ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

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Cap. 18.

An Act for inclosing Lands in the Parish of *Gazeley* in the County of *Suffolk*. [4th *July* 1838.]

WHEREAS there are in the Parish of *Gazeley* in the County of *Suffolk* divers Open and Common Fields, Commons, Heaths, Commonable Lands, and Waste Grounds: And whereas *Samuel Farmer* Esquire is Lord of the Manor of *Desning* with its Members, and in respect thereof is or claims to be entitled to the Soil of the said Commons, Heaths, and Waste Grounds: And whereas *Mary Burroughes* Widow is Lady of the Manor of *Boviles* in the said Parish of *Gazeley*, and in respect thereof is or claims to be entitled to the Soil of such of the said Commons and Waste Grounds as are within the said Manor of *Boviles:* And whereas Sir *Robert Affleck* Baronet is or claims to be entitled to the Manor of the Rectory of *Gazeley* in the said Parish of *Gazeley:* And whereas Sir *Digby Mackworth* Baronet, the Right Honourable *Charles Redolphus* Lord *Clinton*, the Reverend *Samuel Woodfield Paul* Clerk, and *Digby Mackworth* Esquire, Trustees for Sale named in the Will of Sir *James Affleck* Baronet, are seised of the Impropriate Rectory of the said Parish of *Gazeley*, and entitled to the Great Tithes of such Parish: And whereas the Reverend *George Howes* Clerk is Vicar of the Parish of *Gazeley:* And whereas the said *Samuel Farmer*, *Mary Burroughes*, Sir *Robert Affleck*, the Trustees named in the Will of *Charles Hammond* deceased, *John Wellsman*, *Timothy Richard Holmes*, *John Wilson*, and divers other Persons are Proprietors of the said Open and Common Fields, Commons, Heaths, Commonable Lands, and Waste Grounds; and the Lands of the respective Proprietors lie much dispersed

and intermixed, and some of the said Proprietors are or claim to be entitled to Rights of Sheep Walk, Common of Pasture for their Cattle, and other Rights in, over, and upon the said Open and Common Fields, Commons, Heaths, Commonable Lands, and Waste Grounds: And whereas an Act was passed in the Forty-first Year of the Reign of His
41 G. 3. c. 109. late Majesty King *George* the Third, 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 another Act was passed in the First and Second Years of the Reign of His late Majesty King *George* the Fourth,
1 & 2 G. 4. c. 23. intituled *An Act to amend the Laws respecting the Inclosure of Open and Common Fields, Pastures, Moors, Common and Waste Lands in* England: And whereas it would be advantageous to the Persons entitled to the said Open and Common Fields, Common Heaths, Commonable Lands, and Waste Grounds if the same were divided and allotted unto and amongst them according to their respective Rights and Interests therein, and inclosed and held in Severalty; but the several Purposes 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament

Appointment of Commissioners. assembled, and by the Authority of the same, That *John Josselyn* of *Sproughton* in the County of *Suffolk*, Gentleman, *John West* of *Little Bowden* in the County of *Northampton*, Gentleman, and *John Isaacson* of *Clare* in the County of *Suffolk*, Gentleman, and their Successors, to be appointed in manner herein-after mentioned, shall be and they are hereby appointed Commissioners for dividing, allotting, and inclosing the said Open and Common Fields, Common Heaths, Commonable Lands, and Waste Grounds, and for carrying this Act into execution, subject to the Rules, Orders, and Regulations in this Act contained, and also subject to the Rules, Orders, and Directions contained in the said recited Acts, except such as are by this Act varied or altered.

Two Commissioners may act. II. And be it further enacted, That all Matters and Things to be done and executed by the said Commissioners in the Execution of this Act and the said recited Acts shall and may be done and executed by all the Commissioners for the Time being, or any Two of them; and all Acts, Matters, and Things which shall be done and executed by any Two of the said Commissioners for the Time being shall be as good, valid, and effectual, to all Intents and Purposes whatsoever, as if the same had been done and executed by all the said Commissioners.

Commissioners to make a Declaration. III. And be it further enacted, That no Person shall be capable of acting as Commissioner in the Execution of this Act until he shall have made and subscribed the Declaration following; (that is to say,)

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, 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 a Commissioner by virtue of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of the Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.'

And

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds; and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

Interpretation of Words.

IV. And be it further enacted, That where in this Act any Word is used importing the Singular Number or Masculine Gender only, such Word shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided for, or there be something in the Subject or Context repugnant to such Construction.

For the Appointment of future Commissioners.

V. And be it further enacted, That in case the said *John Josselyn*, *John West*, and *John Isaacson*, or any or either of them, shall, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, neglect or refuse to act, or become incapable of acting in the Execution of this Act, a new Commissioner or new Commissioners shall be nominated and appointed in manner following; that is to say, if the said *John Josselyn* shall die, neglect or refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the Lord or Lady of the aforesaid Manor of *Desning* with its Members for the Time being, by Writing under his or her Hand, to nominate and appoint One other fit and proper Person, not interested in the Division, Allotment, and Inclosure, to be a Commissioner in the Place of the said *John Josselyn*; and if any Commissioner or Commissioners who shall be appointed in the Place of the said *John Josselyn* shall die, neglect or refuse to act, or become incapable of acting as aforesaid, such future Vacancy shall be filled up in like Manner by the Lord or Lady of the said Manor of *Desning* with its Members for the Time being; and if the said *John West* shall die, neglect or refuse to act, or become incapable of acting as aforesaid, it shall and may be lawful to and for the said Sir *Robert Affleck*, and the Lord and Lady for the Time being of the said Manor of the Rectory of *Gazeley*, by any Writing under his or her Hand, to appoint One other fit and proper Person, not interested, in the said Division, Allotment, and Inclosure, to be a Commissioner in the Place of the said *John West*, and so from Time to Time as often as any Commissioner so to be appointed by the said Sir *Robert Affleck* shall die, neglect or refuse to act, or become incapable of acting as aforesaid; and if the said *John Isaacson* shall die, neglect or refuse to act, or become incapable of acting as aforesaid, it shall be lawful for the major Part in Value of the several Persons interested in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act (except the Lords and Ladies of the said Manors of *Desning* with its Members and the Rectory of *Gazeley* for the Time being), such Value to be ascertained by the Land Tax Assessment, who shall by themselves or their respective Agents or Attornies, duly authorized by Writing under their Hands, attend a Meeting to be appointed for that Purpose in the Parish

Parish of *Gazeley* aforesaid, or at some Place within the Distance of Ten Miles from the Parish, in pursuance of Notice to be given by any One or more of the said Proprietors by Advertisement in some Newspaper published or generally circulated in the said County of *Suffolk*, and also in Writing to be affixed on One of the principal or outer Doors of the Parish Church of *Gazeley* aforesaid, at least Fourteen Days before such Meeting, by Writing under their respective Hands to appoint some other fit Person (not interested in the said Division, Allotment, and Inclosure) to be a Commissioner in the Place of the said *John Isaacson*, and so from Time to Time as often as any future Vacancy shall happen by any such Death, Neglect, Refusal, or Incapacity as aforesaid of every future Commissioner who shall be appointed in the Place of the said *John Isaacson*, dying, neglecting, refusing, or becoming incapable to act as aforesaid; and in case the said respective Parties, or any of them, shall make default in appointing a new Commissioner within the Space of One Calendar Month next after such Vacancy or Vacancies shall respectively happen, it shall and may be lawful for the surviving or remaining Commissioners or Commissioner, and they and he are and is hereby required, by Writing under their or his Hand, to appoint some fit Person (not interested in the said Division, Allotment, or Inclosure) to be a Commissioner for filling up every such Vacancy in the Commission; and the several Writings appointing every such new Commissioner shall be annexed to and enrolled and deposited with the Award to be made by the said Commissioners; and every Person who shall be nominated and appointed a Commissioner in pursuance of this Act shall, after making the Declaration in that Behalf prescribed, have such and the like Powers and Authorities in all respects for carrying into execution this Act and the said recited Acts as if he had been originally nominated and appointed a Commissioner in and by this Act.

What shall be a Refusal to act.

VI. And be it further enacted, That if any or all of the said Commissioners shall neglect to attend at One of the first Two Meetings appointed to be held for putting this Act in execution, and to qualify himself and themselves by making the Declaration in that Behalf prescribed, or if the said Commissioners or any of them shall, at any Time after having qualified himself and themselves as aforesaid, absent himself and themselves as aforesaid from any Two successive Meetings appointed to be held as aforesaid, he or they having first known of such Meetings by his or their Presence at the Appointment thereof, or having Notice thereof in Writing given them or him, or left at his or their usual Place of Abode, under the Hand of the Clerk of the said Commissioners, and such Commissioner not being prevented by Sickness or other reasonable Cause; or if any Commissioner or Commissioners to be nominated and appointed as aforesaid shall not attend and qualify himself and themselves at One of the said Two Meetings after his becoming such Commissioner, or shall after having qualified himself and themselves as aforesaid wilfully absent himself or themselves from any Two successive Meetings (having first known thereof, or after such Notice and without such Cause as last aforesaid); every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

Appointment of Surveyors.

