ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 62.

An Act for incloſing Lands in the Pariſhes of *Bradwell*, *Belton*, and *Fritton*, in the County of *Suffolk*.

[12th *May* 1809.]

Lords of Manors.

WHEREAS there are within the ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton*, in the County of *Suffolk*, divers Open Fields, and alſo certain Common Heaths, Marſhes, Doles and Waſte Lands, containing by Eſtimation One thouſand Acres, or thereabouts: And whereas *Thomas Anguiſh* Eſquire, a Lunatic, is Lord of the Manor of *Gapton Hall with Belton*, and the Reverend *George Anguiſh*, Clerk, is the Committee of his Eſtate; and the Preſident of the College of Saint *Mary Magdalen* in the Univerſity of *Oxford*, and the Scholars of the ſaid College, are Lords of the Manor of *Caldecot Hall*; and *Elizabeth Turner*, Widow, is Lady of the Manor of *Fritton*; and the Lords and Lady of which ſaid ſeveral Manors, or ſome of them, are or claim to be entitled to the Soil of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands: And whereas the ſaid *Thomas Anguiſh* is Patron of the Rectory and Pariſh Church of *Bradwell* aforeſaid; and the Reverend *Norton Nicholls* is the preſent Rector thereof, and entitled to all the Great and Small Tythes yearly ariſing, renewing, or increaſing within the ſaid Pariſh: And whereas the Right Reverend *Henry* Lord Biſhop of *Norwich* is Patron of the Rectory and Pariſh Church of *Belton* aforeſaid; and the Reverend *Thomas Hay*, Doctor of Divinity, is the preſent Rector thereof, and entitled to all the Great and Small Tythes yearly ariſing, renewing, or increaſing within the ſaid Pariſh: And whereas *Henry Negus Burroughes*, a

Minor of the Age of Eighteen Years or thereabouts, is Patron of the Rectory and Pariſh Church of *Fritton*; and *Chriſtabell Burroughes* Widow, and *Randall Burroughes* Eſquire, are his Guardians under his late Father's Will; and the Reverend *Charles Buckle* is the preſent Rector thereof, and entitled to all the Great and Small Tythes yearly ariſing, renewing, or increaſing, within the ſaid Pariſh: And whereas the ſaid Preſident and Scholars, and *Elizabeth Turner*, and alſo *Thomas Fowler* Eſquire, and ſeveral other Perſons, are Owners and Proprietors of the ſaid Open Fields, and alſo of divers ancient Commonable Meſſuages and Cottages, and Tofts, (being the Sites of ancient Commonable Meſſuages or Cottages), with the Lands, Tenements, and Appurtenances thereto belonging within the ſaid Pariſhes, and have in reſpect thereof a Right of Common, or are poſſeſſed of other Rights and Intereſts, in, to, over and upon the ſaid Common Heaths, Marſhes, Doles and Waſte Lands within the ſaid Pariſhes reſpectively, and ſundry of ſuch Owners or Proprietors have or claim to have excluſive Rights of cutting Whins, Fern, and Heath, upon certain Parts of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, and alſo Rights of Sheepwalk over the ſame or ſome Part thereof: 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 lie very much intermixed and diſperſed in ſmall Parcels, and are inconveniently ſituated for the ſeveral Owners and Occupiers thereof; and the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, in their preſent uncultivated State, yield very little Profit, but if the ſame were divided, and ſpecific Parts or Shares thereof allotted to and amongſt the ſeveral Perſons entitled thereto, or having Rights of Common thereon, or otherwiſe intereſted therein, according to their reſpective Eſtates, Rights, and Intereſts, and ſuch Allotments incloſed, and all Rights of Common, in, over, or upon the ſame extinguiſhed, it would be of great Advantage to ſuch Perſons, and of public Utility: But as ſuch Diviſion, Allotment, and Incloſure cannot be effected without the 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 the ſaid Open Fields, Common Heaths, Marſhes, Doles and Waſte Lands, ſhall be ſet out, divided, allotted and incloſed in manner herein-after mentioned; and that *Henry Jermyn*, of *Sibton* in the County of *Suffolk*, Eſquire, *John Dugmore*, of *Swaffham* in the County of *Norfolk*, Gentleman, and *Cammant Money*, of *Somerleyton* in the ſaid County of *Suffolk*, Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting and incloſing the ſaid Open Fields, Common Heaths, Marſhes, Doles and Waſte Lands, and for putting this Act in Execution in the Manner, and ſubject to the Rules, Orders and Directions herein contained, and alſo ſubject to the Powers and Proviſions of the ſaid recited Act, except where the ſame are hereby varied or altered: Provided always, that all Powers, Authorities, Directions, Acts, Matters, and Things hereby or by the ſaid recited Act veſted in them, or authorized or directed to be done or executed by or before the ſaid Commiſſioners, may be done and executed by or before any Two of them, and the

Open Fields and Commons to be incloſed.

Commiſſioners.

Two Commiſſioners may act.

the ſame ſhall be as valid and effectual as if done and executed by or before all the ſaid Commiſſioners.

Election of new Commiſſioners.

II. And be it further enacted, That if any of the ſaid Commiſſioners ſhall refuſe or become incapable to act in the Execution of the Powers hereby veſted in him or them, or ſhall die before all the Powers and Authorities repoſed in the ſaid Commiſſioners ſhall have been fully executed and performed, it ſhall be lawful for the remaining or ſurviving Commiſſioners or Commiſſioner, and they and he are and is hereby required, by Writing under their Hands and Seals, or his Hand and Seal, from Time to Time within the Space of Thirty Days next after the Refuſal, Incapacity, or Death of any ſuch Commiſſioner or Commiſſioners, to appoint another Perſon (not intereſted in the ſaid intended Diviſion, Allotment and Inclóſure), to be a Commiſſioner in the room of every ſuch Commiſſioner ſo refuſing or becoming incapable to act, or dying; and every Commiſſioner ſo to be appointed ſhall have the like Power and Authority to execute this Act, and the ſaid recited Act, as the Commiſſioner whom he ſhall ſucceed was veſted with.

Allowance to Commiſſioners.

III. And be it further enacted, That out of the Monies that ſhall be raiſed for defraying the Expences of obtaining this Act, and of carrying the ſame, and the ſaid recited Act into Execution, there ſhall be paid to each of the ſaid Commiſſioners, as a Recompence for his Pains and Trouble, the Sum of Two Pounds and Two Shillings for every Day he ſhall be employed in travelling to, attending at, and returning from the Meetings to be held for the Execution of this Act and the ſaid recited Act, over and beſides his Travelling Expences and all other Expences occaſioned by his Attendance at ſuch Meetings.

Directing how Notices ſhall be given.

IV. And be it further enacted, That all Notices and Advertiſements neceſſary or requiſite to be made and given by the ſaid Commiſſioners, and not herein-after or by the ſaid recited Act otherwiſe directed, ſhall be ſo made and given by Advertiſement in *The Ipſwich Journal*, or in ſome other Newſpaper to be circulated in the ſaid County of *Suffolk*.

Notice of Meetings.

V. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to give or cauſe to be given public Notice in the ſeveral Pariſh Churches of *Bradwell*, *Belton*, and *Fritton* aforeſaid, upon ſome *Sunday* immediately after the Time of Divine Service, or by Advertiſement to be inſerted in *The Ipſwich Journal*, or ſome other public Newſpaper to be circulated in the ſaid County of *Suffolk*, of the Time and Place of their firſt and every other Meeting for executing the Powers hereby veſted in them, Ten Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and it ſhall be lawful for the ſaid Commiſſioners, at any of their Meetings to be holden in purſuance of this and the ſaid recited Act, from Time to Time as they ſhall find it convenient, to continue ſuch Meetings by Adjournment; provided that if at any Meeting appointed to be holden as aforeſaid it ſhall happen that only one of the ſaid Commiſſioners ſhall attend, ſuch Commiſſioner may adjourn ſuch Meeting to any future Day he ſhall ſee moſt convenient, giving due Notice to the others or other of the ſaid Commiſſioners, and ſo from Time to Time as often as there ſhall be Occaſion, until Two or more of the ſaid Commiſſioners ſhall be preſent.

