ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 38.

An Act for incloſing Lands in the Pariſh of *Loweſtoft*, in the County of *Suffolk*. [4th *May* 1814.]

WHEREAS an Act was paſſed in the Fiftieth Year of the Reign of His preſent Majeſty, intituled *An Act for better paving, lighting, cleanſing, watching, and otherwiſe improving the Town of* Loweſtoft, *in the County of* Suffolk: And whereas the Commiſſioners for carrying the ſaid Act into Effect, in purſuance of the Powers and Authorities thereby veſted in them, have cauſed a conſiderable Part of the ſaid Town to be new paved, lighted, and otherwiſe improved, at a conſiderable Expence: And whereas the Rates made under the Authority of the ſaid Act, upon the Inhabitants of the ſaid Town, to defray the Expence of lighting the ſame, and to pay the Intereſt of the Debt which has been incurred in new Paving, and in the Improvements aforeſaid, are found to be very Burthenſome: And whereas there are within the ſaid Pariſh of *Loweſtoft*, certain Common Heaths, Marſhes, Doles, and Waſte Lands, reſpectively called *The North End Common*, *The Church Green*, *Drakes Heath*, *Smith Marſh*, *The South End Bottom*, and *Taffy Ling's Dole*, containing together Ninety Acres or thereabouts; and ſundry Perſons have or claim to have excluſive Rights of cutting Whins, Fern, and Heath, upon certain Parts of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands; and many of ſuch Perſons and others, being Owners or Proprietors of divers Commonable Meſſuages, Cottages, and Tofts, with the Lands, Tenements, and Appurtenances thereto belonging, have or claim to be entitled to the Depaſturage over the Whole of the ſaid Common Heaths, 50 G. 3. c. 42.

Marſhes, Doles, and Waſte Lands: And whereas the Reverend *George Anguiſh* is Lord of the Manor of *Loweſtoft*, and is or claims to be entitled to the Soil of all the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands: And whereas the Right Reverend *Henry* Lord Biſhop of *Norwich* is Patron of the Vicarage of *Loweſtoft* aforeſaid; and the Reverend *Richard Lockwood* is the preſent Vicar thereof, and entitled to all the Small Tythes yearly ariſing, renewing, or increaſing within the ſaid Pariſh; and the ſaid *Richard Lockwood*, as ſuch Vicar as aforeſaid, is alſo entitled to all the Great Tythes yearly ariſing, renewing, and increaſing within the ſaid Pariſh, ſome Time ſince purchaſed for the Augmentation and Increaſe of the ſaid Vicarage: And whereas the ſaid *George Anguiſh* hath conſented to accept of the Compenſation herein-after mentioned, for his Right of and to the Soil of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in one Act, certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* And whereas the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, in their preſent uncultivated State, yield very little Profit; but if the ſame were divided, and ſpecific Parts or Shares thereof allotted to and amongſt the ſeveral Perſons entitled to ſuch excluſive Right of cutting Whins, Fern, and Heath growing thereon, as and for and in full Compenſation for their reſpective Rights and Intereſts therein, and the Reſidue or Remainder of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands were allotted, and veſted in Truſt and for the Purpoſes herein-after mentioned, and the Whole of ſuch Allotments incloſed, and all Rights of Common in, over, and upon the ſame extinguiſhed, it would be of great Advantage to all Perſons intereſted therein, a great Relief to all the Inhabitants of *Loweſtoft*, liable under the Proviſions of the ſaid Act of the Fiftieth Year of the Reign of His preſent Majeſty, to be aſſeſſed under the ſame, and of great Public Utility: But ſuch Diviſion, Allotment, and Incloſure, cannot be effected without the Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, ſo reſpectively called *The North End Common*, *The Church Green*, *Drakes Heath*, *Smith Marſh*, *The South End Bottom*, and *Taffy Ling's Dole*, ſhall be ſet out, divided, allotted, and incloſed, in Manner hereafter mentioned; and that *Henry Jermyn* of *Sibton*, in the ſaid County of *Suffolk*, Eſquire, is hereby appointed the Commiſſioner for ſetting out, dividing, allotting, and incloſing the ſame, and for carrying this Act, and the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty into Execution, ſubject to the Rules, Orders, Proviſions, Regulations, and Directions herein-after contained, and alſo ſubject to the Rules, Directions, Regulations, and Proviſions contained in the ſaid laſt recited Act, except where the ſame are hereby varied or altered.