VII. And be it further enacted, That *John Grimsby Lenny* and *John Croft* of *Bury Saint Edmund's* in the said County of *Suffolk*, Surveyors, shall

shall be and they are hereby appointed Surveyors for the Purpose of making or causing to be made an accurate Survey, Admeasurement, and Plan of the said Open and Common Fields, Commons, Heaths, Commonable Lands, and Waste Grounds hereby directed to be divided, allotted, and inclosed, and also of the Gardens, Orchards, Homesteads, Closes, and other ancient inclosed Lands and Grounds within the Parish of *Gazeley* aforesaid: Provided also, that the said *John Grimsby Lenny* and *John Croft* shall be paid for their Time and Trouble for surveying, measuring, and making a Working Plan of the whole of the Lands in the said Parish the Sum of One Shilling *per* Acre, and also any Sum not exceeding Two Guineas for each and every Day he or they shall be actually employed in the Business of the said dividing, allotting, and inclosing, exclusive of the Survey aforesaid, which said several Allowances shall be in full Satisfaction for his and their Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor or Surveyors in and about the Execution of this Act, except the Copies of Plans to be annexed to the Award, for which they are to be paid such a Sum as the said Commissioners shall consider to be fair and reasonable; and in case the said *John Grimsby Lenny* and *John Croft*, or any other Surveyor to be appointed in their Places as herein-after mentioned, shall die, neglect or refuse to act, or become incapable of acting as Surveyors for the Purposes of this Act, then the said Commissioners shall from Time to Time appoint some other fit and competent Person, not interested in the said Division, Allotment, and Inclosure, to be the Surveyor for the Purposes of this Act.

Surveyor to make a Declaration.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Surveyor for the Purposes of this Act until he shall have made and subscribed the Declaration following; (that is to say,)

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent on me as a Surveyor by virtue of an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever.'

Which Declaration the Commissioners for the Time being, or any Two of them, or any Justice of the Peace for the said County of *Suffolk*, is hereby empowered and required to administer and receive; and the said Declaration, so made and subscribed by any such Surveyor, shall be annexed to and deposited with the Award of the said Commissioners.

Penalty on making false Declaration.

IX. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully make and subscribe such Declaration, knowing the same to be untrue in any material Particular, shall be deemed guilty of a Misdemeanor.

Appointment of Clerk.

X. And be it further enacted, That the said Commissioners shall have Power and they are hereby authorized to appoint some fit and proper Person

Person or Persons to be Clerk or Clerks to assist them in carrying this Act and the said recited Acts into execution, and from Time to Time to remove such Clerk or Clerks, and appoint others in their Stead, as to such Commissioners shall seem meet.

Allowance to the Commissioners and their Clerks.

XI. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, there shall be paid to each Commissioner the Sum of Two hundred and ten Pounds, and no more, in full Satisfaction for all the Trouble and Expences which he shall be put to in and concerning the Execution of this Act or the said recited Acts, or the Powers thereof, other than and except the Expences for the Use of a Room in which the Meetings shall be holden, and the Costs and Expences of drawing, preparing, copying, engrossing, and enrolling the Award of the said Commissioners, and of Advertisements; and that the Clerk and Clerks to the said Commissioners shall be paid for each and every Day he shall travel or be employed in any Business relating to the Execution of the said Act or the said recited Acts, during the first Two Years after the passing of this Act, the Sum of Three Guineas, and no more, and after the Expiration of the said Two Years, until the Powers of this Act shall be fully executed and performed, the Sum of Two Guineas, and no more, for each and every Day he and they may be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for the several Expences which he shall be put to during his several Journies in the Execution of this Act or the said recited Acts, exclusive of the Costs and Expences of drawing, copying, and engrossing the Award of the Commissioners, and what he may pay or expend for enrolling the said Award and for Notices and Advertisements: Provided nevertheless, that in case any or either of such Commissioners herein-before named shall die, refuse to act, or be desirous or become incapable to act in the Execution of this Act and of the said recited Acts, before the same shall be carried into full Effect, a Part only of the said Sum of Two hundred and ten Pounds shall be paid to the Person or Persons so refusing to act, or being desirous or becoming incapable to act as aforesaid, or the Representatives of such Commissioner so dying, according to the Time he or they shall act as Commissioner; and the future Commissioners to be appointed in pursuance of this Act shall be paid or allowed such a Sum or Sum of Money as shall be agreed upon between them respectively and the Majority in Value of such Proprietors according to the Land Tax Assessment; and provided also, that each of them the said *John Josselyn*, *John West*, and *John Isaacson* shall abate, out of the Sum of Two hundred and ten Pounds so payable to each of them as aforesaid, for every Meeting they shall neglect to attend (except prevented by Illness or other inevitable Accident), at the Rate of Three Guineas *per* Day for each Day they shall severally neglect to attend.

Regulating the Duration of Meetings.

XII. And for regulating the Meetings to be holden for the Purposes of this Act, and the Duration of such Meetings, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting to be holden

holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours (as the Case may be) shall be deemed and considered to be only Half a Day, and a Book shall be kept by the said Commissioners or their Clerk, in which shall be entered the several Days on which the said Commissioners shall hold the said Meetings, and at what Hour the said Commissioners and each of them was present thereat, and at what Hour he left or adjourned the same, and such Book shall be signed by the said Commissioners at the Termination of each Meeting, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Attornies, during the several Meetings to be held in pursuance of this Act, and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioners, or any of them, to retain to or pay themselves or himself or another, or such Clerk, out of any Monies to be received by him or over which they may have any Control in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioners and Clerk respectively beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the said Commissioners shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of any of the said Commissioners, or of the said Clerk, previously to the Execution of the said Award, the Commissioners for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due thereon.

Proprietors to pay their own Expences at Meetings.

XIII. Provided always, and be it further enacted, That all Proprietors and Persons interested in the said Inclosure, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend at any of the Meetings to be held in pursuance of this Act.

Notice and Adjournment of Meetings.

XIV. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given in the Newspapers called the *Bury and Norwich Post and East Anglian* and *Bury and Suffolk Herald*, or One of them, or in some other Newspaper circulated in the said County of *Suffolk*, and also by a Notice affixed upon the principal outer Door of the Parish Church of *Gazeley* aforesaid on some *Sunday* before Divine Service, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby and by the said recited Acts vested in them, at least Seven Days before every such Meeting shall be held (Meetings by Adjournment only excepted); and the said Commissioners shall and may adjourn such Meetings from Time to Time as they shall see Occasion for the Execution of this Act and the said recited Acts: Provided always, that all Meetings for carrying this Act into execution shall be held at some convenient Place within the said Parish of *Gazeley* or within Ten Miles therefrom.

XV. Pro-

How other Notices are to be given.

XV. Provided always, and be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioners, except in Cases where such Notices are directed to be given otherwise in and by this Act, shall be given by Advertisement to be inserted in the said Newspapers called the *Bury and Norwich Post and East Anglian* and *Bury and Suffolk Herald*, or One of them, or in some other Newspaper circulated in the said County of *Suffolk*, and also by affixing such Notices on the principal outer Door of the Parish Church of *Gazeley* aforesaid.

Adjournment by One Commissioner or the Clerk.

XVI. Provided always, and be it further enacted, That if at any Meeting appointed to be held as aforesaid only One of the said Commissioners shall attend, it shall be lawful for the Commissioner so attending, or if no Commissioner shall attend the Clerk to the said Commissioners, to adjourn such Meeting to any future Day not exceeding Thirty Days from the Day of Adjournment, to be holden at the same or any other convenient Place, and so from Time to Time until Two of the said Commissioners shall meet; and the Commissioner or Clerk making such Adjournment is hereby required to give Notice thereof in Writing to the other Commissioners.

Power to Commissioners to settle Disputes;

XVII. And be it further enacted, That in case any Dispute or Difference shall arise between any of the Parties who now are or before the Execution of the Award of the said Commissioners may be interested in the said intended Division, Allotment, and Inclosure, touching or concerning the respective Rights and Interests in the said Lands to be divided and allotted by virtue of this Act, or any other Matter or Thing relating to the said intended Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners and they are hereby authorized and required, upon Examination of Witnesses upon Oath, which Oath the said Commissioners are hereby authorized to administer, or of any other Evidence, to inquire into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any of the Parties interested in the said Lands and Grounds contrary to the Possession of any of such Parties (except in Cases of Encroachments made within Twenty Years, as herein-after mentioned); but in case the said Commissioners shall be of opinion against the Right of the Party or Parties so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by or recovered from such Party or Parties by Ejectment or other due Course of Law.

but not to determine Titles.

Commissioners may award Costs.