One Commiſſioner may adjourn.

VI. And

Where Meetings to be held.

VI. And be it further enacted, That all Meetings of the ſaid Commiſſioners for putting this and the ſaid recited Act into Execution, ſhall be held within the Diſtance of Eight Miles from the ſaid Pariſhes of *Bradwell*, *Belton*, and *Fritton*; and that the Proprietors intereſted in the ſaid Open Fields, Common Heaths, Marſhes, Doles, and Waſte Lands, and all Perſons claiming to be intereſted therein, ſhall pay their own Expences, and the Charges and Expences of their Agents, Attornies, and Witneſſes, when they ſhall attend the ſaid Commiſſioners at any of their ſaid Meetings.

Proprietors to pay their own Expences.

Power to ſhorten Boundary Fences.

VII. And be it further enacted, That in order to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, and any adjoining Pariſh or Pariſhes, it ſhall and may be lawful to and for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value of the Land Owners in any Pariſh or Pariſhes intereſted in any Commons or Waſte Grounds adjoining to the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton*, and alſo under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which ſuch Fence or Fences are intended to be made, to ſet out and aſcertain the Boundary Fences to be made between the ſaid Commons and Waſte Grounds adjoining to the Lands and Grounds hereby intended to be divided and allotted, in ſuch Manner as they ſhall judge proper for the Purpoſes aforeſaid; and after ſuch Boundary Fences ſhall be ſet out and aſcertained as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons in ſuch Manner, and at ſuch Time or Times as the ſaid Commiſſioners ſhall order and direct in and by their Award, and ſhall for ever thereafter be and be deemed and taken to be the Boundaries between the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton*, and ſuch adjoining Pariſh or Pariſhes as aforeſaid; any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

Diſputed Claims to be heard and determined by the Commiſſioners.

VIII. And be it further enacted, That if any Claim of Right of Common, or other Right or Intereſt, in or to the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands intended to be divided, allotted, and incloſed by virtue of this Act, ſhall, by Writing to be delivered to the ſaid Commiſſioners at ſuch Time as ſhall be by them appointed for that Purpoſe in purſuance of the ſaid herein-before recited Act, be objected to by any Perſon or Perſons claiming to be intereſted in the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, and if the Party or Parties making ſuch Claims ſhall perſiſt therein, then the ſaid Commiſſioners ſhall and they are hereby required at a Meeting to be by them held for that Purpoſe, of which they ſhall give public Notice at leaſt Ten Days before the Time of holding the ſame, by Examination of Witneſſes upon Oath, and by ſuch other Evidence, Ways, and Means as they ſhall think proper, to hear and determine the Matter of every ſuch Claim ſo made and objected to, and perſiſted in as aforeſaid, but that nothing herein contained ſhall authorize the ſaid Commiſſioners to determine the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever; and the ſaid Commiſſioners ſhall and they are hereby empowered and required to aſſeſs 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 Party or Parties againſt whom the ſame ſhall be made, and the ſame ſhall be paid within ſuch Time as the ſaid Commiſſioners ſhall appoint; and if any Per-

ſon or Perſons ſhall neglect or refuſe to pay ſuch Coſts and Charges within Ten Days next after the Demand thereof made, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing, by Warrant under the Hands and Seals of the ſaid Commiſſioners, which Warrant the ſaid Commiſſioners are hereby empowered and required to grant upon Proof on Oath of ſuch Neglect or Refuſal, and of ſuch Demand as aforeſaid; and the Overplus (if any) after the Charges of levying the ſame ſhall have been deducted, ſhall be returned on Demand to the Owners of ſuch Goods and Chattels.

Perſons diſſatisfied may try Claims at Law.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, touching or concerning any Claim or Claims of Common or other Rights or Intereſts, in, to, over or upon the ſaid Common Heaths, Marſhes, Doles and Waſte Lands hereby directed to be divided, allotted, and incloſed, or any Part thereof, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, to try all ſuch Claims at Law at the next or at the following Aſſizes to be holden for the ſaid County of *Suffolk* next after ſuch Determination, firſt giving Fourteen Days Notice to the ſaid Commiſſioners or their Clerk, of his, her, or their Intention to bring ſuch Action, and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Comiſſioners, ſhall cauſe an Action to be brought upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months after ſuch Determination of the ſaid Commiſſioners; and the Defendant or Defendants in ſuch Action is and are hereby required forthwith to appear to ſuch Action, accept a Declaration, and plead to Iſſue, ſuch Iſſue to be ſettled by the proper Officer of the Court in which the ſaid Action ſhall be commenced, in caſe the Parties differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding and concluſive upon all and every Perſon and Perſons whomſoever, Body and Bodies Politic, Corporate or 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 as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall have been obtained and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials.

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

X. 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.

Determination of the Commiſſioners to be final, unleſs Parties proceed at Law.

XI. Provided always, and be it further enacted, That all ſuch Orders and Determinations of the ſaid Commiſſioners as ſhall have been made as aforeſaid with reſpect to ſuch Claims, touching which no ſuch Action at Law ſhall be brought or commenced and proceeded in within the

Time aforeſaid, ſhall be final, binding, and concluſive upon all Perſons whomſoever; any Thing in this Act contained to the contrary notwithſtanding.

Proviſo in caſe of Death of Parties before Actions brought.

XII. Provided always, 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, Body or Bodies Politic, Corporate or Collegiate, 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 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 been actually living, and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Right of Poſſeſſion of Perſons not to be determined by Commiſſioners.

XIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners to determine any Right between any Parties contrary to the Poſſeſſion of any of ſuch Parties, except in Caſes of Encroachments made ſince the Year One thouſand ſeven hundred and ſeventy-nine, as herein-after mentioned; but in caſe the ſaid 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.

Encroachments ſince 1779 to be deemed Part of the Lands to be allotted.

XIV. And be it further enacted, That all Encroachments which have been made upon the ſaid ſeveral Common Heaths, Marſhes, Doles and Waſte Lands hereby intended to be divided and incloſed at any Time ſince the Year One thouſand ſeven hundred and ſeventy-nine, ſhall be deemed Part of the Lands to be divided and allotted by virtue of this Act, ſave and except ſuch Parts thereof as have been incloſed by virtue of a Licence in Writing under the Hand of the Lord or Lady of any of the ſaid ſeveral Manors; but no Perſon or Perſons in Poſſeſſion of any Land which has been ſo incloſed from the ſaid Common Heaths, Marſhes, Doles and Waſte Lands within the Time aforeſaid ſhall be entitled to any Allotment in reſpect thereof under or by virtue of this Act; and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachments or the Extent thereof, every ſuch Diſpute ſhall be finally determined by the ſaid Commiſſioners.

Power to fell Encroachments, where Buildings are erected, to the Owners.

XV. And be it further enacted, That in caſe any Cottages, Huts, or other Buildings ſhall have been erected upon any Part of the ſaid Common Heaths, Marſhes, Doles or Waſte Lands, or upon any Encroachment which ſhall have been made thereon, at any Time ſince the Year One

One thouſand ſeven hundred and ſeventy-nine, without ſuch Licence as aforeſaid, then the ſaid Commiſſioners are hereby authorized and empowered, in caſe they ſhall think fit, to make ſale and diſpoſe of ſuch Encroachments whereon ſuch Cottages, Huts, or other Buildings ſhall ſtand, or ſuch other Parts of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands in lieu thereof, as they the ſaid Commiſſioners ſhall think moſt proper and convenient (not exceeding the Quantity or Value of ſuch Encroachments reſpectively), to the Owners of ſuch Cottages, Huts, or other Buildings, or any of them reſpectively, at ſuch Price or Prices to be paid as after mentioned, as they the ſaid Commiſſioners ſhall deem fair and reaſonable, and in and by their Award to ſet out, allot, and convey the ſame to ſuch Purchaſer or Purchaſers, his, her, or their Heirs accordingly; and the Monies ariſing from ſuch Sale or Sales ſhall be applied in and towards the Payment of the Expences attending the paſſing and executing of this Act; and if any Surplus Money ſhall remain after Payment of ſuch Expences as aforeſaid, ſuch Surplus ſhall be divided and apportioned between the ſeveral Proprietors and Perſons intereſted in the ſaid Lands and Grounds, in ſuch Shares as ſhall be in proportion to their reſpective Property and Intereſt therein, and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of the other Proprietors and Perſons of and in ſuch Surplus Money ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act, in thoſe Caſes wherein any Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes; but if the Owner or Owners of any ſuch Cottages, Huts, or other Buildings, ſhall refuſe to purchaſe their reſpective Encroachments, or ſuch other Parts of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands in lieu thereof, at the Diſcretion of the Commiſſioners, as they ſhall think moſt proper and convenient, not exceeding the Quantity or Value of ſuch Encroachment as aforeſaid, at the Price or Sum at which the ſaid Commiſſioners ſhall value the ſame, or ſhall refuſe or neglect to pay the reſpective Purchaſe Monies thereof, at ſuch Time and Place and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall for that Purpoſe, at any Time before the Execution of their Award, by any Writing under their Hands direct, then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioners to pull down or cauſe to be pulled down ſuch Buildings reſpectively, and convert the Materials thereof for the general Purpoſes of this Act.

