized in such Leases or Agreements, be and the same are hereby declared to be null and void as to such Allotment and Allotments, and such Allotment and Allotments shall be made and assigned unto the Landlord and Landlords, and not to the Tenant or Tenants, Lessee or Lessees, and such Allotment or Allotments shall be freed and discharged from all Right and Interest which may or otherwise might be claimed in or to the same, by virtue of such Leases or Agreements; and the Person or Persons to whom the Messuages, Lands or Tenements, comprized in such Leases or Agreements shall belong, as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same, under such Leases or Agreements, as the said General Commissioners shall by Writing under their Hands, direct for the Rights of Common, or for any other Rights or Interests in, over, or upon the said Commons or Waste Ground or any Part thereof, appendant or appurtenant to such Messuages, Lands or Tenements, and which shall be extinguished by this Act, or by the said recited Act; and if any Person or Persons shall refuse or neglect to make any such Compensation to the Person or Persons entitled thereto, on Demand, then and in such Case it shall and may be lawful to and for the said General Commissioners, and they are hereby authorized and required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised and levied: Provided always, that if there shall be any Lease or Leases of any Land, Part of which shall be within the said Parish and Part in any adjoining Parish, all and every such Lease or Leases upon Rack Rent now subsisting may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last mentioned Land shall not be vacated.

Leases void as to Allotments.

XXXI. And be it further enacted, That the Lands and Grounds hereby directed to be divided and allotted, shall be inclosed, hedged, ditched and fenced, by such Persons and Body or Bodies Politic, Corporate or Collegiate, (save and except the Rector of the said Rectory for the Time being, in respect of any Allotment to be made to him in Right of the said Rectory; and save and except the Trustees for the Poor, and the said Surveyors of the Highways, for or in respect of the Allotments hereby directed to be made to them as aforesaid) within such Time, and in such Manner as the said Commissioners shall, in and by their said Award, order, direct and

For fencing Allotments.

and appoint; and the Hedges, Ditches, Drains and Fences, which shall be made pursuant to the said Award, shall, at all Times thereafter, be maintained and kept in Repair, and cleansed by such Persons and Body or Bodies Politic, Corporate, or Collegiate, as the said Commissioners shall, by their said Award, order and direct.

Fences of Lands on which Sheep shall be kept during Seven Years from the Date of the Award, to be guarded with Hurdles.

XXXII. And be it further enacted, That if any Sheep shall be kept upon the Lands or Grounds hereby directed to be divided and allotted, or any Part thereof, during the Term of Seven Years to be computed from the Date of the Award of the said General Commissioners, the Owner or Owners, or Occupier or Occupiers for the Time being, of the Allotment or Allotments upon which Sheep shall be kept as aforesaid, shall during so long Time as any Sheep shall be kept thereon, effectually guard the Fences belonging or adjoining to such Allotment or Allotments with Hurdles proper for that Purpose.

For allowing Exchanges to be made.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said General Commissioners to set out, allot, and award any Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever in the said Parish of *Tbirne*, in lieu of and in exchange for any other Messuages, Buildings, Lands, Tenements, or Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Township or Place; provided that all such Exchanges be ascertained, specified, and declared, in the said Award of the said General Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal or Seals of the Body or Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Messuages, Buildings, Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Messuages, Buildings, Lands, Tenements, or Hereditaments, so to be exchanged, shall lie or be situate: Provided also, that all Costs, Charges and Expences attending the making of any Exchanges or Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said General Commissioners shall, by their said Award, order and direct.

XXXIV. And

XXXIV. And be it further enacted, That every Tenant and Occupier, under any Lease or Agreement for any Term of Years at Rack or extended Rent now subsisting of any Messuages, Buildings, Lands, Tenements, or Hereditaments which shall be exchanged by virtue of this Act, shall immediately after the signing of the Award of the said General Commissioners, or within such further Time as the said General Commissioners shall appoint, deliver up the full and peaceable Possession of such exchanged Messuages, Buildings, Lands, Tenements, or Hereditaments to the Person or Persons to or with whom the same shall be respectively exchanged; but the Tenants or Occupiers of such exchanged Messuages, Buildings, Lands, Tenements, or Hereditaments shall receive from the respective Owners and Proprietors thereof, such Satisfaction as the said General Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof, it shall and may be lawful to and for the said General Commissioners, and they are hereby required to raise and levy the same, for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges and Expences of obtaining and executing this Act can or may be raised or levied.