Commiſſioner appointed.

For appointing new Commiſſioner.

II. And be it further enacted, That in caſe the ſaid *Henry Jermyn*, or his Succeſſor or Succeſſors, to be appointed as hereafter mentioned, ſhall die, or become incapable of acting, or refuſe to act as a Commiſſioner as aforeſaid, before all the Powers veſted in him by this Act, and the ſaid recited

Act

Act of the Forty-first Year of the Reign of His present Majesty, are executed and completed, then, and from Time to Time, and as often as occasion shall require, it shall be lawful for the said *George Anguish*, his Heirs or Assigns, Lord or Lords, Lady or Ladies, of the said Manor of *Lowestoft*, for the Time being, or his, her, or their Guardian or Guardians, by Writing under his, her, or their Hand or Hands, to appoint a new Commissioner, (not interested in the said Inclosure), in the Room of the said *Henry Jermyn*, or in the Room of any Person so appointed in the Room of the said *Henry Jermyn*, or any of his Successors, so dying, becoming incapable of acting, or refusing to act as aforesaid; and every such new Commissioner so to be appointed shall have and be vested with the same Powers and Authorities for the Execution of this Act, and of the said recited Act of the Forty-first Year of the Reign of His present Majesty, as the Commissioner hereby appointed is by this Act invested with.

Allowance to Commissioner.

III. And be it further enacted, That out of the Monies that shall be raised for defraying the Expences of obtaining this Act, and carrying the same and the said recited Act of the Forty-first Year of the Reign of His present Majesty into Execution, there shall be paid to the said Commissioner, as a Recompence for his Pains, Trouble, and Expences, the Sum of Four Pounds and Four Shillings, and no more, for every Day he shall be employed in travelling to, attending at, and returning from the Meetings to be held for the Execution of this Act and the said last recited Act.

Certain Commons not to be inclosed.

IV. And be it further enacted, That nothing herein contained shall extend to authorize the said Commissioner to set out, divide, or allot any Part of the Common Heaths or Waste Lands, in the said Parish of *Lowestoft*, called *The Deans*; nor to set out, divide, or allot any Part of the Waste Land called *The Skirts*, lying next or adjoining to *Lowestoft Broad*, containing about Three Roods, extending from the said Common called *Smith Marsh* to the *South End Bottom*; nor the Way leading from such Skirts to the Turnpike Road; nor any Public Waters; nor any other Commons or Waste Lands within the said Parish of *Lowestoft*, than those before particularly mentioned: Provided also, that nothing in the said recited Act of the Forty-first Year of the Reign of His present Majesty, or in this Act contained, shall extend to make it necessary for the said Commissioner to enquire into, ascertain, set out, determine, or fix the Boundaries of the said Parish of *Lowestoft*, further than as far as such Boundary may respect any of the Common Heaths, Marshes, Doles, and Waste Lands, hereby intended to be divided, allotted, and inclosed; nor to require the said Commissioner, or the Surveyor (if any) to be by him appointed, to make, or cause to be made any Survey, Admeasurement, or Plan, of any of the ancient inclosed Lands or Grounds within the said Parish of *Lowestoft* (except such as may be exchanged under the Powers of this or the said last recited Act), or of any other Common Heaths, Marshes, Doles, and Waste Lands, than those hereby intended to be divided, allotted, and inclosed.

Old Inclosures not to be surveyed.

Directions how Notices shall be given.

V. And be it further enacted, That all Notices and Advertisements necessary or requisite to be made and given by the said Commissioner, and not herein-after, or by the said recited Act of the Forty-first Year of the Reign of His present Majesty, otherwise directed, shall be so made and given

given by Advertiſement in the *Ipſwich Journal*, or in ſome other Newſpaper to be circulated in the ſaid County of *Suffolk*.

Notice of Meetings.