No Cattle to be depaſtured in Highways for Fourteen Years.

XVI. And be it further enacted, That no Perſon or Perſons ſhall graze or keep any Sort of Cattle or Swine whatſoever in or upon any Part of the public Roads or Ways which the ſaid Commiſſioners ſhall order and direct to be ſet out and fenced on both Sides, for the Space of Fourteen Years next after the making and executing of their Award, under a Penalty not exceeding Forty Shillings for every Bullock, Cow, Horſe, Aſs, Sheep, Lamb, Head of Swine or other Beaſt which ſhall be found therein, to be paid to the Perſon or Perſons who ſhall take and impound the ſame; and every Proprietor or Occupier of Lands and Tenements within any of the ſaid ſeveral Pariſhes, and their and every of their Servants and Labourers, is and are hereby impowered to take and impound every ſuch Bullock, Cow, Horſe, Aſs, Sheep, Lamb, Head of Swine or other Beaſt, which ſhall be ſo found grazing as aforeſaid,

at any Time or Times after any live Fences shall have been made or planted next to the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Fourteen Years; and in case any Dispute shall arise touching any such Trespass, or the Sum which may be demanded as a Penalty for the same, or as to the Payment thereof, the same shall be heard, determined, ascertained and levied by and before any Justice of the Peace acting in and for the said County of *Suffolk*, by such Ways and Means, with the like Powers and subject to the same Powers of Distress for Recovery of the Penalty such Justice shall assess, as are herein-after mentioned concerning the Penalty for breaking the Soil of the said Common Heaths, Marshes, Doles and Waste Lands, without the Leave of the said Commissioners.

To prevent breaking the Soil of the Commons without Leave.

XVII. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, from and after the passing of this Act until the Execution of the Award of the said Commissioners, to cut, dig, pare, grave, break up, flay or carry away the Turf, Flags, or Soil upon or from off the said Common Heaths, Marshes, Doles or Waste Lands, or any Part thereof, or to fell, lop, top, cut down, take or carry away any Shrubs, Bushes, Thorns, Ling, Furze or Whins growing thereon, without the Licence or Consent of the said Commissioners in Writing under their Hands first had and obtained (which Licence or Consent the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations and Restrictions as they shall think proper to insert therein); and if any Person or Persons shall, after the passing of this Act and before the Execution of the said Award, cut, dig, pare, grave, break up, flay or carry away any Turf, Flags, or Soil from any Part of the said Common Heaths, Marshes, Doles and Waste Lands, or fell, lop, top, cut down, take or carry away any Shrubs, Bushes, Thorns, Ling, Furze or Whins growing or being in or upon the same, without such Licence or Consent as aforesaid, or having obtained such Licence or Consent, shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations and Restrictions therein contained, every such Person being convicted thereof, either by his, her, or their own Confession, or upon the Oath or Oaths of One or more credible Witness or Witnesses, before any Justice of the Peace acting in and for the said County of *Suffolk* (not being interested in the said Common Heaths, Marshes, Doles and Waste Lands, and which Oath or Oaths such Justice is hereby authorized to administer, and to summon the Person or Persons complained of, and examine such Witness or Witnesses relating to the said Complaint), shall for every Offence forfeit and pay such Sum of Money as the said Justice shall direct, not exceeding Five Pounds, to be applied by the said Commissioners for the Purposes of this Act; and it shall be lawful for such Justice, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the said Penalty, or any other Penalty incurred under this Act, to be raised and levied by Distress and Sale of the Goods and Chattels of the Person or Persons offending (Demand having been first made thereof), rendering the Overplus (if any), after deducting the Charges of such Distress and Sale to the Owner of such Goods and Chattels.

Commissioners may stop up old Roads after new ones are made.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace for the said County of *Suffolk*, acting in and for the Division in which the Road

Road or Roads, Footpath or Footpaths, herein-after mentioned ſhall be ſituated (and not intereſted in the Repair of ſuch Road or Roads, Footpath or Footpaths,) to ſtop up and direct to be diſcontinued any public Road or Roads, Footpath or Footpaths, through any Part or Parts of the Lands or Grounds in the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton*, or any of them which to the ſaid Commiſſioners ſhall appear to be uſeleſs or unneceſſary: Provided always, that ſuch Order ſo to be made ſhall be ſubject to an Appeal to the Quarter Seſſions in like Manner and under the ſame Forms and Reſtrictions, as if the ſame had been originally made by ſuch Juſtices as aforeſaid: Provided alſo, that none of the preſent Roads or public Highways within the ſaid Pariſhes of *Bradwell*, *Belton*, and *Fritton*, or any of them, ſhall be ſhut up or diſcontinued until the Roads intended to remain public Highways within the ſaid ſeveral Pariſhes ſhall be ſet out according to the Directions of the ſaid recited Act, and the ſame ſhall be properly formed and made ſafe and convenient for Horſes, Cattle, and Carriages.

Allotment of Open Fields.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, after they have ſet out and appointed the Public Carriage Roads and Highways, in, through, over and upon the ſaid Open Fields intended to be divided, allotted and incloſed, aſſign, ſet out and allot all the ſaid Open Field Lands unto and amongſt the ſeveral Owners and Proprietors thereof, and all and every other Perſon or Perſons, and Body or Bodies Politic, Corporate or Collegiate, having any Right or Intereſt in, to, over or upon the ſame, or any Part thereof, in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be proportionate to the Value of and a full Satisfaction and Compenſation to him, her, or them reſpectively, for his, her, or their reſpective Parts and Shares of and in ſuch Lands, and his, her, or their reſpective Rights and Intereſts therein.

Allotments for Watering Places, Clay, Gravel and Sand Pits.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required to ſet out and allot ſuch Part or Parcels of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, hereby intended to be divided and incloſed, as they ſhall think requiſite in each of the ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton*, aforeſaid, as and for public Watering Places for Cattle, and as and for public Clay, Gravel and Sand Pits, with convenient Roads to and from the ſame, to be uſed by the Proprietors of Lands and Eſtates in the ſaid ſeveral Pariſhes reſpectively, and their reſpective Tenants, as well for their own neceſſary Uſes within the ſaid Pariſhes only, in ſuch Manner and under ſuch Rules and Regulations as the ſaid Commiſſioners ſhall by their Award direct or appoint, as in common for the Repairs of the public and private Roads within the ſame Pariſhes, and that ſuch Allotments ſhall be veſted in the Surveyors of the Highways of the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton* aforeſaid reſpectively, in Truſt for the Purpoſes aforeſaid; and it ſhall be lawful for them from Time to Time to let the ſaid Allotments for Clay, Gravel, and Sand Pits (ſubject to ſuch Right of taking Clay, Gravel, and Sand therefrom), for the beſt Rents, that can be gotten for the ſame, and to apply the Profits thereof towards the Repairs of the public Roads and Ways within the ſaid ſeveral Pariſhes reſpectively.

Allotments to the Lords for the Right of Watering Soil.