XVIII. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this or the said first-recited Act, see Cause to award any Costs, it shall be lawful for the said 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, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour any Determination of the said Commissioners shall be made

by the Party or Parties, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons, 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 made in Writing by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, entitled to receive the same, then and in such Case it shall be lawful for the said 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, 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, 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; and if there shall not be any Goods and Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Body Politic, Corporate, or Collegiate, then and in either of the said Cases it shall be lawful for the Party or Parties in whose Favour such Costs shall be awarded to recover the same by Action or Actions of Debt or on the Case, in which Action or Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioners, and in consequence of such Order, without setting forth any other Proceedings under this Act: Provided always, that in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim shall have been so over-ruled or disallowed by the said Commissioners, shall cause an Action to be brought in manner herein-after mentioned, and shall upon the Trial of such Action establish the Claim which shall have been so over-ruled or disallowed by the said Commissioners, the Costs and Charges so assessed and awarded by the said Commissioners shall not, nor shall any Part thereof, be paid by or be levied by virtue of this Act upon the Goods and Chattels of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, by whom the said Commissioners shall have awarded the same to be paid as aforesaid.

Allowing Parties to try their Rights at Law.

XIX. 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 Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners touching or concerning any Claim or Claims of Right of Common or other Rights and Interests in, over, or upon, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, or any Objection or Objections to such Claim or Claims, or touching or concerning any Matter or Thing whatsoever relating to the Division, Allotment, or Inclosure by this Act directed (except where the Determination of the said Commissioners is hereby declared to be final), it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with any such Determination, to cause an Action to be brought in One of Her Majesty's Courts of Record at *Westminster*, upon a feigned Issue, against the

Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour any such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioners shall have been notified in Writing to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, against whom such Determination shall have been so made, or to his or their known Agent or Attorney; and thereupon the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, shall proceed to a Trial at Law of the Matter so determined by the said Commissioners at the then next or at the Assizes immediately following the next to be holden for the said County of *Suffolk* after such Action or Actions shall have been commenced; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto or file Common Bail, and accept One or more Issue or Issues whereby such Claim or Claims and the Right or Rights thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced (in case the Parties shall differ about the same); and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons, Body or Bodies Politic, Corporate, or Collegiate whomsoever, unless the Court where such Action or Actions shall be brought shall set aside such Verdict or Verdicts and order a new Trial to be had therein, which it shall be lawful for the Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be 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, Right or Rights, Interest or Interests thereby determined, according to the Event of such Trial or Trials: Provided always, that if no such Action at Law shall be commenced within the Time herein-before limited, or if any such Action shall be commenced and the Plaintiff or Plaintiffs therein shall not proceed to Trial within the Time and in manner herein-before mentioned, then the Determination of the said Commissioners shall be binding, final, and conclusive to all Intents and Purposes whatsoever.

Actions not to abate by Death of Parties.

XX. Provided always, 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.

Provision in case of Death of Parties before Actions brought.

XXI. 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, 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 so dying might have been served therewith if living; and the Clerk shall serve the

the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination; and it shall thereupon be incumbent on the Heir and 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 deceased, 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.

Death of Parties not to delay the Execution of the Act.

XXII. And be it further enacted, That if any of the Parties interested in the said intended Division, Allotment, and Inclosure shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall and may proceed to execute the Powers given them by this Act or the said recited Acts in such Manner as they might have done in case such Party or Parties were still living; and the Share or Shares of the Person or Persons so dying shall be allotted to the Person or Persons who by Descent, Will, or otherwise shall become entitled tot he same, and shall be accepted by him, her, or them according to the Directions of this Act and the said recited Acts, and he, she, or they shall be liable to the Charges and Expences and other Conditions of this Act and the said recited Acts.

Suits between Parties not to delay the Execution of the Act.

XXIII. And be it further enacted, That if before the said Division and Allotment shall be completed by virtue of this Act any Differences or Disputes shall arise, and any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons, Bodies Politic, Corporate, or Collegiate, in or to any Lands and Hereditaments whatsoever for or in respect of which any Right of Common or other Rights or Interests in, over, and upon the said Lands and Grounds hereby directed to be divided, allotted, inclosed, and laid in Severalty, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by this Act or the said recited Acts, but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding such Suit or Suits; and the said Commissioners shall award the Allotment or Allotments in respect of the Hereditaments to which such Suit or Suits shall relate to the Person or Persons or Party or Parties who shall be in the actual Possession or Enjoyment of such Hereditaments; and the same Allotment or Allotments shall follow the Event of any Suit or Suits which may be had and taken by the Person or Persons or Party or Parties who upon the Determination of such Suit or Suits shall become entitled to the same.

Power to shorten Boundary Fences.

XXIV. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted and the old inclosed Lands in the said Parish of *Gazeley*, or between such Allotments and inclosed Lands, or any of them, and the Lands and Grounds in any adjoining Manor, it shall be lawful for the said Commissioners, with the Consent of the Lord or Lords, Lady or Ladies of the Manor or Manors in which the Lands are respectively situate, and the Owners of the Lands adjoining to such Boundary Fences, testified by Writing under their respective

respective Hands, or under the Common Seal of any of them being a Corporation Aggregate, to alter and straighten or shorten the same Boundary Fences, or any of them, or any Part or Parts thereof, and to set out, ascertain, and determine such Boundaries as the Commissioners shall think proper for the Purposes aforesaid; and after such Boundaries shall be so set out, ascertained, and determined, the same shall be made, fenced, ditched, or mounded by such Person or Persons, in such Manner, and at such Time or Times as the said Commissioners shall order and direct; and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Allotments and inclosed Lands respectively, or, as the Case may be, between the said Parish of *Gazeley* and any adjoining Manor, any Law, Usage, or Custom to the contrary notwithstanding.

Power to stop up Roads

XXV. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways in pursuance of this Act, or the said first recited Act, the said Commissioners shall and they are hereby authorized and empowered, if they shall think it necessary or proper, by the Consent and under the Order in Writing of any Two Justices of the Peace for the said County of *Suffolk*, to discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided, allotted, and inclosed by virtue of this Act, or passing or leading through or over any of the Lands or Grounds within the said Parish of *Gazeley*; and the Soil of the Roads and Ways so to be discontinued and stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, except where such Roads or Ways so to be stopped up shall pass through any ancient Inclosures, in which Case the Soil of such Roads or Ways shall become the Property of the Owners of such ancient Inclosures adjoining the same on either Side thereof in equal Moieties: Provided always, that nothing herein contained shall authorize the diverting or allotting of the Turnpike Road leading through the said Parish of *Gazeley*, unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose on Ten Days Notice, be first had and obtained.

Proceedings previously to diverting and stopping up Highways.

XXVI. Provided always, and be it further enacted, That before any such Order as herein-before mentioned shall be made, or any public Carriage Road, Highway, Bridle Road, or Footway shall be discontinued, stopped up, diverted, or altered by the said Commissioners, the said Commissioners shall cause to be affixed at each End of the said Highway so proposed to be discontinued, stopped up, diverted, or altered, a Notice to the Effect that such public Carriage Road, Highway, Bridle Road, or Footway is intended to be discontinued, stopped up, diverted, or altered (as the Case may be) by the Commissioners acting under or by virtue of this Act; and the said Commissioners shall also cause the same Notice to be inserted in the Newspapers called the *Bury and Norwich Post and East Anglian* and *Bury and Suffolk Herald*, or One of them, or in some other Newspaper published or generally circulated in the said County of *Suffolk*, for Four successive Weeks, and shall also cause a like Notice to be affixed on the outer Door of the Church of the said Parish of *Gazeley* on the Four *Sundays* of the said Four successive Weeks;

Weeks; and after the said several Notices shall have been so affixed and published as aforesaid, and such Order as is herein-before mentioned shall have been made, the said public Carriage Road, Highway, Bridle Road, or Footway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered (as the Case may be), subject however to such Appeal to the Court of General Quarter Sessions for the County of *Suffolk* as is herein-after mentioned.

Persons who may think themselves aggrieved if such Highway should be ordered to be stopped up or diverted may appeal.

XXVII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footway should be discontinued, stopped up, diverted, or altered, within Four Calendar Months after the making of the said Order, to make his Complaint thereof by Appeal to the Justices of the Peace at the said Quarter Sessions, upon giving to the said Commissioners or their Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine whether old Highways shall be discontinued.

XXVIII. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the public Highway so intended to be discontinued, stopped up, diverted, or altered, or whether the said Party appealing would be injured or aggrieved, impannel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered is wholly unnecessary, or may beneficially to the Public be discontinued, altered, or diverted, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal; and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the said Commissioners, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said recited Act passed in the Forty-first Year of the Reign of His Majesty King *George* the Third; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up is necessary, or that the Highway so diverted or altered could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued, stopped up, diverted, or altered, as the Case may be, the said Court of Quarter Sessions shall allow such Appeal, and shall make an Order for restoring the said Highway so discontinued and stopped up, diverted, or altered by the Order of the said Commissioners, to its original State; and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party or Parties giving Notice of Appeal such Costs and Expences as shall be incurred in prosecuting such Appeal; and such Costs and Expences shall be paid by the said Commissioners, and shall be raised by the said Commissioners in such and the same Manner as they are hereby directed

or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

Power to widen Roads, making Compensation to Land Owners.