VI. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to give or cauſe public Notice to be given in Writing, and affixed on the principal outward Door of the Pariſh Church of *Loweſtoft* aforeſaid, or of the Chapel of the ſaid Pariſh, or by Advertiſement to be inſerted in the *Ipſwich Journal*, or ſome other public Newſpaper to be circulated in the ſaid County of *Suffolk*, of the Time and Place of his firſt and every other Meeting for executing the Powers hereby veſted in him, Ten Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and that it ſhall be lawful for the ſaid Commiſſioner, at any of his Meetings to be holden in purſuance of this and the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, from Time to Time as he ſhall find it convenient, to continue ſuch Meetings by Adjournment; and that all Meetings of the ſaid Commiſſioner for putting this or the ſaid laſt recited Act into Execution, ſhall be held at *Loweſtoft* aforeſaid, or at ſome convenient Place or Places within Eight Miles thereof; and that all Perſons ſhall pay his, her, or their own Expences during their Attendance at any ſuch Meetings.

Owners of Dole Lands to deliver Claims.

VII. And be it further enacted, That all and every Perſon and Perſons, Bodies Politic or Corporate, having or claiming to have any excluſive Right of cutting Whins, Fern, and Heath, upon the ſaid Dole Lands, or other ſpecific Right or Intereſt thereon, or on any of the Common Heaths, Marſhes, and Waſte Lands, hereby intended to be divided, allotted, and incloſed (except the general Right of Depaſturage over the ſame), ſhall and they are hereby reſpectively required to deliver or cauſe to be delivered to the ſaid Commiſſioner, at ſome one or more of ſuch Meetings as he ſhall appoint for that Purpoſe (or within ſuch further Time, if any, as the ſaid Commiſſioner ſhall for ſome ſpecial Reaſon think proper to allow for that Purpoſe), an Account or Schedule in Writing, ſigned by themſelves reſpectively, or their reſpective Guardians, Truſtees, Committees, or Agents, of ſuch their reſpective ſpecific Rights or Claims, and therein deſcribe the Lands and Grounds, and the particular computed Quantity over which the Claims of any ſuch Right extend, and of what Nature and Extent ſuch Right is, and on which of the ſaid Commons or Waſte Lands the ſaid Right is claimed, and whether the ſame be Copyhold, Freehold, or Leaſehold, together with the Name of the Perſon then in the actual Poſſeſſion or Occupation thereof; and on Non-compliance therewith, every of them making Default therein, ſhall (as far only as reſpects any Claim ſo neglected to be delivered) be totally debarred and excluded of and from all Right and Intereſt in, to, over, or upon the ſaid Dole Lands, Common Heaths, Marſhes, and Waſte Lands, hereby intended to be divided, allotted, and incloſed, and of and from all Benefit and Advantage in or to any Share or Allotment thereof.

Diſputed Claims to be heard and determined by the Commiſſioner;

VIII. And be it further enacted, That if any Claim of excluſive Right of cutting and taking Whins, Fern, or Heath, upon or from off any of the ſaid Dole Lands, or other ſpecific Right or Intereſt thereon, or on any of the Common Heaths, Marſhes, and Waſte Lands, intended to be divided, allotted, and incloſed by virtue of this Act, ſhall, by Writing to be

be delivered to the ſaid Commiſſioner, at ſuch Time as ſhall be by him appointed for that Purpoſe, in purſuance of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, be objected to by any Perſon or Perſons intereſted in the ſaid intended Incloſure; and if the Party or Parties making ſuch Claim ſhall perſiſt therein, then the ſaid Commiſſioner ſhall and he is hereby required, at a Meeting to be by him held for that Purpoſe, of which he ſhall give public Notice at leaſt Ten Days before the Time of holding the ſame, by Examination of Witneſſes upon Oath, and by ſuch other Evidence, Ways, and Means, as he ſhall think proper, to hear and determine the Matter of every ſuch Claim ſo made and objected to, and perſiſted in as aforeſaid; and that in caſe any Diſpute or Difference ſhall ariſe between the Parties, touching the reſpective Shares and Proportions of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, hereby intended to be divided, allotted, and incloſed, which they or any of them claim to be entitled to, or ought to have under or by virtue of this Act, it ſhall be lawful for the ſaid Commiſſioner to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to determine any Matter of Title relating to or regarding any of the Dole Lands, or excluſive Right of cutting Whins, Fern, or Heath, ſo claimed as aforeſaid, or the Title to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever; and the ſaid Commiſſioner ſhall and he is hereby empowered and required to aſſeſs ſuch Coſts and Charges as he ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any ſuch Determination ſhall be made, by the Party or Parties againſt whom any ſuch Determination ſhall be made, and ſuch Coſts and Charges ſhall be paid within ſuch Time as the ſaid Commiſſioner ſhall appoint; and if any Perſon or Perſons ſhall neglect or refuſe to pay ſuch Coſts and Charges within Ten Days next after the Demand thereof made, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing, by Warrant under the Hand and Seal of the ſaid Commiſſioner; which Warrant the ſaid Commiſſioner is hereby empowered and required to grant, upon Proof, on Oath, of ſuch Neglect or Refuſal, and of ſuch Demand as aforeſaid; and the Overplus (if any), after the Charges of levying the ſame ſhall have been deducted, ſhall be returned on Demand to the Owners of ſuch Goods and Chattels.