XXI. And be it further enacted, That the ſaid Commiſſioners after they ſhall have ſet out the public Roads and Ways, and private Roads,

Watering Places, Clay, Gravel and Sand Pits, ſhall in the next place aſſign, ſet out and allot unto the Lord or Lords, Lady or Ladies of the ſaid ſeveral Manors, or to ſuch of them reſpectively as may be entitled to the Soil of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands hereby intended to be divided, allotted and incloſed, according to their ſeveral and reſpective Rights and Intereſts therein, ſo much and ſuch Part and Parts of the Reſidue of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands reſpectively in each of the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton*, as in the Judgement of the ſaid Commiſſioners ſhall be equal in Value to One Seventeenth Part thereof; and ſuch Allotment or Allotments ſhall be in full Compenſation, Recompence and Satisfaction to ſuch Lord or Lords, Lady or Ladies of the ſaid ſeveral Manors, for his, her, or their reſpective Rights and Intereſts in and to the Soil of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands.

Allotments to the Poor.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall alſo aſſign, ſet out and allot unto the Lord or Lords, Lady or Ladies of the ſaid ſeveral Manors, or to ſuch of them reſpectively as ſhall or may be entitled to the Soil of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands in each of the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton* reſpectively, and to the reſpective Rectors, Churchwardens and Overſeers of the Poor of the ſaid ſeveral Pariſhes for the Time being, for the Uſe and Benefit of the poor Perſons reſiding within the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton* reſpectively, ſuch Part or Parts of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, hereby intended to be divided, allotted and incloſed, as the ſaid Commiſſioners ſhall think fit, provided that the Quantity ſo to be aſſigned, ſet out and allotted in any of the ſaid ſeveral Pariſhes ſhall not exceed the Proportions following; (that is to ſay), in the Pariſh of *Bradwell* not exceeding in Value Eight Acres of the Average Value of the Common Heaths, Marſhes, Doles and Waſte Lands within the ſaid Pariſh of *Bradwell*; in the Pariſh of *Belton* not exceeding in Value Twenty Acres of the Average Value of the Common Heaths, Marſhes, Doles and Waſte Lands within the ſaid Pariſh of *Belton*; and in the Pariſh of *Fritton* not exceeding in Value Twenty Acres of the Average Value of the Common Heaths, Marſhes, Doles and Waſte Lands within the ſaid Pariſh of *Fritton*; which ſaid ſeveral Allotments when ſet out ſhall be, and the ſame ſhall be deemed to be veſted in ſuch Lord or Lords, Lady or Ladies as aforeſaid, and the Rectors, Churchwardens and Overſeers of the Poor of each of the ſaid ſeveral Pariſhes reſpectively for the Time being for ever upon Truſt, that they the ſaid Lord or Lords, Lady or Ladies, Rectors, Churchwardens and Overſeers of the Poor of the ſaid ſeveral Pariſhes reſpectively, and their Succeſſors for the Time being, or the major Part of them, ſhall and they or the major Part of them are hereby authorized and required by any Deeds or Writings under their reſpective Hands and Seals or otherwiſe, from Time to Time to demiſe and let the ſaid Lands, ſo to be allotted to them reſpectively as aforeſaid, or any Part or Parts thereof, by public Auction (of which Auction One Month's Public Notice ſhall be given upon a *Sunday* in the Pariſh Church of each of the ſaid ſeveral Pariſhes reſpectively, immediately after Divine Service), to any Perſon or Perſons whomſoever, for any Term or Number of Years they ſhall think proper, not exceeding Twenty-one Years, ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees for the Time being, or the major Part of them, by Two equal Half-yearly Pay-

ments in every Year, the beſt and moſt improved Yearly Rent or Rents that can be reaſonably obtained for the ſame, without taking any Income, Fine, Premium, or Foregift in conſideration of granting ſuch Leaſe or Leaſes, and ſo that in all ſuch Leaſes there be contained the uſual Covenants and Stipulations between Leſſors and Leſſees, and ſuch other Covenants, Stipulations and Agreements, and ſuch Security for the Performance of the ſame, as the ſaid Truſtees or the major Part of them ſhall think proper to be inſerted therein, and all ſuch Deeds and Writings ſhall be good and valid in the Law; and the Rents and Profits ariſing from ſuch Lands ſhall from Time to Time be paid to the ſaid Truſtees of the Poor of each of the ſaid ſeveral Pariſhes for the Time being, and be by them applied for the Uſe and Benefit of ſuch poor Inhabitants in the Purchaſe of Coals or other Fuel, to be diſtributed to them in ſuch Proportions and Quantities, at ſuch Times and in ſuch Manner in every Year, and according to ſuch Rules and Orders as the ſaid Truſtees for the Time being of each of the ſaid ſeveral Pariſhes reſpectively, or the major Part of them for the Time being, ſhall think moſt beneficial: Provided always, that in caſe the Rents and Profits of any or all of ſuch Allotments in any or all of the ſaid ſeveral Pariſhes ſhall at any Time or Times be more than ſufficient to anſwer the Purpoſes for which the ſame is or are hereby directed to be ſet out, then and ſo often it ſhall be lawful for the ſaid Truſtees for the Time being, or the major Part of them (in ſuch of the ſaid Pariſhes wherein the ſame ſhall happen), to apply and diſpoſe of the Overplus of ſuch Rents and Profits for the Relief and Benefit of the Poor of the ſaid Pariſhes of *Bradwell*, *Belton*, and *Fritton* reſpectively, in ſuch Manner as they ſhall think proper: Provided always, that it ſhall and may be lawful to and for the Lord or Lords, Lady or Ladies of the ſaid ſeveral Manors, Truſtees as aforeſaid, and the ſaid Rectors reſpectively for the Time being, to act in the Execution of the Truſts hereby repoſed in them as aforeſaid, (except the ſigning and executing of any Leaſe to be by them made), by their Agents or Proxies reſpectively to be appointed in Writing under their reſpective Hands.

Allotment of the Reſidue.

XXIII. And be it further enacted, That after all the Allotments herein-before mentioned ſhall be made, the ſaid Commiſſioners ſhall then aſſign, ſet out, and allot all the Reſidue and Remainder of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands unto and amongſt the ſeveral Perſons, and the ſeveral Body or Bodies Politic, Corporate or Collegiate, intereſted therein at the Time of ſuch Diviſion, Allotment, and Incloſure, according to their reſpective Rights of Common and other Rights and Intereſts, in, to, over and upon the ſaid Common Heaths, Marſhes, Doles and Waſte Lands ſo to be divided and incloſed as aforeſaid (other than and except ſuch Rights and Intereſts for which a Compenſation is herein-before directed to be made as aforeſaid), in ſuch Shares and Proportions as the ſaid Commiſſioners ſhall adjudge and determine to be proportionate to the Value of and in full Satisfaction and Compenſation to him, her, or them reſpectively, for his, her, or their reſpective Parts and Shares of ſuch Lands and Grounds, and his, her, or their reſpective Rights and Intereſts therein, ſubject to the Rules, Orders, and Regulations of this and the ſaid recited Act.

Reſpecting Rights of Common in Bradwell.

XXIV. Provided always, That the reſpective Owners and Proprietors of all the Lands and Grounds lying within the ſaid Pariſh of *Bradwell*, who

who ſhall deliver in their Accounts or Claims in reſpect thereof in Manner preſcribed by the ſaid recited Act, ſhall be deemed to be entitled to, and to have had and enjoyed a Right of Common of Paſture upon the Commons and Waſte Lands within the ſaid Pariſh of *Bradwell* at all Times of the Year, for all their Commonable Cattle levant and couchant upon their ſaid reſpective Lands and Grounds.

Reſpecting the ſame in Belton and Fritton.