XXIX. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and empowered to widen any of the public Roads or Highways, where they shall see it necessary, within the said Parish of *Gazeley*, and for that Purpose to take a sufficient Quantity of the ancient inclosed Lands and Grounds adjoining to such Roads (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House), and to make a full Compensation for the Value of the Land or Ground so to be taken for the widening of such public Roads or Highways, by allotting and awarding unto the Person or Persons from whom any such inclosed Land or Ground shall be so taken an adequate Part or Parts of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, and also to make good and substantial Fences on each Side of all such widened public Roads and Highways for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

Expences of discontinuing or widening Roads.

XXX. And be it further enacted, That the Charges and Expences attending the stopping up, discontinuing, diverting, or widening of such Roads and the making such Fences as aforesaid shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Justices may certify Roads in part.

XXXI. And be it further enacted, That when and as soon as any of the public Roads to be set out by virtue of the said in part recited Act and this Act shall be made and completed, it shall be lawful for any Two or more of Her Majesty's Justices of the Peace for the said County of *Suffolk*, if they shall think fit, from Time to Time to certify and declare, under their Hands and Seals, any of such public Carriage Roads so to be set out to be fully and sufficiently formed, repaired, and completed; and each Road or Roads, or so much thereof as shall in any such Certificate be described or certified, shall thenceforth be supported and kept in repair by such Person and in like Manner as the public Roads within the said Parish of *Gazeley* are or ought to be by Law amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be holden for the County of *Suffolk* next after the Date thereof, be filed of Record by the Clerk of the Peace of the said County.

For making Ditches, &c.

XXXII. And be it further enacted, That the said Commissioners shall and may scour out, straighten, deepen, and widen all such ancient Ditches, Drains, Watercourses, Tunnels, Banks, and Bridges in, through, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed in the said Parish of *Gazeley*, or which run between or divide the said Parish of *Gazeley* and any Parish, Place, or Liberty adjoining thereto; and also set out and make all such common Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, Bridges, and other Works, as well in, through, over, and upon the said Open and Common Fields, Commonable Lands, Commons, and Waste Grounds within the said Parish of *Gazeley*, as also in, through, over, and upon any ancient Inclosures within the said Parish, and of such Nature, Form, Depth,

Breadth, and Dimensions, and in such Directions, as the said Commissioners shall think proper, making such Satisfaction to the Proprietors of such ancient Inclosures or other Lands and Grounds, for the Damage done thereby, as the said Commissioners shall think fair and reasonable; and also shall and may direct and order all or any of the Streams, Springs of Water, and Watercourses within or upon the said Open and Common Fields, Lands, and Grounds hereby directed to be divided, allotted, and inclosed, to be carried, diverted, and turned into such Courses or Channels, and through, over, or across such Parts of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as the said Commissioners shall judge proper; and the said Costs and Expences of making, widening, altering, turning, scouring, and cleansing such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first made and done in pursuance of this Act, shall be raised and levied by the said Commissioners in the same Manner and by the same Means as the other Costs and Expences of carrying this Act into execution; but all such Ponds, Drains, Ditches, Streams, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, scoured, and maintained by such Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, and in such Manner as the said Commissioners shall in and by the said Award order and direct: Provided always, that no such Streams, Springs, or Watercourses shall be diverted or turned without the Consent in Writing of the respective Proprietors out of whose Lands the same shall be diverted, and of the Person and Persons into whose Lands the same shall be turned, or of the Parties interested therein.

Roads dividing Parishes to be set out a Moiety to each.

XXXIII. And be it further enacted, That in case any public Roads or Highways shall be set out or continued by the said Commissioners in any Situation or Direction where the said Parish is divided from any adjoining Parish or Place, and where there now is or usually hath been a public Road or Way, and such adjoining Parish or Place hath heretofore been charged or liable, or ought to be charged or liable, to Part of the Repairs and Support of such Road or Way, then and in such Case the said Commissioners shall set out Twenty Feet only from and out of the Lands and Grounds hereby intended to be divided and allotted, or so much as will enlarge the Breadth of the said Road or Way to a Breadth not exceeding Forty Feet.

Ancient Roads may be widened, and new Roads set out through inclosed Lands, with Consent of Proprietors.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners to cause any ancient Roads or Highways within the said Parish to be widened and extended to a convenient Breadth, not exceeding Forty Feet, on making Recompence and Satisfaction to the respective Owners of Lands to be taken for that Purpose, and also (by and with the Consent of the Proprietor or Proprietors of any ancient Inclosures within the said Parish) to set out and appoint any public or private Carriage Roads, Bridleways, and Footpaths, that they shall deem expedient or necessary, through or over any of the ancient Inclosures within the said Parish, making such Recompence and Satisfaction as aforesaid to the respective Proprietors thereof.

For extinguishing or suspending

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized, at any Time or Times before

Rights of Common.

before the Execution of their Award, by Notice in Writing under their Hands to be affixed upon or at the principal outer Door of the Parish Church of *Gazeley* aforesaid on some *Sunday* before Divine Service, to order and direct all or any Part of the Rights of Common over and upon the Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to be extinguished or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Notice; and all such Rights of Common as the said Commissioners shall by such Writing order and direct to be extinguished or the Exercise thereof suspended as aforesaid shall from the Time to be mentioned in and fixed by such Notice cease, determine, and be extinguished, or the Exercise thereof suspended accordingly, or so much thereof as shall be expressed in and by any such Notice; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Encroachments within Twenty Years to be allottable; beyond Twenty years, to be confirmed.

XXXVI. And be it further enacted, That all Encroachments which shall have been made within Twenty Years last past upon the Commons and Waste Grounds hereby directed to be divided and allotted shall be deemed Part of the said Commons and Waste Grounds to be so divided and allotted; and that all Encroachments which shall have been made more than Twenty Years shall not be liable to the Claim of any Person against the present Possessor on the ground of such Encroachment having been heretofore Part of the said Commons and Waste Grounds; and in case any Dispute shall arise touching or concerning any such Encroachments or the Extent thereof, such Disputes shall be determined by the said Commissioners.

Encroachments to be allotted to Persons in Possession, or to be sold.

XXXVII. Provided always, and be it further enacted, That the Lands and Grounds comprised in any Encroachment which shall have been made within Twenty Years last past shall (without regardt o the Value of the Improvements since made thereon) be allotted to the Person or Persons in Possession thereof, so far as he, she, or they shall be entitled to any Allotment of sufficient Value by virtue of this Act; and in that Case the Value of such Encroachments shall, as Circumstances require, be deducted from or deemed a Compensation for the Allotments to which such Person or Persons shall be entitled under this Act; but if the Person or Persons in Possession of such Encroachments shall not be entitled to any Allotment by virtue of this Act, or shall not be entitled to an Allotment equivalent to the Value of such Encroachments, then and in either of those Cases the whole or the surplus Quantities (as the Case may be) of such Encroachments shall be sold by the said Commissioners for such Sum or Sums of Money as they shall adjudge to be the Value thereof to the Person or Persons in Possession thereof, or, in case of his Refusal or Inability to purchase within One Calendar Month after Offer thereof made to him, then to any other Person or Persons, and conveyed by them the said Commissioners in Fee Simple to the Purchaser or Purchasers thereof; and the Money arising by such Sale or Sales shall be applied towards defraying the Expences of this Act: Provided always, that in estimating the Value of the said Encroachment the said Commissioners shall estimate the Value of the Land only, without regard to any Improvements thereon, and according to the Price *per* Acre of the Waste Lands immediately adjoining.

XXXVIII. Pro-

Licensed Encroachments not prejudiced.

XXXVIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice or diminish the Right of any Person or Persons whomsoever to any Encroachments upon the said Commons and Waste Grounds which shall have been made within Twenty Years now last past by virtue of any Licence, Consent, or Grant from the Lord or Lords of either of the Manors before mentioned, and which Licence, Consent, or Grant shall before the passing of this Act have been entered or enrolled in the Court Books of the said Manors respectively; and that no Person or Persons who at the passing of this Act shall be in the Possession of any Encroachment heretofore made by virtue of any such Licence, Consent, or Grant as aforesaid shall at any Time hereafter be liable to the lawful Suit, Claim, or Interruption of any other Person or Persons whomsoever on the ground of such Encroachment having heretofore been Part of the Commons and Waste Grounds.

Possession confirmed.

Leases at Rack Rent to be void.