but not Titles.

Power to aſſeſs Coſts.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic or Corporate, ſo claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim of excluſive Right of cutting and taking Whins, Fern, and Heath, or other Right or Intereſt (except the general Right of Depaſturage) into, over, or upon any of the Common Heaths, Marſhes, Doles, and Waſte Lands, hereby directed to be divided, allotted, and incloſed, or any Part thereof, then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Perſon or Perſons, Body or Bodies Politic or Corporate, to try all ſuch Claims at Law at the next or at the following Aſſizes to be holden for the ſaid County of *Suffolk* next after ſuch Determination, firſt giving Fourteen Days Notice to the ſaid Commiſſioner or his Clerk, of his, her, or their Intention to bring ſuch Action; and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic or Corporate,

Perſons diſſatisfied may try Claims at Law.

who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action to be brought upon a feigned Iſſue, againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months after ſuch Determination of the ſaid Commiſſioner; and the Defendant or Defendants in ſuch Action is and are hereby required forthwith to appear to ſuch Action, accept a Declaration, and plead to Iſſue (ſuch Iſſue to be ſettled by the proper Officer of the Court in which the ſaid Action ſhall be commenced, in caſe the Parties differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, Body and Bodies Politic or Corporate, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do, as is uſual in other Caſes; and that after ſuch Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials.

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

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

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

XI. Provided always, and be it further enacted, That all ſuch Orders and Determinations of the ſaid Commiſſioner as ſhall have been made as aforeſaid, with reſpect to ſuch Claims touching which no ſuch Action at Law ſhall be brought or commenced and proceeded in within the Time aforeſaid, ſhall be final, binding, and concluſive upon all Perſons whomſoever; any Thing in this Act contained to the contrary notwithſtanding.

Proviſo in caſe of Death of Parties before Actions brought.

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

XIII. Provided

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

XIII. Provided alſo, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioner to determine any Right between any Parties, contrary to the Poſſeſſion of any of ſuch Parties (except in Caſes of Encroachments, as herein-after mentioned); but in caſe the ſaid Commiſſioner ſhall be of opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination thereupon, until the Poſſeſſion ſhall have been given up or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

When Rights of Common are to ceaſe.

XIV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby empowered, by Writing under his Hand, and affixed to the principal outward Door of the Pariſh Church of *Loweſtoft* aforeſaid, or of the Chapel of the ſaid Pariſh, to appoint the Day or Time when all Rights of Common or of Intercommoning, and of cutting and taking Whins, Fern, and Heath, and of all other Rights in and over the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands intended by this Act to be divided, allotted, and incloſed, ſhall ceaſe and be extinguiſhed; and ſuch Rights ſhall, from and after ſuch Publication, ceaſe and be for ever extinguiſhed; and in Default of making ſuch Writing, and publiſhing the ſame as aforeſaid, then all ſuch Rights of Common and of Intercommoning, and of cutting Whins, Fern, and Heath, and other Rights, ſhall ceaſe and be for ever extinguiſhed, as ſoon as the ſaid Commiſſioner ſhall have executed his Award.