XXV. Provided alſo, That all ſuch Owners and Proprietors of Lands and Grounds lying in the ſaid ſeveral Pariſhes of *Belton* and *Fritton*, who ſhall prove ſuch an Exerciſe of Right of Common, in reſpect of ſuch Lands and Grounds, previous to the Year One thouſand ſeven hundred and ninety-nine, in, over or upon any of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands in the ſaid laſt-mentioned Pariſhes of *Belton* and *Fritton*, ſo intended to be divided, allotted, and incloſed, as ſhall be ſatisfactory to the ſaid Commiſſioners, and who ſhall deliver in their Accounts or Claims in reſpect thereof in Manner preſcribed by the ſaid recited Act, ſhall be deemed to be entitled to a Right of Common of Paſture upon the ſaid Common Heaths, Marſhes, Doles and Waſte Lands lying in the ſaid Pariſhes of *Belton* and *Fritton* reſpectively, in which ſuch Lands or Grounds ſhall be reſpectively ſituate; but nothing in this or the preceding Clauſe contained ſhall extend to any Exerciſe of Right of Common for or in reſpect of any Lands or Grounds taken from off any of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands of *Bradwell*, *Belton*, and *Fritton* aforeſaid, either by Encroachment or by Licence from the Lord or Lady of any of the ſaid Manors.

Diſputes to be ſettled by the Commiſſioners.

XXVI. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between any of the Parties, touching the reſpective Shares and Proportions of the ſaid Open Fields, Common Heaths, Marſhes, Doles and Waſte Lands, hereby intended to be ſet out, divided, allotted and incloſed, which they or any of them are entitled to or ought to have in lieu of their Rights of Common, or other Rights or Intereſts, in, to, over and upon the ſame, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear, and determine the ſame: Provided always, that when the ſaid Commiſſioners ſhall have ſet out the ſeveral and reſpective Allotments to the ſaid Owners and Proprietors reſpectively of the ſaid Open Fields, Common Heaths, Marſhes, Doles, and Waſte Lands to be ſet out, divided, and allotted by virtue of this Act, they the ſaid Commiſſioners ſhall give Notice in ſuch Manner as is herein-before directed with reſpect to their Meetings, of ſome convenient Time and Place when and where all Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and may take a Copy of ſuch Schedule, or any Part thereof; and in regard that ſome Perſon or Perſons may be diſſatisfied with their intended Allotments, the ſaid Commiſſioners ſhall give Notice as aforeſaid of a Meeting to be held by them for receiving Complaints or Objections to ſuch intended Allotments, and for hearing and determining ſuch Complaints and Objections; and the Determination of the ſaid Commiſſioners as to ſuch Allotments ſhall be final, binding, and concluſive upon all Parties and all Perſons intereſted therein.

For laying Allotments conveniently.

XXVII. And be it further enacted, That in making the ſeveral Allotments aforeſaid, the ſaid Commiſſioners ſhall have due regard as well to the Quantity and Quality of the ſaid Lands and Grounds ſo to be ſet out, divided,

divided, allotted, and inclosed as aforesaid, as to the Situation and Contiguity of the same to the respective Habitations, Messuages, Barns, and other Property of the said Parties, to or for whose Use such Lands or Grounds shall respectively be assigned and allotted.

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

XXVIII. And be it further enacted, That if any Person or Persons shall or may have sold, or contracted, or agreed to sell, or at any Time before the Execution of the Award of the said Commissioners shall sell, or contract or agree to sell, his, her, or their Right of Common, Interest, or other Rights, or any Part thereof, in, over, or upon the said Common Heaths, Marshes, Doles, and Waste Lands, to any Person or Persons whomsoever, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, on receiving the Contract or Agreement, or Memorandum thereof in Writing, signed by every such Vendor and Vendee of such Sale, at a Meeting of the said Commissioners to be appointed for that Purpose, to make the Allotment of the said Common Heaths, Marshes, Doles, and Waste Lands, unto the Vendee or Purchaser under such Sale, Contract, or Agreement, or to his, her, or their Heirs or Assigns, for and in respect of the Estate under which the Vendor claims such Right of Common, Interest, and other Rights, or such Parts thereof, so sold or contracted for, or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him or her as aforesaid, in the same Manner and subject to the same Incumbrances, and to all Intents and Purposes as the Vendor in every such Sale, Contract, or Agreement might, could, or ought to have held and enjoyed the same, in case such Sale, Contract, or Agreement had not been made, or such Right of Common, Interest, or other Rights had still remained vested in such Vendor at the Time of making such Allotment as aforesaid.

Allotments for Copyhold or Leasehold to be of the same Tenure; other Allotments to be Freehold.

XXIX. And be it further enacted, That all such Part and Parts of the said Open Field Lands or Grounds as shall be assigned, set out, or allotted by virtue of this Act, to any Person or Persons, for or in respect of any Open Field Lands or Grounds, holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Open Field Lands or Grounds, and also all such Part or Parts of the said Common Heaths, Marshes, Doles and Waste Lands, as shall be assigned, set out or allotted, for or in respect of any Right of Common, or other Right or Interest appurtenant to any Messuages, Cottages or Tofts, Lands, Tenements or Hereditaments, which are holden by Copy of Court Roll of any Manor or Manors, or which are Leasehold, shall from and after the Execution of the Award of the said Commissioners, be deemed and taken to be Copyhold and Leasehold respectively, according to the Tenure of the Messuages, Cottages or Tofts, Lands, Tenements, Open Field Lands, Grounds and Hereditaments, for or in respect of which they shall be so assigned, set out or allotted, and shall be held accordingly, by and under the same Tenure and subject to the same Rents, Payments, Fines, Customs and Services, as the Copyhold or Leasehold Messuages, Cottages or Tofts, Open Field Lands, Grounds or Hereditaments respectively, for or in respect whereof any such Allotment shall be made, are now holden; and the said Commissioners shall in and by their said Award ascertain the Quantities of, and determine, describe and abut the said several Lands and Grounds, which

are ſo to be and remain Copyhold or Leaſehold reſpectively as aforeſaid; and all other the Lands and Grounds to be aſſigned, ſet out or allotted by virtue of this Act, (ſave and except ſuch as ſhall be ſo aſcertained by the ſaid Commiſſioners to be Copyhold or Leaſehold reſpectively), ſhall from thenceforth be deemed, taken and enjoyed as Freehold Lands and Grounds, ſubject nevertheleſs to ſuch Free Rents and Services as are now payable out of the reſpective Meſſuages, Lands, Tenements or Hereditaments, for or in reſpect whereof the ſame ſhall or may be allotted; and that all and every Perſon or Perſons to whom ſuch Copyhold Allotments ſhall be made as aforeſaid, ſhall, within the Space of Six Calendar Months next after the Execution of the ſaid Award, or at the firſt General Court Baron to be holden for each of the ſaid ſeveral Manors next after the Expiration thereof, be admitted Tenants to the ſame reſpectively; and in caſe the Perſon or Perſons to whom ſuch Coyyhold Allotment or Allotments ſhall be made as aforeſaid, any or either of them, ſhall have been before admitted thereto, or to the Meſſuages, Cottages or Tofts, Open Field Lands, Grounds or Hereditaments, in reſpect whereof the ſame ſhall have been made, no Fine or other Charge ſhall become payable to the Lord or Lords, Lady or Ladies, or to the Stewards of any of the ſaid ſeveral Manors, (ſave and except for the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions, and the accuſtomed Fees to the reſpective Steward or Stewards of the ſaid Manor or Manors); but in caſe any ſuch Perſon or Perſons as aforeſaid, to whom any ſuch Copyhold Allotment or Allotments ſhall be made as aforeſaid, ſhall refuſe or neglect to be admitted thereto within the Time aforeſaid, or ſhall not have been before admitted to the ſame, or to the Meſſuages, Cottages, or Tofts, Open Field Lands, Grounds or Hereditaments, in reſpect whereof the ſaid Allotment or Allotments ſhall have been made, or ſhall die without Admittance, then it ſhall and may be lawful to and for the Lord or Lords, Lady or Ladies of the ſaid Manors reſpectively for the Time being, to take and uſe all ſuch Meaſures for compelling ſuch Admiſſion or Admiſſions to the ſaid Allotment or Allotments reſpectively, as ſuch Lord or Lords, Lady or Ladies are now by Law, and according to the Cuſtoms of the ſaid ſeveral Manors, empowered to take and uſe for want of a Tenant to any Meſſuages, Lands, Tenements or Hereditaments, holden by Copy of Court Roll of his, her, or their ſaid ſeveral Manors; and in ſuch Caſe the ſame Fines, Fees and other Payments, ſhall be due and payable on ſuch Admiſſion or Admiſſions reſpectively, as ſuch Lord or Lords, Lady or Ladies, and the Steward of the ſaid Manors reſpectively are now by Law and the Cuſtoms of the ſame Manors reſpectively entitled to take and receive upon Admiſſions to any Meſſuages, Lands, Tenements or Hereditaments holden by Copy of Court Roll of the ſaid ſeveral Manors reſpectively; and from and after the firſt Admiſſion, all the ſaid Copyhold Allotments ſhall for ever thereafter be held under the ſame Tenure, and ſubject to the ſame Services, Fines, and other Payments, as the preſent Copyhold Meſſuages, Cottages, or Tofts, Open Field Lands, and Hereditaments, in reſpect whereof ſuch Allotments ſhall be made, are now held under and ſubject and liable to.