XXXIX. And be it further enacted, That all and every Lease or Leases upon Rack Rent now subsisting of all and every or any Part or Parts of the Messuages or Tenements, old Inclosures, Lands or Grounds, Tithes, Hereditaments, and Premises hereby intended to be divided and allotted, and all Agreements for any Term or Terms of Years at Rack Rent or from Year to Year or at Will, shall cease and be void at such Time as the said Commissioners, by any Writing under their Hands, and affixed upon the principal outer Door of the Parish Church of *Gazeley* aforesaid, shall order and direct, the respective Owners and Proprietors of the Hereditaments and Premises so let making such Satisfaction in Money to such Lessee or Lessees, Tenant or Tenants, as the said respective Owners and Proprietors, and their Lessee or Lessees, Tenant or Tenants, shall agree upon, or upon Application made by either Party in Writing to the said Commissioners, then as the said Commissioners shall order and direct to be paid to such Lessee or Lessees, Tenant or Tenants, as an Equivalent or Satisfaction for the Loss or Losses he, she, or they shall respectively suffer on account of the Determination of such Lease or Leases, Agreement or Agreements as aforesaid, proper Allowance being made for such Covenants or Conditions in the same as have not been fulfilled by the Lessee or Lessees; and if the Money so to be paid as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Twenty-one Days after Demand made thereof in Writing under the Hand or Hands of the Person or Persons to whom the same shall be payable, it shall be lawful 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 may be raised and recovered: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in the said Parish of *Gazeley* 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 have been 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 by virtue of this Act.

Commissioners to direct the Course of Husbandry.

XL. And be it further enacted, That the said Commissioners, so soon after the passing of this Act as conveniently may be, and from Time to Time as they shall think fit, by Writing under their Hands to be affixed on

on the outer Door of the Parish Church of *Gazeley* aforesaid, order and direct what Course of Husbandry and what Stint or Rule of stocking and enjoying shall be respectively observed and used in, over, and upon the Lands to be divided, allotted, and inclosed by virtue of this Act, until such Time as they shall have completed the said Division, Allotment, and Inclosure, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding the Commonable Lands and Fallows or Stubbles upon the said Lands or Grounds, and to make such Recompence for the same as they shall think right, and shall and may make such further Orders and Regulations touching the Conduct of the Farmers and Occupiers within the said Parish of *Gazeley*, for preventing them from ploughing up, committing Waste or Destruction upon, or improperly managing or stocking any of the said Lands and Grounds to be divided, allotted, and inclosed, until the said Division, Allotment, and Inclosure shall be completed, as to the said Commissioners shall seem proper and expedient; all which Orders and Regulations shall be binding and conclusive upon all Parties interested, their Farmers and Tenants; and the said Commissioners shall and may set and impose such pecuniary Penalties and Forfeitures on every Person not conforming to such Orders and Regulations as they shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any One Offence; and shall and may settle, adjudge, and determine in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation by whom such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties, Forfeitures, and other Sum and Sums of Money so to be settled, ordered, adjudged, and determined to be paid for or on account of the several Matters and Things as aforesaid shall be recovered and recoverable in the Manner directed in and by the said first-recited Act with respect to the levying and Recovery of Penalties.

Satisfaction to be made for growing Crops.

XLI. And be it further enacted, That the said Commissioners shall and they are hereby authorized, by Writing under their Hands, to ascertain, order, and appoint what Recompence or Satisfaction in Money to the Owner or Owners of any Crops growing upon the Lands or Grounds hereby directed to be divided, allotted, and inclosed, shall be made for the said Crops by the Person or Persons to whom the Lands and Grounds on which such Crops are growing shall be allotted, and also what Recompence and Satisfaction in Money shall be paid, and by whom, to any Tenant or Tenants or Occupier or Occupiers of any Land, as well for ploughing, tilling, and manuring any of the Lands and Grounds which shall be divided, allotted, and inclosed by virtue of this Act, for the Benefit and Advantage accruing thereby to the Person or Persons to whom such Lands and Grounds shall be allotted, as for any Loss and Disadvantage which any such Tenant or Tenants, Occupier or Occupiers, shall or may sustain by the Loss of their fallowing or waygoing Crops upon the Lands and Grounds by this Act directed to be divided, allotted, and inclosed; and if in any of the said Cases the Money to be paid for such Recompence and Satisfaction shall not be paid at the Time and in the Manner to be appointed as aforesaid by the said Commissioners, it shall be lawful for the said Commissioners and they are hereby authorized and required to

raise and levy the same, for the Use of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act are herein directed to be raised, levied, and recovered.

Allowance for Gravel Pits, &c.

XLII. And be it further enacted, That the said Commissioners shall and they are hereby required, before any other Allotment or Allotments shall be made in pursuance of this Act, to set out and allot such convenient Plot or Plots, Part of the Common and Waste Grounds hereby intended to be divided, allotted, and inclosed within the said Parish, as they shall think fit for public Sand and Gravel Pits, for the Purpose of furnishing Materials for making and repairing the public Roads and Ways in and over the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and elsewhere in the said Parish, and for repairing the Footways in the said Parish, which Plot or Plots of Ground so to be set out shall be separated, inclosed, and kept fenced in such Manner and by such Person or Persons, and shall be used under such Regulations and Restrictions, as the said Commissioners shall by their Award order and direct; and the said Plot or Plots of Ground so to be set out shall be and the same is and are hereby vested in the Surveyor or Surveyors of the Highways for the Time being of the said Parish of *Gazeley* for ever in Trust for the Uses aforesaid; and such Surveyor or Surveyors shall and may let the same or any Part thereof from Time to Time (subject to such digging of the Materials for the Reparations of the said Roads and Ways), and for the best Rent or Rents that can be obtained for the same, and apply the Rents and Profits thereof in repairing the Highways of the said Parish.

Allotment to the Lords of Manors.

XLIII. And be it further enacted, That the said Commissioners shall in the next place set out and allot to the said *Samuel Farmer* and *Mary Burroughes* respectively, and to their respective Heirs, proportionably and according to their respective Rights and Interests, in lieu of and as a Compensation for their and each of their Right of Soil in the Heaths, Commons, and Waste Lands within the said Parish, such Part or Parts of the Lands or Grounds hereby directed to be divided, allotted, and inclosed as in the Judgment of the said Commissioners shall be equal in value to One Eighteenth Part of the said Heaths, Commons, and Waste Lands.

Allotment to the Poor.

XLIV. And be it further enacted, That the said Commissioners shall in the next place set out and allot unto the Lord of the Manor of *Desning* with its Members, and the Lord or Lady of the Manor of *Boviles* in *Gazeley*, and the Lord of the Manor of the Rectory of *Gazeley*, and to the Churchwardens and Overseers of the Poor of the said Parish of *Gazeley*, such Part of the said Heaths, Commons, and Waste Grounds hereby directed to be divided, allotted, and inclosed in the said Parish of *Gazeley*, as in the Judgment of the said Commissioners shall be equal to Twenty Acres of the Average Value of the said Commons and Waste Grounds; and such Allotment or Allotments when set out shall be vested in the Lords and Ladies of the said Manor herein-before mentioned, and the Rector, Churchwardens, and Overseers of the Poor of the said Parish of *Gazeley* for the Time being, for ever, as Trustees of the Poor of the said Parish; and the said Trustees for the Poor of the said Parish of

Gazeley

Gazeley in which the said Allotment or Allotments shall for the Time being be so vested, or the major Part of them, are hereby empowered and required from Time to Time by Writing under their Hands and Seals to lease or demise the said Allotment or Allotments to be vested in them to any Person or Persons whomsoever, for any Term or Number of Years not exceeding Twenty-one Years at any one Time, to commence in Possession and not in Reversion or by way of future Interest, and 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 Four equal quarterly Payments in every Year, the best and most improved yearly Rent or Rents that can be reasonably had and obtained for the same, without taking any Income, Fine, or Premium in consideration of granting such Lease or Leases, and so that in every such Lease there be contained the usual Covenants and Stipulations between Lessees and Lessors, and such other Covenants and Stipulations, and such Security for the Performance of the same, as the said Trustees, or the major Part of them, shall think most proper to be inserted therein; and the Rents or Profits arising from the said Allotment or Allotments shall from Time to Time be laid out in purchasing Fuel, and such Fuel shall be distributed amongst the poor Inhabitants occupying Cottages situate in the said Parish of *Gazeley*, in such Proportions and Quantities, in such Manner, and at such Times in every Year, and according to such Rules and Regulations as the said Trustees of the Poor of that Parish, or the major Part of them, shall appoint and prescribe for that Purpose, and not otherwise.

Allotment for Recreation.

XLV. And be it further enacted, That the said Commissioners shall set out, allot, and award unto the Lord of the Manor of *Desning* with its Members, the Lord or Lady of the Manor of *Boviles* in *Gazeley*, and the Lord of the Manor of the Rectory of *Gazeley*, and to the Churchwardens and Overseers of the Poor of the said Parish of *Gazeley*, so much and such Part of the Green at *Gazeley* aforesaid called the *Village Green*, as shall comprise a Space of not less than Five Acres, as a Place of Exercise and Recreation for the neighbouring Population of the said Parish; and such Allotment shall be held by the Lord and Ladies of the said Manors and the Churchwardens and Overseers respectively for the Purposes aforesaid.

Lords and Ladies of the Manors may act by Proxy.

XLVI. And be it further enacted, That it shall and may be lawful to and for the Lords and Ladies of the said Manors respectively, and the Vicar of the said Parish for the Time being, to act in execution of the Trusts hereby reposed in them by their respective Agents or Proxies, such respective Agents or Proxies being appointed by Writing under the respective Hands of such Lords, Ladies, and Vicar for the Time being, and producing their respective Appointments at the Time of their acting by virtue thereof.