To prevent breaking the Soil of the Commons;

XV. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons whomſoever, from and after the paſſing of this Act, until the Execution of the Award of the ſaid Commiſſioner, to cut, dig, pare, grave, break up, flay, or carry away the Turf, Flags, or Soil upon or from off the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, nor cut down, take, or carry away any Shrubs, Buſhes, Thorns or Whins, Fern or Heath, growing thereon, without the Licence and Conſent of the ſaid Commiſſioner in Writing under his Hand firſt had and obtained; and if any Perſon or Perſons ſhall, after the paſſing of this Act, and before the Execution of the ſaid Award, cut, dig, pare, grave, break up, flay, or carry away any Turf, Flags, or Soil from any Part of the ſaid Common Heaths, Marſhes, Doles, or Waſte Lands, or cut down, take, or carry away any Shrubs, Buſhes, Thorns, Whins, Fern, or Heath growing or being thereon, without ſuch Licence or Conſent as aforeſaid, every ſuch Perſon being convicted thereof, either by his, her, or their own Confeſſion, or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace acting in and for the ſaid County of *Suffolk*, not being intereſted in the ſaid Common Heaths, Marſhes, Doles, or Waſte Lands, (and which Oath or Oaths ſuch Juſtice is hereby authorized to adminiſter, and to ſummon the Perſon or Perſons complained of, and examine ſuch Witneſs or Witneſſes relating to the ſaid Complaint,) ſhall for every Offence forfeit and pay ſuch Sum of Money as the ſaid Juſtice ſhall direct, not exceeding Five Pounds, to be applied by the ſaid Commiſſioner for the Purpoſes of this Act; and it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal, directed to any Perſon or Perſons whomſoever, to cauſe the ſaid Penalty to be raiſed and levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons offending (Demand having been firſt made thereof), rendering

but not to extend to cutting Furze off the Dole Land.

the Overplus (if any), after deducting the Charges of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels: Provided nevertheleſs, that notwithſtanding any Matter or Thing herein contained to the contrary, it ſhall be lawful for the Perſon or Perſons who is or are entitled to the excluſive Right of cutting and taking Whins, Fern, and Heath, upon or from any of the ſaid Dole Lands hereby intended to be divided, allotted, and incloſed, to cut, take, and carry away the Whins, Fern, and Heath growing upon their reſpective Dole Lands, in ſuch Manner as they have heretofore been accuſtomed to do, until the ſaid Commiſſioner ſhall otherwiſe direct and order, or until the Execution of his Award.

Encroachments.

XVI. And be it further enacted, That all Encroachments which have been made upon the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands hereby intended to be divided, allotted, and incloſed, at any Time ſince the Year One thouſand ſeven hundred and ninety-three, ſhall be deemed Part of the Lands to be divided, allotted, and incloſed by virtue of this Act (ſave and except ſuch Parts thereof as have been incloſed by virtue of any Licence from the Lord of the ſaid Manor of *Loweſtoft*); and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachment, or the Extent thereof, every ſuch Diſpute ſhall be determined by the ſaid Commiſſioner; and in caſe any Perſon or Perſons ſhall have made or erected any Cottages, Huts, Sheds, or other Buildings, upon any Part of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, or incloſed or taken in any Part or Parts thereof, at any Time ſince the ſaid Year One thouſand ſeven hundred and ninety-three, without any ſuch Licence as aforeſaid, then the ſaid Commiſſioner is hereby authorized and empowered, in caſe he ſhall ſee fit, to make Sale and diſpoſe of ſuch Encroachments whereon ſuch Cottages, Huts, Sheds, or other Buildings ſhall ſtand, or ſuch other Parts of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands in lieu thereof, as he the ſaid Commiſſioner ſhall think moſt proper and convenient (not exceeding the Quantity or Value of ſuch Encroachments reſpectively) to the Owners of ſuch Cottages, Huts, Sheds, or other Buildings, or any of them reſpectively, at ſuch Price or Prices as he the ſaid Commiſſioner ſhall deem fair and reaſonable, and in and by his Award to ſet out, allot, and convey the ſame to ſuch Purchaſer or Purchaſers, his, her, or their Heirs accordingly; and the Monies ariſing from ſuch Sale or Sales ſhall be applied in and towards the Payment of the Expences attending the paſſing and executing this Act; and in caſe there ſhall be any Surplus of ſuch Monies, the ſame ſhall be applied and diſpoſed of in Manner herein-after directed, with regard to the Money ariſing from the Sale of Lands for the Payment of the Expences of this Act; but if the Owner or Owners of any ſuch Cottages, Huts, Sheds, or other Buildings, ſhall refuſe to purchaſe their reſpective Encroachments, or ſuch other Parts of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands in lieu thereof, at the Diſcretion of the ſaid Commiſſioner, as he ſhall think moſt proper and convenient (not exceeding the Quantity or Value of ſuch Encroachments as aforeſaid,) at the Price or Sum at which the ſaid Commiſſioner ſhall value the ſame, or ſhall refuſe or neglect to pay their reſpective Purchaſe Monies therefore, at ſuch Time and Place, and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall for that Purpoſe, at any Time before the Execution of his Award, by any Writing under his Hand direct, then and in ſuch Caſe it ſhall and may be lawful for the ſaid Commiſſioner to pull down or cauſe to be pulled down