Tenants to give up exchanged Lands on having Satisfaction.

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

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

[Loc. & Per.]

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respect

respect whereof such Lands and Premises shall be allotted, are now held under and subject to; and the said General Commissioners shall, by their said Award, and by the Map or Plan to be thereto annexed, determine, describe, and abut the Messuages, Buildings, Lands, and Grounds respectively, which are to be and remain Copyhold or Leasehold; and all other Lands and Grounds to be allotted by virtue of this Act, or of the said recited Act (except what shall be ascertained by the said General Commissioners to be Copyhold or Leasehold) shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Buildings, Lands, and Grounds, subject nevertheless to such Free Rents and Services as are now payable thereout.

For defraying
the Costs and
Charges of
obtaining and
executing this
Act.

XXXVI. And be it further enacted, That the Costs, Charges, and Expences of inclosing the Lands or Grounds which shall, by virtue of this Act, be allotted to the Rector of the said Rectory, in respect of the said Rectory, and to the Surveyors of the Highways, within the said Parish of *Thirne*, and the Trustees for the Poor of the same Parish, and to the Commissioners for Drainage herein-after appointed, and all the Costs and Charges incident to and attending the obtaining and passing of this Act, and of surveying, measuring, planning, valuing, dividing, allotting, and draining the Lands and Grounds hereby directed to be divided, allotted, and inclosed, and of preparing and depositing the said Award, and of the Copies thereof, and all the Charges and Expences of the said General Commissioners, their Assistants and Servants, and all other necessary Charges and 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 this Act, and the said recited Act into Execution, (save and except all such Charges and Expences as shall be incurred by the said Commissioners for Drainage), shall be borne and defrayed by the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made, by virtue of this Act, (save and except the Rector of the said Rectory, for the Time being, for or in respect of any Allotment or Allotments which shall be made to him, in Right of the said Rectory, and also save and except the Surveyors of the Highways within the said Parish, the Trustees for the Poor of the same Parish, and the said Commissioners for Drainage, for or in respect of the Allotments hereby directed to be made to them as aforesaid, and save and except such Persons whose Property in Lands or Tenements shall not exceed the yearly Value of Five Pounds, and who shall not be possessed of Personal Property to the Amount of One hundred and fifty Pounds, at the Time of making the said Allotments, in the Judgement of the said General Commissioners,) which said Costs, Charges and Expences, together with the Shares and Proportions thereof to be paid by the several Persons, and Body or Bodies Politic, Corporate, or Collegiate, hereby made liable to the Payment thereof, shall be settled and adjusted by the said General Commissioners, and shall be paid, at such Time and Place, to such Person or Persons, and in such Manner as the said General Commissioners shall direct and appoint, and shall and may be recovered in Manner directed by the said recited Act.

XXXVII. Provided

XXXVII. Provided always, That such Part of the Costs, Charges and Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, as shall be payable in respect of the said Manor of *Thirne* with *Ashby* and *Oby*, or of the Messuages, Lands, or Tenements holden by the said *William Hurnard*, under a Lease from the said *Henry* Lord Bishop of *Norwich*, or in respect of any Allotment or Allotments to be made for or on account of the same Manor, Messuages, Lands, or Tenements, or any of them, or any Rights of Common, appendant or appurtenant thereto, shall be paid by the said *William Hurnard*, his Executors, Administrators or Assigns.

Expences payable in respect of the Property of the Bishop of *Norwich* to be paid by his Lessee.

XXXVIII. Provided also, and be it further enacted, That when and so often as it may be necessary to charge any Messuages, Cottages, Lands, or Tenements, which shall be allotted by virtue of the said recited Act, or of this Act, and which are or shall become Copyhold, with any Sum or Sums of Money, by way of Mortgage, for paying and defraying any Share or Shares of the Costs, Charges and Expences of obtaining and executing this Act, and the said recited Act, then and in such Case, such Copyhold Premises shall be surrendered to the Person or Persons who shall advance and lend such Sum or Sums of Money, and his, her, or their Heirs and Assigns, according to the Custom or Customs 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, instead of being mortgaged and surrendered to such Person or Persons, his, her, or their Executors, Administrators, or Assigns, for a Term of Years, as mentioned in the said recited Act.