Allotment to the other Proprietors.

XLVII. And be it further enacted, That the said Commissioners shall and they are hereby required to apportion, set out, allot, and award all the then Residue and Remainder of the Lands and Grounds hereby directed to be divided, allotted, and inclosed unto and amongst the several Persons, and Bodies Politic, Corporate, and Collegiate, who at the Time of making such Allotments shall be entitled to any Estate, Right, Title, or Interest therein, in such Quantities, Shares, Proportions, and Situations as by the said

said Commissioners shall be adjudged and determined to be a just and equitable Compensation and Satisfaction for their several and respective Lands, Grounds, Rights of Common, and other their Rights and Interests therein.

Compensation to be made for Tofts.

- XLVIII. And be it further enacted, That all Tofts, Foundations, or Sites of ancient Commonable Messuages or Cottages shall, upon Proof being made thereof to the Satisfaction of the said Commissioners, be considered and deemed as Commonable Messuages or Cottages, and the respective Owners thereof shall be entitled to the same Compensation for the respective Common Rights originally belonging thereto as if such Messuage or Cottage were still standing.

Applications for Situations of Allotments.

XLIX. And be it further enacted, That the said Commissioners shall and they are hereby required to appoint a Meeting for receiving Applications from the Proprietors of Lands and Grounds hereby directed to be divided and allotted, touching the Situations they would respectively choose to have their Lands and Grounds set out and allotted in, and shall give Ten Days Notice of the Time and Place of such Meeting by Writing under their Hands to be affixed upon the principal outer Door of the Parish Church of *Gazeley*.

Allotments to be delineated on a Plan, and shown to the Proprietors.

L. And be it further enacted, That when and so soon as the said Commissioners shall have ascertained the respective Rights and Interests of the said Proprietors in the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and also the respective Shares and Proportions to be allotted to such Proprietors respectively in lieu thereof, they the said Commissioners shall give Notice in manner directed for giving Notice of their First Meeting of some convenient Time and Place when and where the said Proprietors may be informed of such intended Allotments, and see the same set out and delineated upon a Map or Plan thereof to be produced for their Inspection; and if any of the said Proprietors upon such Inspection be dissatisfied with the Allotments, the said Commissioners shall at such Time and Place as last aforesaid, or some other Time or Place to be appointed by them for that Purpose, receive Statements in Writing of the Complaints and Objections against such Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same, and the Determination of the said Commissioners thereupon shall be final and conclusive.

Old Inclosures may be allotted with Consent of Proprietors.

LI. And be it further enacted, That it shall be lawful for the said Commissioners, by and with the Consent and at the Request in Writing of the respective Owners or Proprietors of any Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds within the said Parish of *Gazeley*, whether such Owners and Proprietors shall be Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or 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, by and with the Consent of the Lessor or Lessors of any such Homesteads, Gardens, Orchards, and old inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, and with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners

Owners or Proprietors as aforesaid who shall be Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves or himself or herself, such Consent to be respectively testified by Writing under the Common Seal of such Bodies Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively, to consider such Homesteads, Gardens, Orchards, and old inclosed Lands as allottable Lands, and Part and Parcel of the Lands and Grounds hereby authorized to be divided and allotted, and to divide and allot the same accordingly; and such Allowances shall be made to the respective Owners and Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, on account of the Situation or other beneficial Circumstances attending the same, as the said Commissioners shall adjudge to be just and reasonable; and the said Commissioners shall and they are hereby authorized and required to set out, allot, and award unto and for the respective Owners or Proprietors of such Homesteads, Gardens, Orchards, and old inclosed Lands and Grounds, in lieu thereof, so much and such Plot and Plots of Land, Part of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they shall think proper, subject to the Regulations and Provisions herein contained: Provided nevertheless, that no Homesteads, Gardens, Orchards, and old inclosed Lands held in right of any Church or Chapel or other Ecclesiastical Benefice, shall be considered as allottable Lands, and Part and Parcel of the Lands and Grounds hereby authorized to be allotted and inclosed, without the Consent in Writing of the Patron thereof, and of the Bishop of the Diocese in which such Homesteads, Gardens, Orchards, and old inclosed Lands are situate.

Allotments to Vicar to be fenced.

LII. And be it further enacted, That the Lands and Grounds which shall be allotted unto and for the Vicar of *Gazeley* shall be hedged, ditched, and fenced in, as to the outward Boundaries thereof, in such Manner as the said Commissioners shall direct, which Fences shall be made at the Expence of the several Proprietors (exclusive of the said Vicar) in such Shares and Proportions as the said Commissioners shall by their said Award direct; and from and after the making of the said Fences, the same shall be for ever thereafter preserved, maintained, and kept up by and at the Expence of the said Vicar and his Successors.

Allotments to be fenced by Proprietors.

LIII. And be it further enacted, That the several Allotments which shall be made in pursuance of this Act shall be inclosed and ring-fenced with Ditches and Quickset Hedges, or other proper Mounds and Fences, as soon after the same are staked and marked out as conveniently may be, and such Fences, where the same shall adjoin upon any public or private Road or Way, and in such other Place or Places as the said Commissioners shall think fit, shall be guarded with good and substantial Posts and Rails, or otherwise; and the several Fences to be made as aforesaid shall be made, and for ever afterwards repaired, supported, maintained, planted and guarded as aforesaid, by or at the Expence of the several Proprietors of the Allotments to be set out by virtue of this Act, except the said Vicar of the said Parish and the Surveyors of the Highways for the Time being, in such Shares and Proportions as the said Commissioners shall direct; and if any such Person shall refuse or neglect to inclose, hedge, ditch, or fence the same in the Manner and within such Time as the

said Commissioners shall direct or appoint, then and in every such Case it shall be lawful for the Person or Persons interested in the Lands next adjoining to such unfenced Land to exhibit a Complaint in Writing, who ought to have fenced the same, before any Justice of the Peace for the County of *Suffolk*, not interested in the Lands to be inclosed, who shall thereupon summon the Parties concerned, and inquire into the Nature of the Complaint, and examine all proper Witnesses upon Oath, (which Oath such Justice is hereby empowered to administer,) and after such Summons and Examination had and taken, shall and may, if he shall see Cause, direct the Person or Persons exhibiting such Complaint to make such Fences; and when the same shall be made such Justice shall and may ascertain the Expence of doing thereof, and by Warrant under his Hand and Seal, directed to the Person or Persons exhibiting such Complaint as aforesaid, or to any other Person or Persons, cause the Expence so to be ascertained to be levied by Distress and Sale of the Goods and Chattels of the Person so refusing or neglecting as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the Costs and Charges of such Distress and Sale.

Cattle not to be depastured in the Highways for Seven Years.

LIV. And be it further enacted, That no Person or Persons whomsoever shall graze or keep any Sort of Beast or Cattle whatsoever in or upon any of the Roads or Ways which the said Commissioners shall order and direct to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the making and executing the Award; and all Owners of Lands or Grounds within the said Parish of *Gazeley*, their and every of their Servants and Labourers, and also all the Peace Officers and Parish Officers of the said Parish of *Gazeley*, are hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent or prohibit the Proprietors of the Lands and Grounds which shall next adjoin the said Roads and Ways from depasturing their Cattle, as far as the Frontage of their respective Lands and Grounds may extend.

Power of exchanging.

LV. 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 Messuage, Homestead, Garden, Orchard, Lands, Tenements, and Hereditaments within the said Parish of *Gazeley* in lieu of and in exchange for any other Messuage, Homestead, Garden, Orchard, Land, Tenements, or Hereditaments within the said Parish of *Gazeley*, or any adjoining Parish, Township, or Place; 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 of the Messuages, Homesteads, Gardens, Orchards, Lands, Tenements, and Hereditaments which shall be so exchanged, whether such Owner or Owners shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail, General or Special, or for Life, or by the Courtesy of *England*, or for Years determinable upon any Life or Lives, by and with the Consent of the Lessor or Lessors thereof, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatic, or under any other legal Disability, or who shall be beyond the Seas,

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 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 or Chapel or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate: Provided also, that all the Costs, Charges, and Expences attending the making of any Exchange shall be paid, borne, and defrayed by the several Persons making such Exchanges in such Shares and Proportions and at such Time and to such Person or Persons as the Commissioners shall by any Writing under their Hands direct or appoint.

Exchanges and Partitions of Copyholds to be perfected by Admittance.

LVI. And be it further enacted, That every Person to whom any Copyhold Lands or Tenements shall be alloted in Exchange or upon Partition as aforesaid shall, as soon as conveniently may be, and at all events before the Expiration of Twelve Calendar Months after the Execution of the Award of the said Commissioners, or at the then next General Court Baron to be held for the Manor whereof such Copyhold Hereditaments shall be respectively holden, be admitted Tenant of the Copyhold Lands or Tenements so allotted; but in no such Case of any Admission by virtue of this Act shall any Fine, Rent, Heriot, Fees, or other Payment be paid and made to the Lord or Lords, Lady or Ladies of the said Manors respectively, or to his, her, or their Steward or Stewards, save only such reasonable Fees to the respective Stewards on such Admissions as the said Commissioners by their said Award shall think proper to order and direct, over and besides the Stamp Duty payable by Law on each such Admission: Provided always, that no such Exchange or Partition shall be made of Copyhold Lands without the Consent of the Lord or Lords, Lady or Ladies of the Manor whereof the same may be holden.