Copyhold Allotments of Commons to be ſubject to a Quit Rent.

XXX. Provided always, That all ſuch Allotments of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, as ſhall be made for or in reſpect of any ſuch Right of Common, or other Right or Intereſt appurtenant to any Copyhold Meſſuages, Cottages, or Tofts, Lands, Tenements, or Hereditaments as aforeſaid, ſhall be ſubject and liable to, and the Proprietors

prietors thereof respectively for the Time being shall pay to the Lord or Lord, Lady or Ladies of the said several Manors respectively for ever, a Yearly Quit Rent at and after the Rate of One Penny *per* Acre, for every Acre of the said Lands and Grounds which shall be so allotted, and so in proportion for any less Quantity than an Acre, at such Time or Times as the said Commissioners shall in and by their said Award appoint for the Payment of the same.

Not to be less in Quantity than One Rood.

XXXI. Provided also, That no Allotment of the said Common Heaths, Marshes, Doles and Waste Lands, so to be made in respect of any such Rights of Common, or other Right or Interest appurtenant to any such Copyhold Messuages, Cottages or Tofts, Lands or Hereditaments, which shall contain in the whole a smaller Quantity than One Rood, (unless it be the entire Quantity which shall be allotted to any such Proprietor), shall by the said Commissioners be declared to be Copyhold.

Wills and Settlements not to be affected.

XXXII. 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 Lands or Grounds to be set out, divided, allotted and inclosed as aforesaid, or any Part or Parts thereof respectively, but that each and every Proprietor shall stand and be seized of the Allotment and Allotments tobe set out, assigned, and allotted to him, her or them as aforesaid, or which shall be sold, given or taken in Exchange in pursuance of this Act, or of which Partition shall or may be made in pursuance of the before recited Act, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Limitations, Trusts, Charges and Incumbrances, and no other, as the same Messuages, Lands, Tenements and Hereditaments, for or in respect whereof such Allotments, Exchanges or Partitions shall be made, would have been subject or liable to be charged with or affected by, in case the same had remained unincloſed, unsold, unexchanged, or no Partition thereof had been made as aforesaid.

Certain Allotments to be fenced at the General Expence.

XXXIII. And be it further enacted, That the several Allotments of the said Open Fields, Common Heaths, Marches, Doles and Waste Lands, which may be made to the Rectors of the said several Parishes of *Bradwell*, *Belton*, and *Fritton*, in pursuance of this Act, for or in respect of any Messuages or Glebe Lands belonging to the Churches of the said several Parishes, and the said Allotments herein-before directed to be made to the said Surveyors of the Highways and Trustees for the Poor of the said several Parishes of *Bradwell*, *Belton*, and *Fritton* respectively as aforesaid, shall be inclosed and fenced in with such Ditches, Drains, Hedges or other Fences, as the said Commissioners shall think proper, and the several Expences thereof raised and paid in like manner as the Expences of obtaining this Act, and of carrying the same into Execution, are herein-after directed to to be raised and paid; and that all such Hedges, Ditches, Drains and Fences when made, shall for ever thereafter be maintained, supported and kept in Repair by and at the Expence of the said Rectors of the said several Parishes for the Time being respectively, and with and out of the Profits and Produce of the said respective Allotments which may be made to the said Surveyors, and the Trustees of the Poor of the said several Parishes respectively;

reſpectively; and that all the other Allotments of the ſaid Open Fields, Common Heaths, Marſhes, Doles and Waſte Lands, hereby intended to be ſet out, divided and allotted, ſhall be incloſed and fenced with proper Ditches, Drains, Hedges, or other Fences, to be made and at all Times thereafter repaired by and at the Expence of the ſeveral Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, to or for whoſe Uſe the ſame ſhall be reſpectively allotted, within ſuch Time and in ſuch Manner as the ſaid Commiſſioners ſhall in and by their Award, or by any Writing under their Hands previous thereto, direct or appoint: Provided always, that in caſe it ſhall happen that any Perſon or Perſons, to whom any Allotment or Allotments of the ſaid Open Fields, Common Heaths, Marſhes, Doles and Waſte Lands ſhall be made under this Act, in order to incloſe the ſame, ſhall have more than equal and proportionable Share of Boundary Fences to make and raiſe, it ſhall be lawful for the ſaid Commiſſioners, where they ſhall think proper, having due Regard to the Quantity and Value of each and every Allotment, and to the neceſſary Subdiviſions to be made thereon, to aſcertain and appoint ſuch Sum of Money to every ſuch Proprietor towards making ſuch Fences, by ſuch other of the ſaid Proprietors who under the ſaid Regulations may have leſs than an equal Proportion of Fencing allotted to them, or otherwiſe to make ſuch Allowance out of the public or general Expences to be raiſed by virtue of this Act, as they ſhall think reaſonable, in order that the ſaid Boundary Fences may be brought as near as may be to a juſt and equal Proportion.

Expences of Fences to be equalized.

XXXIV. Provided nevertheleſs, That it ſhall and may be lawful to and for the ſaid Commiſſioners, if they think fit, to raiſe and make, or cauſe to be raiſed and made all and every, or any of the Hedges and Banks, Ditches, Drains and other Fences, againſt all, every or any of the public or private Roads or Ways, which ſhall or may be by them ſet out and appointed in the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton* aforeſaid, under or by virtue of the Powers, Proviſions and Directions contained in this and in the ſaid recited Act, and all the Coſts, Charges and Expences of raiſing and making ſuch Hedges and Banks, and of the Spring or Quickſet, or other Fencing Stuff to be laid, placed, or ſet therein or thereon, and of cutting and making ſuch Ditches or Drains, ſhall be borne and paid by the ſeveral Perſons againſt whoſe Allotments reſpectively the ſame ſhall be ſo raiſed and made in manner herein-after mentioned, in ſuch Proportions as the ſaid Commiſſioners ſhall direct, ſave and except by the ſeveral Perſons herein-before exempted.

Commiſſioners may raiſe external Fences if they think fit.

XXXV. And be it further enacted, That all the Coſts, Charges and Expences of making and forming the public Carriage Roads, and of putting the ſame into good and ſufficient Repair, and of the Surveyor or Surveyors to be appointed as by the ſaid recited Act is directed, ſhall be borne by the ſeveral Perſons who are by this Act charged with or made liable to the Payment of the Coſts, Charges and Expences of obtaining and executing the ſame or any Part thereof, according to the Annual Value of their ſeveral Allotments; ſave and except the Rectors of the ſaid ſeveral Pariſhes, the Surveyors of the Highways, and the Truſtees of the Poor of the ſaid ſeveral Pariſhes, in reſpect of the Allotments to be made to them as aforeſaid; and the ſame, together with the Coſts, Charges and Expences of raiſing and making the Fences againſt ſuch Roads (if any ſhall be raiſed and made by the ſaid Commiſſioners under the Proviſions of this Act), ſhall

Expences of new Roads by whom paid and at what Time.

be paid by them the ſaid Proprietors reſpectively, to ſuch Perſon or Perſons, and at ſuch Time or Times as the ſaid Commiſſioners ſhall think proper, and by their Award appoint for that Purpoſe, or to ſuch other Perſon or Perſons, and at ſuch other Time or Times previous to their making their ſaid Award, as they the ſaid Commiſſioners ſhall by any Rate or Rates to be made and ſigned by them, or by any Writing or Writings under their Hands for that Purpoſe, direct or appoint; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their Share or Shares of ſuch Charges and Expences, or any Part thereof, to the Perſon or Perſons who ſhall be thereby appointed to receive the ſame, within the Time to be limited by the ſaid Commiſſioners as aforeſaid, then and in ſuch Caſe the ſaid Commiſſioners ſhall cauſe the ſame to be levied and recovered in Manner directed by the ſaid recited Act.