Directions for charging Copyholds with Expences.

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

Proprietors and Agents to pay their own Expences.

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

Money advanced to be repaid with Interest.

XLI. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Messuages, Buildings, Lands, Grounds, or Hereditaments within the said Parish of *Thirne*, or which shall be exchanged by virtue of this Act, or any Part or Parts thereof respectively, but that each and every Proprietor shall stand and be seized of the several Messuages, Buildings, Lands, and Grounds to be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, for such and the same Estates, and subject to such and the same Wills, Jointures, and Charges, and no other, as the Messuages, Buildings, Lands, and Grounds whereof such Proprietor shall be seized

Wills and Settlements not to be affected.

or possessed, at or immediately before the Execution of the said Award, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

Commissioners Accounts to be examined yearly.

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

General Commissioners to ascertain the Lands to be drained.

XLIII. And be it further enacted, That the said General Commissioners shall, in their said Award, ascertain and describe such Lands and Grounds, in the said Parish of *Tbirne*, as shall, in the Judgement of the said General Commissioners, be drained by virtue of this Act; which Lands and Grounds so to be ascertained and described, shall be for ever thereafter deemed to be the Lands and Grounds to be drained by virtue of this Act.

For depositing the Award and making Copies thereof.

XLIV. And be it further enacted and declared, That within Six Calendar Months after the said General Commissioners shall have made and executed their said Award, according to the Directions of the said recited Act, they shall cause a true Copy of the same Award, written on Parchment, and a true Copy of the reduced Map or Plan, or reduced Maps or Plans, and signed and attested by the said General Commissioners to be true Copies thereof, to be deposited in the Office of the Clerk of the Peace for the said County of *Norfolk*, who is hereby required, upon Payment of the Sum of Three Guineas, to receive and deposit the same with the Records of the said County, to the End that Recourse may be had thereto, by any Person or Persons interested therein, 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 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 the said Award, and such Map or Plan, Maps or Plans, thereto annexed, and the said Copies thereof so to be deposited with the said Clerk of the Peace, or any Copy thereof, or of any Part thereof, signed by the said General Commissioners, or by the said Clerk of the Peace, or his Deputy, certifying the same to be a true Copy, shall at all Times be admitted and allowed, in all Courts whatsoever, as legal Evidence of the Matters and Things therein contained: And the said Clerk of the Peace, and his Deputy for the Time being, is and are hereby required upon the Request of any Person or Persons interested or claiming to be interested therein, to make and deliver, to such Person or Persons requiring the same, a true Copy of the said Award, or of any Part or
Parts

Parts thereof, and to sign and certify the same to be a true Copy, for which Copy no more shall be paid than Four-pence per Sheet, each Sheet containing Seventy-two Words: And the said Award, and the several Allotments, Partitions, Orders, Directions, Matters, and Things therein contained shall be, and are hereby declared to be binding, final, and conclusive upon all and every Person and Persons, and Body and Bodies Politic, Corporate, or Collegiate interested in the Premises: And all Rights of Common of Pasture, and all other Commonable Rights and Interests whatever, in, over, or upon all the Lands and Grounds hereby directed to be divided and allotted, shall, from and immediately after the Execution of the said Award, cease, determine, and be for ever extinguished: And the same Lands and Grounds shall for ever thereafter be held and enjoyed in Severalty by the respective Owners and Proprietors thereof.

XLV. And be it further enacted, That the Lord or Lords, Lady or Ladies of the said Manors of *Thirne* with *Asbby* and *Oby*, and *Oby* with *Thirne*, and the Rector of the said Rectory of *Asbby* and *Oby* with *Thirne* for the Time being, and each and every Owner or Proprietor of Twenty Acres of Land, to be drained by virtue of this Act, shall, from and after the Execution of the Award to be made by the said General Commissioners, be and they are hereby appointed Commissioners for the Purpose of draining the Lands and Grounds directed to be drained by virtue of this Act.