Tenure of Allotments.

LVII. And be it further enacted, That the several Lands, Grounds, and Hereditaments to be allotted, awarded, and exchanged by virtue of this Act, upon the said Division, Allotment, and Inclosure, to the several Persons, Body or Bodies Politic, Corporate, or Collegiate, interested therein, shall, immediately after the same shall have been so allotted, awarded, and exchanged, be holden by the said several Persons, Body or Bodies Politic, Corporate, or Collegiate, respectively, by and under the same Tenures, whether Freehold, Copyhold, or Leasehold, and subject to the same Rents, Payments, Heriots, Fines, Customs, and Services, by, under, and subject to which the several Lands, Tenements, and Hereditaments in lieu or in respect of which the same Lands, Grounds, and Hereditaments shall be so allotted and awarded and exchanged were respectively held immediately before the passing of this Act, and all such Allotments shall thereupon become Freehold, Copyhold, or of any other Tenure, (as the Case may be,) and shall be so distinguished in the Award to be made by the said Commissioners, any Law or Custom to the contrary notwithstanding: Provided always, that when the Tithes of any of the Open and Commonable Fields, Lands, Heaths, and Commons belong

belong to different Persons, or do not extend over the whole of such Open and Commonable Fields, Lands, Heaths, and Commons, it shall be lawful for the said Commissioners to allot the Tithes, as well as the Land itself, in order that all Persons may have Tithe-free Allotments in lieu of Lands which were before exempted from Tithes.

Persons may sell or mortgage their Estates before the Execution of the Award.

LVIII. And be it further enacted, That if any Person or Persons hath or have sold or shall at any Time before the Execution of the Award of the said Commissioners sell his, her, or their Right, Interest, and Property in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners and they hereby authorized and required, upon such Sale being made, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs, Executors, Administrators, and Assigns respectively, as the Case may be, for and in respect of such Right, Interest, and Property so sold as aforesaid; and every such Vendee or Purchaser, or his or her Heirs, Executors, Administrators, or Assigns respectively, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so allotted to him or her as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid.

Expences of the Act to be defrayed by a Rate.

LIX. And be it further enacted, That all the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and the several Sums of Money and Allowances hereby directed or authorized to be paid and allowed to the said Commissioners, Clerk, and Surveyors, for Expences, Time, and Trouble, and the Costs and Charges that the said Commissioners shall be put unto in respect of any Appeal against their Decision, or of any Suit or Suits at Law or in Equity that may be instituted by or against such Commissioners in the Execution of this Act, either before or after the Execution of their Award, and all other Costs, Charges, and Expences which may or shall be incurred in and about the carrying this Act and the said recited Acts into execution, shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the said Lands and Grounds to be divided, allotted, and inclosed, in proportion to their several and respective Rights and Interests therein, and the Amount thereof shall be ascertained and settled by the said Commissioners, and shall be paid at such Time and Places and to such Person or Persons as the said Commissioners shall by Writing or Writings under their Hands, to be affixed upon the Church Door of the said Parish of *Gazeley*, or delivered to such Person or Persons, at least Twenty-one Days before the Time of Payment, order and direct; and the said Commissioners are hereby authorized and required accordingly, at any Time either before or after the making of their Award, to make One or more Rate or Rates or Assessment or Assessments thereof respectively, under their Hands, and all such Rates or Assessments so made and signed shall be binding and conclusive on all Parties thereby made liable to pay the same, and their respective Executors and Administrators; and in case any Person or Persons shall

refuse or neglect to pay his, her, or their Proportion of such Rate or Assessment or Rates or Assessments as aforesaid, within such Time and to such Person or Persons and at such Place as the said Commissioners shall appoint, then and in such Case the said Commissioners shall and may by Warrant under their Hands and Seals, directed to any Person or Persons whomsoever, cause the same together with lawful Interest for the same, to be computed from the Day on which the same ought to be paid as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress or Sale; or it shall and may be lawful to and for the said Commissioners, or any Person or Persons authorized by them, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person or Persons, and demise the same, and receive and take the Rents, Issues, and Profits thereof, until thereby or therewith or otherwise such Share or Proportion, Shares or Proportions, or such Rate or Assessment or Rates or Assessments, with lawful Interest for the same, to be computed from the Time such Sums of Money shall be ordered to be paid, and also all Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Empowering Commissioners, upon Application, to sell Part of Allotments to defray Expences.

LX. And be it further enacted, That it shall be lawful for the said Commissioners, on Application made to them in Writing by any of the Owners or Proprietors for the Time being of Lands, Tenements, or Hereditaments in the said Parish, or by any of the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of such Owners or Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies, or by any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of the said Allotment to be made by virtue of this Act to the Persons by whom or in whose Behalf any such Application shall be made, for the Purpose of raising a Sum of Money sufficient to defray the proportionable Part of the Costs, Charges, and Expences of obtaining and carrying into execution this Act and the said recited Acts, not exceeding, together with the Sum to be raised by Mortgage as hereinafter mentioned, the Proportion of Five Pounds for each Acre of the said Lands so to be allotted, and of fencing and inclosing and subdividing his, her, or their Allotment or Allotments, as shall in and by such Rates or Assessments be charged upon such Parties, and of the Costs, Charges, and Expences of making and completing such Sale; and such Sale shall be made by the said Commissioners in such and in the same Manner and subject to the like Rules and Regulations as are mentioned and prescribed in the said first-recited Act in respect of the Sale of Lands towards the defraying the Expences of obtaining and carrying into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the said Commissioners, and be conveyed

by Lease and Release executed by such Commissioners to the Purchaser thereof, at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser, and his or her Heirs, or as he or she shall appoint, and shall be inclosed and held by such Purchaser in Severalty; and the Receipt of the said Commissioners shall be a good and sufficient Discharge to the Purchaser for the Purchase Money; and such Purchase Money shall be applied by the said Commissioners in or towards defraying such Costs, Charges, and Expences; and if any Surplus shall remain in the Hands of the said Commissioners such Purchase Money shall be paid to the Parties for whose Allotment such Sales shall be so made respectively; 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 of such surplus Money shall be applied and disposed of in manner hereinafter directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of Timber or Wood growing thereon.

Persons having limited Interests may raise Money by Mortgage to defray Expences.

LXI. And be it further enacted, That it shall be lawful for all Husbands, Guardians, Trustees, or Committees of any of the Owners or Proprietors of any of the Lands and Grounds to be by virtue of this Act divided and allotted, being under Coverture, Infants, Lunatics, Idiots, or Persons beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only, or Feoffees for charitable or other Uses, or any of them, by and with the Consent of the said Commissioners, testified in Writing under their Hands and Seals, from Time to Time to charge the Lands and Grounds which shall be so set out and allotted to them respectively by virtue of this Act with any Sum or Sums of Money which the said Commissioners shall in their Discretion judge necessary, for the Purpose of inclosing, fencing, and dividing his or their respective Allotments, and for defraying the Expences of carrying this Act into execution, not exceeding, together with the Sums to be raised by Sale as herein-before mentioned, Five Pounds for every Acre of such Lands and Grounds respectively, and for securing the Repayment of such Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise, or otherwise subject the Lands and Grounds so to be set out and allotted as aforesaid, or any Part thereof, to such Person and Persons as shall advance or lend the same respectively, his, her, or their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant, Demise, Lease, or Mortgage be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered, when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as in every such Grant, Demise, Lease, or Mortgage which shall be made by or on behalf of any Person or Persons interested or entitled to any such mortgaged Premises for the Term of his, her, or their natural Life or Lives, there be contained a Covenant to pay and keep down the Interest of the said Money to be secured during his, her, or their respective Life or Lives, in such Manner as that no Person or Persons afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title of such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise so

to

to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Mortgages may be assigned.

LXII. And be it further enacted, That all and every Person and Persons to whom any Grant, Mortgage, Lease, or Demise shall be made by virtue of this Act as a Security for any Sum or Sums of Money by them, him, or her lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Surrender or Surrenders, Writing or Writings under their, his, or her Hands and Seals or Hand and Seal, to be executed in the Presence of and attested by One or more credible Witness or Witnesses, assign and transfer the same Security or Securities, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all their, his, or her Estate, Right, Title, or Interest, and Term of Years then to come and unexpired of, in, and to the same, unto any Person or Persons whomsoever, who may again in like Manner assign the same, *toties quoties;* and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Causes, and Expedients in Law or Equity for recovering or obtaining Possession of the Premises so to be demised, mortgaged, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured, or any Part thereof respectively, as is or are used, taken, or pursued in Cases of the like Nature.

Securities not to be assigned except by Instruments duly stamped.