down such Buildings respectively, and convert the Materials thereof for the general Purposes of this Act, and allot the Encroachment on which the same stood.

Old Roads to be repaired as heretofore.

XVII. And be it further enacted, That all such ancient public Carriage Roads and Highways, in, over, or by the Sides of the said Common Heaths, Marshes, Doles, and Waste Lands hereby intended to be divided, allotted, and inclosed, as the said Commissioner shall continue and direct to remain Public Carriage Roads and Highways, shall at all Times hereafter be kept in Repair by such Persons who have been accustomed and are now by Law liable to repair the same.

Commissioner may stop up old Roads and Footways.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to stop up and discontinue, or divert and turn, and to set out and appoint any Public Roads, Tracks, Ways, or Paths in the said Parish of *Lowestoft*, and to make such Order or Orders as to him shall seem proper for that Purpose; subject nevertheless to the Provisions and Directions of the said recited Act of the Forty-first Year of the Reign of His present Majesty, with respect to the stopping up of any old or accustomed Road or Roads, and to an Appeal to the Quarter Sessions, as mentioned in the same Act, except as to such Roads and Tracks as the said Commissioner may under such Act see fit to set out and appoint, or to divert, turn, and stop up, in, through, or over any of the said Common Heaths, Marshes, Doles, and Waste Lands: Provided always, that no Public Highway or Road shall be shut up or discontinued until the Roads intended to be and remain Public Highways shall be set out according to the Directions of the said recited Act of the Forty-first Year of the Reign of His present Majesty, and until the same shall be properly formed and made safe and convenient for Horses, Cattle and Carriages: Provided also, that all Private Roads, Ways, and Footpaths, which shall be set out and appointed by the said Commissioner, shall be made and for ever maintained and kept in Repair by such Persons and in such Manner as the said Commissioner shall by his Award, or any other Writing under his Hand, order, direct, or appoint.

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

Private Roads to be repaired as Commissioner shall direct.

No Cattle to be depastured in Roads for Fourteen Years.

XIX. And be it further enacted, That no Person or Persons shall graze or keep any Sort of Cattle or Swine whatsoever, in or upon any Part of the Public Roads or Ways which shall be so set out or continued by the said Commissioner, and by him directed to be fenced out, for the Space of Fourteen Years next after the making and executing his Award; and every Proprietor or Occupier of Lands and Tenements within the said Parish, and their and every of their Servants and Labourers, is and are hereby empowered to take and impound every such Bullock, Cow, Horse, Ass, Sheep, Lamb, Head of Swine, or other Beast, which shall be so found grazing as aforesaid, at any Time or Times after any live Fences which shall have been made or planted next to the said Roads or Ways so fenced out as aforesaid, before the Expiration of the said Term of Fourteen Years.

Allotments for paying Expences.