Commissioners for Drainage appointed.

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

Appointment of Deputy Commissioners for Drainage.

XLVII. And be it further enacted, That no Person shall be capable of acting as a Commissioner for Drainage, (except in administering the Oath or Affirmation herein-after mentioned, to any of the other Commissioners, and in appointing an Agent or Deputy,) until he or she shall have taken the Oath following, or being of the People called *Quakers* made Affirmation; (*videlicet*,)

Commissioners to take an Oath or Affirmation.

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

‘ So help me GOD.’

[*Loc. & Per.*]

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Which

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

Persons acting
not being qual-
ified to forfeit
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XLVIII. And be it further enacted, That in case any Person shall presume to act as a Commissioner for Drainage, before he or she shall have taken the said Oath, or made the said Affirmation, (except it be in administering the Oath or Affirmation herein-before mentioned, to any of the other Commissioners, or in appointing an Agent or Deputy,) or if any Person, not being duly qualified as required by this Act, shall have acted, or shall have appointed an Agent or Deputy, who shall have acted as such Agent or Deputy in the Execution of this Act, every such Person shall forfeit and pay for every such Offence the Sum of Twenty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit by Action of Debt, or on the Case, Bill, 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 Proof or Evidence, on the Part of the Prosecutor, than that such Person has acted as a Commissioner for Drainage, in the Execution of this Act, or has appointed an Agent or Deputy, - One Moiety of which Penalty shall be paid to the Prosecutor, and the other Moiety shall be applied to the Purposes of this Act.

Times and
Places of hold-
ing Meetings.

XLIX. And be it further enacted, That the said Commissioners for Drainage shall and they are hereby required to hold their First Meeting for carrying this Act into Execution, in the Parish of *Thirne* aforesaid, on the First *Monday* in the Month which shall next happen after the Execution of the said Award, by the said General Commissioners, between the Hours of Ten and Twelve in the Forenoon; and the said Commissioners for Drainage shall meet on the First *Monday* in the Month of *May* in each and every Year between the Hours of Ten and Twelve in the Forenoon, in the said Parish of *Thirne*, which last mentioned Meeting shall be called the General Annual Meeting of the said Commissioners for Drainage; and the said Commissioners for Drainage shall and may from Time to Time adjourn themselves, to meet at any convenient Place within the said Parish, or within Six Miles thereof, which they the said Commissioners for Drainage, or the major Part of them present at any such Meeting shall appoint; and if it shall so happen that there shall not appear a sufficient Number of the said Commissioners for Drainage, at any such Meeting to act, or to adjourn to another Day, (Two Commissioners for Drainage to be deemed sufficient for the Purpose of Adjournment) or if they shall refuse or neglect to adjourn, or if any Two or more of the said Commissioners for Drainage shall deem a Meeting of the said Commissioners for Drainage to be necessary or proper before the Time appointed for the then next General Annual Meeting, or Meeting by Adjournment of such Commissioners, then and in every or any such Case, any Two or more of the said Commissioners for Drainage shall and may call a Meeting to be holden within the said Parish of *Thirne*, by Writing under their Hands, affixed to the principal Door of the Parish Church of

of *Thirne*, and by publishing the same in One of the *Norwich* weekly Newspapers Ten Days at the least previous to the Time of such Meeting; and no Act of the said Commissioners for Drainage shall be good or valid, unless done at some Public Meeting to be holden by virtue of this Act, (save as may be herein excepted,) and that all the Powers and Authorities granted to or vested in the said Commissioners for Drainage, shall and may from Time to Time be exercised by the major Part of them present at any Meeting, the whole Number present at such Meeting not being less than Three; and the said Commissioners for Drainage shall, at all their Meetings in pursuance of this Act, be allowed Five Shillings each *per* Day out of the Monies to arise by virtue of this Act, and no more, towards their Expences, so that such Allowance do not in the whole exceed the Sum of Two Pounds *per* Day at every such Meeting of the said Commissioners for Drainage.

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

Entries of Proceedings good Evidence.