LXIII. Provided always, and be it further enacted, That no Mortgage or other Security to be made under the Powers of this Act shall be assigned or transferred except by Deed or Instrument in Writing duly stamped according to the Laws in force, in which Deed or Instrument the Consideration for the Assignment or Transfer shall be duly specified and set forth.

Directions for charging Copyhold Lands with Expences.

LXIV. Provided always, and be it further enacted, That every Mortgage which shall by virtue of the said first-recited Act or of this Act be made of any Copyhold Lands, Tenements, or Hereditaments, whether by Deed or otherwise, shall be presented and entered on the Court Rolls of the Manor under which such Copyhold Lands shall be held, whereupon the same Fees and other Payments shall be due and paid as in other Cases of Surrender by way of Mortgage, and shall operate as a Surrender to the Use of the Mortgagee or Mortgagees, and his, her, or their Heirs or Assigns respectively, according to the Custom of such Manor, subject nevertheless to Redemption on Repayment of the Principal Monies thereby respectively intended to be secured, with Interest thereon, as is herein provided in the Case of other Mortgagees, instead of being demised to such Mortgagee or Mortgagees, and his, her, or their Executors, Administrators, or Assigns, for a Term of Years, as mentioned and prescribed in and by the said first-recited Act.

Deeds, Wills, &c. not to be affected.

LXV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to revoke, annul, make void, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use or Uses, Declaration of Trust, or any Deed or Will whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion,

Portion, Rent-charge, Annuity, Debt, Incumbrance, or other Claim or Demand out of, upon, or affecting any of the Lands or Grounds hereby directed to be divided and allotted, or any of the Messuages, Lands, or Hereditaments which shall be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Hereditaments which shall be assigned in compensation for any other Estate or Right by virtue of this Act or the said recited Acts, or either of them, shall immediately after such Allotment, Exchange, or Assignment remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, in all respects, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Exchanges, and Assignments shall have been made should or would have stood severally limited, settled, vested, or subject or liable to, or been held by, in case the same had not been allotted, exchanged, or assigned as aforesaid, and this Act had not been passed, save and except where any other of the Provisions of this Act are contrary to, and subject nevertheless to all such Mortgages and Sales as shall be made by Authority hereof or of the said Acts.

Separate Allotments to be made for Land held under different Titles.

LXVI. And be it further enacted, That when the Proprietor or Proprietors of Lands or other Hereditaments which shall be inclosed, allotted, or exchanged by virtue of this Act shall hold their said respective Lands or other Hereditaments under different Titles and for different Estates, the said Commissioners shall, upon the Request of the said respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held for each of such Estates and under each of such Titles respectively, and shall accordingly in their Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments.

Application of Monies paid for Purchase or Exchange, if amounting to 200*l.*

LXVII. And be it further enacted, That whenever any Sum of Money is under the Provisions of the said first herein-before recited Act or this Act to be paid for the Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for and on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioners, out of such Sums, to defray such Proportion of the Expences of passing this Act, and of carrying the same and the said recited Acts into execution, as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical

tical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioners be proper to be made, and shall be made under their Directions, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of His late Majesty King
1 G. 4. c. 35. *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons, Body or Bodies, who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, to be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments belonging to such Person or Persons, Body or Bodies, as the said Court of Exchequer shall authorize to be purchased or redeemed, paid or discharged, or such Part or Parts thereof as shall be necessary, or in the Expence of any such permanent Improvement as aforesaid; or until the same shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the afore-mentioned Lands, Tenements, or Hereditaments stood limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons,

sons, Body or Bodies, who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

Where less than 200*l.* and amounting to 20*l.*

LXVIII. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons, Body or Bodies, for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased or exchanged, and of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners, to be signified in Writing under their Hands, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid in order to be applied in the Manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons, Body or Bodies who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments (such Nomination to be approved of by the said Commissioners), and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal (as the Case may be) of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the said Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Where under 20*l.*

LXIX. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons, Body or Bodies who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Alterations may be made in the Allotments.

LXX. And be it further enacted, That it shall be lawful for the said Commissioners at any Time before the executing of their final Award to make any such Alterations in the Allotments or in the Fences which they may have set out and ordered, or in any of the Orders and Directions relating thereto which they may have made in pursuance of this Act or of the said recited Acts, as they may think right and expedient; and in case any Person or Persons shall be injured by any such Alteration on account of any Expences he, she, or they may have incurred or otherwise, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them for such Injury, and shall either pay the Amount thereof out of the Monies to come to his Hands in the

Execution

Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made, the same to be levied and recovered by virtue of the said recited Act passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, in case the same are raised by a Rate upon the Proprietors.

When Allotments are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

LXXI. And be it further enacted, That if from Want of Information or any other Cause the said Commissioners shall have omitted to distinguish in their Award the several Tenures under which any of the said Lands or other Hereditaments are or shall be holden, or the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same are or shall be subject, or the different Estates or Titles for or under which the same are or shall be held, and to set out and award several and distinct Allotments as is hereby required, it shall be lawful for the said Commissioners, and they are hereby authorized at any Time within Twelve Calendar Months after the Date and Execution of their Award, upon Request in Writing to them made by the respective Proprietors of any such Allotments, Lands, or other Hereditaments, or other Persons interested therein, or their Agents, to do all such Acts as shall be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and to proceed as if their Award had not been made, and by any Deed or Instrument under their Hands and Seals to distinguish, ascertain, and set out the Allotments, Lands, and Hereditaments held by different Tenures, and the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same respectively are subject, and also the Allotments, Lands, and Hereditaments held by, for, or under different Estates or Titles respectively, in the same Manner as they are hereby authorized to do in their Award; and every such separate Instrument shall be enrolled and deposited with the Award of the said Commissioners, and shall thenceforth be deemed and taken to be Part thereof to all Intents and Purposes whatsoever; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Person or Persons who shall have requested the said Commissioners to make and execute the same, or by his, her, or their Heirs, Executors, or Administrators.

Award to be made and deposited.

LXXII. And be it further enacted, That as soon as conveniently may be after the said Division and Allotment shall be completed, the said Commissioners shall form, draw up, and execute an Award, which, together with a proper Map or Plan thereto annexed, shall within Ten Days after the Execution thereof be delivered to the Clerk of the Peace for the County of *Suffolk*, who is hereby required to deposit and keep the same among the Records of the said County, for the Reception whereof the Fee of Two Guineas, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall from and after the Delivery thereof to the said Clerk of the Peace be deemed and taken to be enrolled within the Intent and Meaning of the said first-recited Act; and a Copy of the said Award and of the said Map or Plan, signed by the said Commissioners, shall within the Time aforesaid be deposited in the Parish Church of *Gazeley* aforesaid, and there kept in a proper Box to be provided for that Purpose; and the said Award and the said Copy thereof, and any

other Copy of the said Award or of any Part or Parts thereof, to be attested by the Clerk of the Peace for the Time being of the said County of *Suffolk*, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever: Provided always, that the said Award and the Copy thereof so deposited in the said Parish Church of *Gazeley* shall be open to the Inspection and Perusal of all Parties interested in the said Division, Allotment, and Inclosure, on Payment of the proper Fee.

Accounts to be audited.

LXXIII. And be it further enacted, That once at least in every Twelve Calendar Months during the Execution of this Act (to be computed from the Time of the passing thereof) the said Commissioners shall and they are hereby required to make a true and just Statement and Account of all the Sums of Money by them received and expended or applied in the Execution of this Act, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before One of Her Majesty's Justices of the Peace for the said County of *Suffolk*, not interested in the said Inclosure, to be by him examined and balanced; and such Balance shall be stated in the Book of Accounts to be kept in the Office of the Person acting as Clerk to the said Commissioners, which may at all Times be inspected by the Proprietors and other Persons interested in the said Inclosure; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been allowed by such Justice, and until such Account thereof shall have been so published, subject nevertheless to the Power of Appeal herein-after contained.

Power of Appeal.

LXXIV. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of the said recited Acts or of this Act (other than and except as to the Allotments, and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where by any of the Provisions of the said recited Acts or of this Act the Determinations, Acts, or Proceedings of the said Commissioners are directed to be final or conclusive), he, she, or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said County of *Suffolk* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and to the Party or Parties concerned Ten Days Notice in Writing of such Appeal, and the Matter thereof; except with respect to the Accounts of the Commissioners, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the Award with the Clerk of the Peace for the said County of *Suffolk* on giving to the said Commissioners such Notice as last aforesaid; and the Justices (not interested in the Premises) at the General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs, as

to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus, if any, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant of Distress and Sale; and the Determination of the Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any other Writ or Process whatsoever, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

General Saving.

LXXV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Person and Persons, Bodies Politic, Corporate, and Collegiate, his, her and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished by this Act,) as they, every or any of them could or might have had, held, and enjoyed of, in, to, or out of the said Lands by this Act authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

Act to be printed by the Queen's Printers.

LXXVI. And be it further enacted, That this Act shall be printed by the several Printers to the Queen's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof as printed by any of them shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by George Eyre and Andrew Spottiswoode, Printers to the Queen's most Excellent Majesty. 1838.