Payments for Great and Small Tythes for the firſt Six Years to be ſettled by the Commiſſioners.

XXXVI. And be it further enacted, That the ſaid Rectors of the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton* aforeſaid, and their Succeſſors, Rectors of the ſaid ſeveral Pariſhes for the Time being, ſhall be and they are hereby ſeverally empowered to aſk, demand, ſue for, recover and receive, of and from every Occupier, Owner or Proprietor of the ſeveral Allotments of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands to be made by virtue of this Act (from which they ſhall be reſpectively entitled to receive Tythes), for, in lieu and full Satisfaction of all the Great and Small Tythes which ſhall yearly ariſe, renew, increaſe or be produced in and upon ſuch Allotments reſpectively, in the firſt Six Years next after the ſame ſhall be incloſed or the Award of the ſaid Commiſſioners ſhall be made, ſuch Sum and Sums of Money annually, and no more, as the ſaid Commiſſioners ſhall in and by their ſaid Award, or ſome other Inſtrument or Schedule under their Hands order, direct, or appoint to be paid for or in reſpect of ſuch Tythes reſpectively; and from and immediately after the Expiration of the ſaid Six Years, the ſaid Rectors reſpectively for the Time being ſhall be entitled to receive and take in Kind all and all Manner of Great and Small Tythes ariſing, renewing, or increaſing, or which ſhall ariſe, renew, increaſe or be produced in and upon the ſame Allotments, from which they ſhall be reſpectively entitled to receive Tythes as aforeſaid, and every or any of them.

Leaſes to be void as to Open Fields.

XXXVII. And be it further enacted, That for the Purpoſes of facilitating the ſetting out and allotting the Open Field Lands, and the exchanging any Part or Parts of the Old Incloſed Lands within the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton*, all and every Leaſe and Leaſes and other Agreements for any Term or Number of Years, which is or are now ſubſiſting of all or any Part of the Meſſuages, Buildings, Lands, Grounds, Tenements, or Hereditaments within the ſaid reſpective Pariſhes, either alone or together with any other Lands, Tenements, or Hereditaments, ſhall ceaſe, determine and be void, ſo far as any ſuch Leaſe or Leaſes or other Agreements affect or concern any Open Field Lands or Old Incloſures which ſhall be allotted or exchanged by virtue of this Act; and every Tenant or Occupier thereof ſhall, immediately after the ſigning of the Award of the ſaid Commiſſioners, or at ſuch other Time or Times as the ſaid Commiſſioners ſhall thereby or by any Writing under their Hands for that Purpoſe appoint, give and reſign

up the full and peaceable Poſſeſſion of ſuch allotted or exchanged Lands to the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, to or with whom the ſame ſhall be reſpectively allotted or exchanged, but the Tenants or Occupiers of ſuch allotted or exchanged Lands ſhall in ſtead thereof have and receive the quiet and peaceable Poſſeſſion of the Lands and Grounds to be taken by ſuch Leſſor, Owner, or Proprietor in lieu of or in Exchange for ſuch Lands reſpectively, or ſhall receive from ſuch Leſſors, Owners, or Proprietors thereof ſuch Satisfaction as the ſaid 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 and directed to be paid 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 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 and levied: Provided always, that the Option of retaining the Allotments, or receiving Satisfaction in lieu thereof, herein-before given to ſuch Tenants or Occupiers, ſhall be declared in Writing under his, her, or their Hands, and be delivered to the ſaid Commiſſioners within One Month from the Time of their exhibiting the Schedule of Allotments herein-before directed to be made and exhibited: Provided always, that if there ſhall be any Leaſe of Lands Part of which ſhall lie in either of the ſaid Pariſhes and Part in any adjoining Pariſh, all and every ſuch Leaſe and Leaſes upon Rack Rent now ſubſiſting may be vacated; but where any Land ſhall be taken in Exchange, which Land ſhall be under Leaſe and wholly ſituate in any adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Leaſes to be void as to Allotments.

XXXVIII. And be it further enacted, That all and every Leaſe and Leaſes and other Agreements at Rack or extended Rent, which is or are now ſubſiſting of all or any Part of the Meſſuages, Buildings, Lands, Grounds, Tenements, or Hereditaments within the ſaid ſeveral Pariſhes of *Bradwell*, *Belton* and *Fritton*, either alone or together with any other Lands, Tenements, or Hereditaments, ſhall ceaſe, determine and be void, ſo far as ſuch Leaſe or Leaſes or other Agreements affect or concern any Allotment or Allotments of the Common Heaths, Marſhes, Doles and Waſte Lands which ſhall be made to any Perſon or Perſons whomſoever, for and in reſpect of any Meſſuages, Lands, Tenements or Hereditaments comprized in any ſuch Leaſe or Leaſes or other Agreements; and it ſhall and may be lawful for the reſpective Leſſor or Leſſors, Landlord or Landlords of any ſuch Meſſuages, Lands, Tenements, or Hereditaments, to enter into and upon ſuch Allotment or Allotments, and to hold and enjoy the ſame for and during all ſuch Time and Term as the ſaid Leſſee or Leſſees, Tenant or Tenants, ſhall or may have to come and unexpired of ſuch Leaſes or Agreements reſpectively, making ſuch Yearly Deduction or Allowance out of the Rent or Rents in and by ſuch Leaſes or Agreements reſerved or agreed to be paid by ſuch Leſſees or Tenants reſpectively, for and during all the Reſidue of ſuch Term or Terms therein as the ſaid Commiſſioners ſhall in and by ſome Inſtrument or Inſtruments in Writing under their Hands for that Purpoſe aſcertain and determine to be a reaſonable Compenſation

penſation for the Loſs of the Right or Rights of Common which hath or have been accuſtomed to be uſed and exerciſed by ſuch Leſſee or Leſſees, Tenant or Tenants, in virtue of the ſaid Meſſuages, Lands, Tenements and Hereditament, ſo leaſed to or agreed to be held by him, her, or them reſpectively (unleſs in Caſes where by any ſuch Leaſes or Agreements the Right of Common is excepted and reſerved to the Landlord); but in caſe any ſuch Leſſors or Landlords ſhall not within One Calendar Month next after the ſaid Commiſſioners ſhall have made ſuch Allotment or Allotments, and exhibited a Schedule thereof as herein-before directed, give Notice in Writing of his, her, or their Intention of taking and holding the Allotment or Allotments ſo to be made of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands to the Leſſee or Leſſees, Tenant or Tenants thereof reſpectively, ſuch Notice to be left at his, her, or their laſt or moſt uſual Place or Places of Abode, then and in every ſuch Caſe it ſhall be lawful for ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively to enter upon the ſaid Allotment or Allotments ſo to be made to ſuch Leſſor or Leſſors, Landlord or Landlords as aforeſaid, and to hold and enjoy the ſame for and during all ſuch Time and Term as he, ſhe, or they ſhall have to come and unexpired in ſuch Meſſuages, Lands, Tenements, and Hereditaments by virtue of ſuch Leaſe or Leaſes or other Agreements upon paying ſuch further or advanced Rent or Rents to their reſpective Leſſors or Landlords, and under and ſubject to ſuch Orders and Regulations reſpecting the Tillage and Management thereof, as ſhall be aſcertained and determined by the ſaid Commiſſioners, and be ſpecified in and by ſome Inſtrument or Inſtruments in Writing under their Hands, to be made at the joint Expence of ſuch Leſſors and Leſſees reſpectively, which Rent or Rents ſhall be paid at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioners ſhall by ſuch Inſtrument or Inſtruments reſpectively appoint; and ſuch Leſſor or Leſſors, Landlord or Landlords, ſhall have ſuch Powers and Remedies for the recovering and obtaining ſuch additional Rent as he, ſhe, or they had, or was or were entitled to have had for obtaining and recovering the original Rent reſerved by ſuch Leaſe or Leaſes or other Agreements; but if ſuch Leſſee or Leſſees, Tenant or Tenants ſhall not, within One Calendar Month next after the Date of ſuch Inſtrument or Inſtruments as aforeſaid give Notice in Writing of his, her, or their Intention of holding ſuch Allotment or Allotments, and thereby agree to pay for the ſame ſuch Rent or Rents as the ſaid Commiſſioners ſhall have ſo appointed to be paid to the Leſſor or Leſſors, Landlord or Landlords thereof (ſuch Notice to be left at his, her, or their laſt or moſt uſual Place of Abode), that then and in ſuch Caſe the Allotment or Allotments ſo to be made in Right of the ſaid Meſſuages, Lands, Tenements, and Hereditaments reſpectively leaſed or agreed to be held by ſuch Leſſee or Leſſees ſo neglecting or refuſing to give Notice as aforeſaid, ſhall go to and remain unto and be held and enjoyed by his, her, or their reſpective Leſſors or Landlords, freed and diſcharged of and from all Right and Intereſt in ſuch reſpective Leaſes: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend ſo as to render null and void any Leaſe or Leaſes granted by the Preſident of the College of *Saint Mary Magdalen* in the Univerſity of *Oxford* and the Scholars of the ſaid College, of any Meſſuages, Lands, Tenements, or Hereditaments within the ſaid Pariſhes of *Bradwell*, *Belton*, and *Fritton* aforeſaid,