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

Actions to be in the Name of the Clerk.

LII. And be it further enacted, That the said Commissioners for Drainage shall and may at their first or any subsequent Meeting, appoint a Clerk or Clerks, Treasurer, Surveyor, and such other Officer or Officers for the Execution of this Act as the said Commissioners for Drainage shall think proper, and from Time to Time remove them or any of them, and appoint others as they shall find necessary or convenient; and by and out of the Monies to be raised by virtue of this Act, may and are hereby empowered

For appointing Officers,

to

to appoint and pay such Salaries and Allowances to such Officers and to all other Persons by them the said Commissioners for Drainage employed in the Execution of this Act, as they shall think reasonable; and the said Commissioners for Drainage shall and may take such Security for the due Execution of the respective Offices by such Person and Persons as aforesaid as the said Commissioners for Drainage shall think proper; and all such Officers and Persons so to be appointed as aforesaid shall, under their Hands at such Time and Times, and in such Manner as the said Commissioners for Drainage shall direct, deliver to such Commissioners for Drainage, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act, and also of all Monies which shall have been by such Officer or Officers and Person or Persons respectively received, by virtue and for the Purposes of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain in their respective Hands to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint; and all the said Officers or Persons so accounting as aforesaid, shall upon Oath verify their said Accounts (which Oath any of the said Commissioners for Drainage is hereby enabled to administer); and if any such Officer or Person shall not make and render, or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not deliver to the said Commissioners for Drainage, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his Custody or Power, relating to the Execution of this Act, or shall refuse or neglect to pay such Monies as upon the Balance of any Account or Accounts shall appear to be in his Hands, to the said Commissioners for Drainage, or as they shall direct or appoint, then and in any of the Cases aforesaid, such Commissioners for Drainage may, and are hereby authorized and empowered to bring or cause to be brought any Action or Actions against the Officer or Officers, Person or Persons so neglecting or refusing as aforesaid; or if Complaint shall be made by the said Commissioners for Drainage, or by such Person or Persons as they shall appoint for that Purpose, of any such Refusal or Neglect as aforesaid, to any Two or more of the Justices of the Peace for the County or Place wherein such Officer or Officers, Person or Persons so neglecting or refusing shall be and reside, such Justices may, and are hereby authorized and required, by a Warrant or Warrants under their Hands and Seals, to cause the Officer or Officers, Person or Persons so refusing or neglecting to be brought before them, and upon his or their appearing, or not being found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), it shall appear to such Justices that any of the Money that shall have been collected or raised by virtue of this Act, shall be in the Hands of such Officer or Officers, Person or Persons, such Justices may and are hereby authorized and required upon Non-payment thereof, by a Warrant or Warrants under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods or Chattels of such Officer or Officers,

Person or Persons, can be found sufficient to answer and satisfy the said Money, and the Charges of distraining and selling the same, or if it shall appear to such Justices, upon the Confession of the Party or Parties, or by the Testimony of any credible Witness or Witnesses upon Oath, (which Oath the said Justices are hereby empowered to administer) that any such Officer or Person shall not have made and rendered, or shall refuse to verify upon Oath any such Account, or shall refuse to produce or deliver up the Receipts or Vouchers relating to the same, or shall not have delivered to the said Commissioners for Drainage, or to such Person or Persons as they shall have appointed, within Ten Days after being thereunto required by such Commissioners for Drainage, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, then and in any or either of the Cases aforesaid, such Justices shall commit every such Offender to the Common Gaol or House of Correction for the said County of *Norfolk*, there to remain without Bail or Mainprize, until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall compound with the said Commissioners for Drainage, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Commissioners for Drainage are hereby empowered to make, and until he shall deliver up such Books, Papers, Vouchers, and Writings as aforesaid, or give Satisfaction in respect thereof to the said Commissioners for Drainage: Provided always, that no Person so committed shall be detained in Custody for any longer Space of Time than Six Calendar Months.