XX. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby required, with all convenient Speed, to set out and allot so much and such Part or Parts of the said

Common Heaths, Marſhes, Doles, and Waſte Lands hereby intended to be incloſed, as he ſhall ſee fit (except the *Church Green* and ſuch Part of the *North End Common* as is herein-after particularly deſcribed and bounded), not exceeding Twelve Acres in the whole, and to ſell and diſpoſe of the ſame, either by Public Auction or Private Sale, in One Lot, or in ſeparate Parcels or otherwiſe, in the Manner and ſubject to the Directions and Regulations preſcribed and contained in the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, to any Perſon or Perſons willing to become the Purchaſer or Purchaſers thereof, for the beſt Price or Prices that can be obtained for the ſame; and all the Monies thence ariſing ſhall be applied in and towards the Payment of the Coſts, Charges, and Expences incident to the obtaining and paſſing this Act, and carrying the ſame and the ſaid laſt recited Act into Execution; and the ſaid Commiſſioner ſhall and he is hereby required to ſign and give to ſuch Purchaſer or Purchaſers a Receipt or Receipts in Writing for his, her, or their Purchaſe Money; and the Piece or Pieces, Lot or Parcels of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, which ſhall be ſo ſold by virtue of this Act, ſhall, on Payment of ſuch Purchaſe Money, be veſted, and is and are hereby declared to be veſted in Fee Simple in, and ſhall accordingly be allotted to the Purchaſer or Purchaſers thereof, and his, her, and their Heirs reſpectively; and the Receipt or Receipts of the ſaid Commiſſioner ſhall be a ſufficient Diſcharge to ſuch Purchaſer or Purchaſers for the Payment or Payments of his, her, or their Purchaſe Money, freed from any Obligation of ſeeing to the Application thereof; and if any Surplus of ſuch Purchaſe Money, after Payment of ſuch Coſts, Charges, and Expences as aforeſaid, ſhall remain in the Hands of the ſaid Commiſſioner, the ſame ſhall be applied and diſpoſed of by him in Manner directed by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, with reſpect to Money which is thereby directed to be paid into the Bank of *England* for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments to be ſettled to the ſame Uſes, or of any Timber or Wood growing thereon, and which ought to be laid out in the Purchaſe of other Lands, Tenements, and Hereditaments, as therein mentioned.

Clay and Sand Pits to be allotted.

XXI. And be it further enacted, That the ſaid Commiſſioner ſhall and may, and he is hereby authorized and required, in the next place, to ſet out and allot the preſent Clay and Sand Pit now being in or upon the ſaid Common Heath called *The Church Green*, and alſo the preſent Sand Pit now being in or near the ſaid Common called *Smith Marſh*, with ſuch further Parts of the ſaid Commons or Waſte Lands as he ſhall ſee proper, not exceeding Two Acres, as and for Public Clay, Gravel, and Sand Pits, and Public Waterings, with convenient Roads to and from the ſame, to be uſed by the Proprietors of Lands and Eſtates in the ſaid Pariſh of *Loweſtoft*, and their Tenants, for their own neceſſary Uſes within the ſaid Pariſh only, in ſuch Manner, and under ſuch Rules, Orders, Regulations, and Reſtrictions, as the ſaid Commiſſioner ſhall by his Award direct or appoint, as in common for the Repairs of the Public and Private Roads within the ſaid Pariſh, and for the neceſſary Uſe and Convenience of the Inhabitants of the ſaid Pariſh; and that ſuch Allotments ſhall be made to and veſted in the Surveyors of the Highways of the ſaid Pariſh of *Loweſtoft*, in Truſt, for the Purpoſes aforeſaid.

XXII. And

Allotments for Dole Lands.

XXII. And be it further enacted, That the ſaid Commiſſioner, after he ſhall have ſet out, appointed, and continued the Public and Private Roads in, through, and over, or by the Sides of the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands hereby intended to be divided, allotted, and incloſed, and the Allotments for the ſaid Public Clay, Gravel, and Sand Pits, and Watering Places, and after making Sale of, diſpoſing, and allotting the ſaid Lands herein-before authorized and directed to be ſold, ſhall in the next place aſſign, ſet out, and allot to the ſeveral Perſon or Perſons, and Body or Bodies Politic or Corporate, having excluſive Rights of cutting and taking Whins, Fern, and Heath upon and from any of the ſaid Dole Lands, Commons, Heaths, Marſhes, or Waſte Lands, ſo much and ſuch Part or Parts thereof as in the Judgment of the ſaid Commiſſioner ſhall be a full Satisfaction and Compenſation to him, her, or them reſpectively, for his, her, or their ſaid reſpective Rights of cutting and taking Whins, Fern, and Heath upon or from any of the ſaid Lands or Grounds.

Allotment of Reſidue to Truſtees.