aforesaid, or any of them, or any Part or Parts of any such Lease or Leases.

For allowing Exchanges, etc. to be made.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said several Parishes of *Bradwell*, *Belton*, and *Fritton*, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said several Parishes or within any adjoining Parish, Hamlet, or Township; provided that all such Exchanges be ascertained, specified and declared in the Award of the said 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, 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 of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be 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 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 Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate: Provided always, that all Costs, Charges and Expences attending the making of any Exchanges and 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 Commissioners shall by their Award order and direct.

Expences of the Act how to be paid.

XL. And be it further enacted, That the several Sums of Money herein-before directed to be paid to the said Commissioners for their Trouble and Attendance in the Execution of this and the said recited Act, over and besides their reasonable and necessary Expences and to the Surveyor or Surveyors to be appointed by them for surveying and admeasuring, planning and mapping the said Open Fields, Common Heaths, Marshes, Doles and Waste Lands to be divided, allotted and inclosed by virtue of this Act, and the Lands, Tenements and Hereditaments in respect whereof a Right of Common or other Right or Interest thereon or therein shall be claimed, and also the Costs and Charges in any way occasioned by, incident to, and attending the obtaining and passing of this Act, and of valuing, dividing and allotting the said Open Fields, Common Heaths, Marshes, Doles and Waste Lands, and also of opening, cutting and making any Ditches or Drains necessary for preserving and improving

proving the said Lands and Grounds, and the Costs, Charges and Expences of inclosing and fencing the said several Allotments herein-before directed to be inclosed and fenced at the General Expence, and of preparing and inrolling the Award of the said Commissioners, and all other necessary Expences of the several Persons employed by the said Commissioners in and about the Premises, and of all public Works, and all other Costs, Charges and Expences of carrying this and the said recited Act into Execution, shall be borne and defrayed by the several Persons, and Body or Bodies Politic, Corporate or Collegiate, to whom Allotments shall be made by virtue of this Act, in Proportion to the Value of the Lands to be allotted to them respectively, to be ascertained by the said Commissioners, and shall be paid by them the said Proprietors respectively at such Time or Times as they the said Commissioners shall think proper, and in and by their Award mention and appoint for that Purpose; and in case any of the Persons aforesaid shall neglect or refuse to pay his, her or their Share or Shares of such Charges and Expences, or any Part thereof, to the Person or Persons who shall be appointed to receive the same, within the Time to be limited by the said Commissioners as aforesaid, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act: Provided always, that nothing herein contained shall extend or be construed to extend to the charging or making liable the said Rectors aforesaid, for any Allotment or Allotments to be made to them respectively of any Open Fields, Common Heaths, Marshes, Doles or Waste Lands (but in respect only of any Messuages or Glebe Lands belonging to the Churches of the said several Parishes) for or in respect of the Allotments to be made to them, or the Surveyors of the Highways of the said several Parishes for and in respect of the Allotments to be made to them, or the several Persons to whom the said Allotments for the Benefit of the said poor Persons shall be made as aforesaid, to the Payment of the Costs, Charges and Expences, or any Part thereof herein-before directed to be paid, but the same shall be charged upon and borne and defrayed by the Rest of the said Proprietors.

Lessees of the President and Scholars to pay their Proportion of Expences.

XLI. Provided always, and be it further enacted, That the Lessees of the said President and Scholars shall respectively bear and defray the several Proportions of the Costs, Charges and Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, which shall be payable in respect of any Allotment or Allotments of the said Open Fields, or of any Allotment or Allotments of any Part or Parts of the said Common Heaths, Marshes, Doles and Waste Lands for or in respect of any Right of Common or other Right appurtenant to the Messuages, Lands, Tenements or Hereditaments demised to them respectively by the said President and Scholars of the said College.

Power to charge Copyhold Lands with Expences.

XLII. And be it further enacted, That when and so often as it may be necessary to charge any Lands, Tenements or Hereditaments which shall be allotted or exchanged by virtue of this Act, and which are or shall be or 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 or 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 use of the Person or Persons who shall advance or 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 for the ſame, inſtead of being mortgaged and ſurrendered to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators and Aſſigns, for a Term of Years, as mentioned in the ſaid recited Act.

Commiſſioners may borrow Money to pay Expences.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt, of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money as ſhall from Time to Time be neceſſary for defraying the Charges and Expences of paſſing this Act, and carrying the ſame and the ſaid recited Act into Execution; and that the Money which ſhall be ſo advanced for the Purpoſes aforeſaid ſhall be repaid with lawful Intereſt to ſuch Perſon or Perſons, out of the firſt Monies which ſhall be raiſed from the ſeveral Proprietors as herein-before mentioned and directed for defraying the Expences of obtaining and executing this Act.

Commiſſioner to lay their Accounts before Two Juſtices once in every Year.

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

Allowing an Appeal.

XLV. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves, aggrieved by any Thing done in purſuance of the ſaid recited Act or this Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final, binding and 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 General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Suffolk* within Four Calendar Months next after the ſaid Cauſe of Complaint ſhall have ariſen; on giving the ſaid Commiſſioners, or the Party or Parties intended to be appealed againſt, Fourteen Days Notice of ſuch Appeal and of the Matter thereof; and the Juſtices in their ſaid General Quarter Seſſions are hereby authorized and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and in Caſe of Nonpayment thereof before the then next General Quarter Seſſions, to levy by their Order or Warrant the Coſts and Damages which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable

reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive on all Parties concerned, and ſhall not be removed by *Certiorari* or any other Writ or Proceſs whatſoever into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the Juſtices to be frivolous, or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

Award.

XLVI. And be it further enacted, That the Award to be made by the ſaid Commiſſioners under the Directions of the ſaid recited Act, together with ſuch Maps or Plans as ſhall be annexed thereto, when inrolled in Manner directed by the ſame Act, ſhall be delivered to and kept by the Lord or Lords, Lady or Ladies, of ſuch of the ſeveral Manors hereinbefore mentioned, as the ſaid Commiſſioners ſhall therein and thereby direct or appoint, and ſo much and ſuch Part thereof as relates to each of the ſaid ſeveral Pariſhes of *Bradwell*, *Belton*, and *Fritton* reſpectively, ſhall be depoſited and kept in the ſeveral Churches of the ſaid Pariſhes of *Bradwell*, *Belton*, and *Fritton* reſpectively.

General Saving.

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

Act may be given in Evidence when printed.

XLVIII. And be it further enacted, That this Act ſhall be printed by the Printer to the King's moſt Excellent Majeſty, and a Copy thereof ſo printed ſhall be admitted as Evidence thereof by all Judges, Juſtices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1809.