LIII. And be it further enacted, That the said Commissioners for Drainage shall be, and they are hereby fully empowered from Time to Time by such Agents or Persons as they shall think proper to employ, to support, maintain, repair and improve all such Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works as shall be made or erected by the said General Commissioners in, through, over, and upon the Lands and Grounds to be drained by virtue of this Act, for the Purpose of draining the same, and from Time to Time to renew such of them as shall fall into Decay, and become incapable of being repaired; and also to make and erect all such other Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works as shall appear to the said Commissioners for Drainage to be necessary for effectually draining the said Lands and Grounds; all which Drains, Dams, Banks, Mills, Sluices, Engines, Bridges, and other Works to be made or erected by the said General Commissioners or by the said Commissioners for Drainage, for the Purpose of draining the Lands and Grounds to be drained by virtue of this Act, and the Right and Property to and in the same, and the Materials of which the same shall consist, and also the Piece or Pieces of Land to be set out and allotted by the said General Commissioners to the said Commissioners for Drainage, for maintaining, repairing, and preserving the same, shall be, and the same are hereby vested in the said Commissioners for Drainage for the Time being; and they are hereby authorized and required from Time to Time, to insure from Fire all such Mills or Engines, Edifices and Buildings, as shall at any Time or Times be erected by virtue of this Act.

Works of
Drainage to be
kept in Repair.

LIV. And be it further enacted, That the said Commissioners for Drainage shall and may from Time to Time and at all Times after the said
[Loc. & Per.] 36 A Award

To raise
Money for
maintaining
Works.

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

Tenants to
pay Taxes.

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

For Recovery
of Taxes.

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

are hereby empowered and required to make and give, as there shall be Occasion, (although not assembled at any Meeting in pursuance of this Act) to enter into and upon all or any Part of the Lands or Grounds so rated and assessed as aforesaid, and into or upon all or any Messuages or Tenements thereupon standing, and there, or in any Part or Parts of the Lands, Grounds, Messuages, or Tenements upon which such Entry shall be made, to distrain all or any such Goods, Chattels, or Cattle as shall there be found; and it shall and may be lawful for such Collector or Collectors, or other Person or Persons authorized as aforesaid, to impound the Goods, Chattels, or Cattle so distrained on any Part of the Messuages or Lands whereon the same shall be found, or otherwise to take, lead, drive, or carry away, and keep the same, for the Space of Five Days, leaving Notice in Writing of the Cause of such Distress or Distresses, at the Messuage or Tenement, Messuages or Tenements, or on some conspicuous Part of the Lands or Grounds upon which such Distress shall be taken, or otherwise at the usual Place or Places of Abode of the Owner or Owners of such Goods, Chattels, or Cattle; and if the Owner or Owners of such Goods, Chattels, or Cattle so distrained, shall not pay the Sum or Sums of Money so assessed, rated, and distrained for as aforesaid, together with the Costs and Charges of such Warrant and taking such Distress, and of keeping and maintaining the same, or replevy the Goods, Chattels, and Cattle so distrained, according to the Laws now in force for Nonpayment of Rent, within the said Five Days, that then the said Goods, Chattels, or Cattle so distrained shall be appraised by Two or more indifferent Persons, to be sworn by the Constable or Headborough of the Parish or Place where such Distress shall be made (who is hereby authorized and required to administer an Oath for that Purpose) to appraise the same according to the best of their Judgement; and that after such Appraisalment as aforesaid, the said Goods, Chattels, or Cattle shall be sold by the said Collector or Collectors, or other Person or Persons as aforesaid, for Payment of the said Sum or Sums of Money so assessed, rated, and distrained for, and of the said Costs and Charges, and also of the Costs and Charges of appraising and selling such Distress; and that the Overplus arising from such Sale (if any) after Payment of the said Sum or Sums of Money, shall be returned on Demand to the Owner or Owners of such Goods, Chattels, or Cattle.

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

Lands untenanted to remain a Security for the Rates.

LVIII. And be it further enacted, That if any Person or Persons shall wilfully and maliciously cut, damage, break down, demolish or destroy any Bank, Mill, Engine, Dam, Floodgate, Bridge, Sluice, or Tunnel already made, or which shall at any Time hereafter be made or erected, supported,

Punishment for destroying Works.

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

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

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

Penalty on neglect to cleanse Dykes.

LX. And be it further enacted, That if the Owner or Owners, Occupier or Occupiers, of any Part or Parts of the Lands and Grounds to be drained by virtue of this Act, to which any Ditch or Ditches, Drain or Drains, shall belong, shall neglect or refuse sufficiently to scour, cleanse, open or repair any such Ditch or Drain, or to make the same of a sufficient Depth and Width, after Fourteen Days Notice in Writing given to him, her, or them, or left at his, her, or their usual Place or Places of Abode, from Time to Time for that Purpose, by the Collector or other Officer to be appointed under and by virtue of this Act, (such Collector or other Officer having an Order in Writing for that Purpose, under the Hands of Two or more of the said Commissioners for Drainage) every such Owner or Occupier shall, for every such Neglect or Refusal, forfeit and pay the Sum of Two Shillings for every Rod of the Ditch or Drain so neglected to be scoured, cleaned, opened, repaired, deepened or widened; and it shall be lawful from Time to Time for such Collector or other Officer to cause such Ditches and Drains, at the Charge and Expence of such Owners or Occupiers, to be scoured, cleaned, opened, repaired and deepened in a sufficient Manner, and where a Way shall have been made over any Ditch or Drain without a sufficient Tunnel, to cause such Way to be taken up, and such Ditch or Drain to be made of a proper Width and Depth, and by Warrant or Precept under the Hands of Two or more of the said Commissioners for Drainage to levy such Penalty, and also such Charges and Expences upon such Owner or Owners, Occupier or Occupiers, by Distress and Sale of his, her, or their Goods and Chattels; and such Penalties shall be applied for the Purposes of this Act.

LXI. And

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

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

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

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

LXIII. 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 this Act or of the said recited Act (other than and except such Orders and Determinations of the said General Commissioners as are herein or in the said recited Act declared to be final or conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein-before mentioned) then and in every such Case he, she, or they may appeal to the Justices at the General Quarter Sessions of the Peace which shall be holden for the said County of *Norfolk*, within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said General Commissioners, or any Two of them, and to the Party or Parties concerned, in case the Appeal shall be made against any Act or Determination of the said General Commissioners, or to the Clerk of the said Commissioners for Drainage, in case the Appeal shall be made against any Act or Determination of the said Commissioners for Drainage, Ten Days Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs and Damages, as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels,

Appeal to the Sessions.

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

nor remove-
able by *Certi-*
orari.

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

Distress not
unlawful for
want of Form.

LXVIII. Provided always, and be it enacted, That no Action or Suit shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done by virtue or in pursuance of this Act, until after Thirty Days' Notice thereof in Writing, signed by the Party or Parties aggrieved, shall have been given to the Party or Parties complained of, or left at his, her, or their last or usual Place or Places of Abode, thereby setting forth the Cause of such Action or Suit, nor after sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved; nor after Six Calendar Months next after the Fact committed, or the Cause of such Action shall have arisen; and every Action commenced and prosecuted against any Person or Persons for any Thing done in pursuance of this Act, shall be brought and laid in the said County of *Norfolk*, and not elsewhere; and the Defendant or Defendants in every such Action or Suit shall and may plead, at his or their Election, specially or the General Issue, and if in Replevin may justify and avow by virtue of this Act, as Persons acting by Authority of Commissioners of Sewers are enabled to do, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance or by Authority of this Act; and if upon the Trial of such Action or Suit it shall appear to have been so done, or that such Action or Suit shall be brought before the Expiration of Thirty Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same as aforesaid, or be brought or laid in any other County than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants, Avowant or Avowants; and in all Cases where a Verdict shall be found for any Defendant or Defendants, Avowant or Avowants, in any such Action or Suit, or the Plaintiff or Plaintiffs therein shall discontinue the same, after the Defendant or Defendants shall have appeared thereto, shall be nonsuited, or if upon Demurrer Judgement shall be given against such Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants, Avowant or Avowants,

Limitation of
Actions.

Avowants, shall recover Double Costs, and have such and the like Remedy for recovering the same as any Defendant or Defendants, Avowant or Avowants, hath or have for recovering the Costs of Suit in any other Case by Law.

General
Saving,

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

Publick Act.

LXX. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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