XXIII. And be it further enacted, That after all the Allotments herein-before directed to be made ſhall be made, the ſaid Commiſſioner ſhall then aſſign, ſet out, and allot all the Reſt, Reſidue, and Remainder of all the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands hereby directed and intended to be divided, allotted, and incloſed as aforeſaid, to Six Perſons, Inhabitants of the ſaid Town of *Loweſtoft*, and their Heirs, ſuch Six Perſons to be nominated and appointed by the Commiſſioners acting under the Authority of the ſaid recited Act of Parliament paſſed in the Fiftieth Year of the Reign of His preſent Majeſty, intituled *An Act for better paving, lighting, cleanſing, watching, and otherwiſe improving the Town of* Loweſtoft, *in the County of* Suffolk, at any Meeting to be by them held purſuant to the Directions of the ſaid Act; which ſaid Allotment, when ſet out, ſhall be, and the ſame ſhall be deemed and taken to be veſted in ſuch Six Perſons, their Heirs and Aſſigns for ever, upon Truſt that the ſaid Six Truſtees, or the major Part of them, ſhall and they are hereby required from Time to Time to let the ſaid Lands or Grounds ſo to be allotted to them as aforeſaid, or any Part or Parts thereof, by Public Auction or Private Contract, as to them ſhall appear expedient; and if by Public Auction, not leſs than Fourteen Days public Notice thereof ſhall be given in Writing, and affixed upon the principal outward Door of the Pariſh Church of *Loweſtoft* aforeſaid, or of the Chapel of the ſaid Pariſh; and upon further Truſt, that the ſaid Truſtees, or the major Part of them, ſhall and they are hereby authorized, by any Deed or Deeds, Writing or Writings, under their Hands and Seals, to demiſe and leaſe the ſaid Lands and Grounds to any Perſon or Perſons ſo hiring the ſame as aforeſaid for any Term or Number of Years they ſhall think proper, not exceeding Eight Years, ſave only on the firſt letting of the ſaid Lands or any Part thereof, it ſhall and may be lawful for the ſaid Truſtees to let and demiſe the ſame as aforeſaid (except any Allotment or Allotments on the *Church Green*) for any Term not exceeding Fourteen Years, and ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees for the Time being, by Two equal Half-yearly Payments in every Year, the beſt and moſt improved Yearly Rent or Rents that can be reaſonably obtained for the ſame, without taking any Income, Fine, Premium, or Fore-gift, in conſideration of granting ſuch Leaſe or Leaſes; and ſo that in all ſuch Leaſes there be contained the uſual Covenants and Stipulations

between Leſſors and Leſſees, and ſuch other Covenants, Stipulations, and Agreements, and ſuch Security for the Performance of the ſame, as the ſaid Truſtees or the major Part of them ſhall think proper to be inſerted therein; and provided that the Leſſees execute ſuch Leaſe or Leaſes, or Counterparts thereof; and all ſuch Deeds and Writings ſhall be good and valid in the Law; and upon this further Truſt, that the ſaid Truſtees and their Heirs ſhall apply all the Rents and Profits of the ſaid Lands, when and as the ſame ſhall from Time to Time be received, in the firſt place, in paying off and diſcharging ſuch Share of the Coſts and Expences incident to and attending the obtaining and carrying this Act into Execution, as ſhall be charged upon the ſaid Truſtees, or which they ſhall be directed to bear and pay, for and in reſpect of the Allotments ſo to be made to them in and by the Award of the Commiſſioner acting under this Act, and of fencing in ſuch Allotments, and in diſcharging the principal Monies and Intereſt to be raiſed thereon by Mortgage or otherwiſe as herein-after mentioned; and when the ſame Monies ſhall be ſo paid off and diſcharged, then in Truſt that they the ſaid Truſtees and their Heirs ſhall for ever afterwards, and they are hereby authorized and directed to pay all the ſaid Rents and Profits to the ſaid Commiſſioners acting under the ſaid recited Act of the Fiftieth Year of the Reign of His preſent Majeſty, or their Treaſurer for the Time being, to be by the ſaid Commiſſioners, and they are hereby authorized and directed to pay and apply all ſuch Monies in Manner and for the Purpoſes following; (that is to ſay) in the firſt place, for and towards paying off and diſcharging the Debt which hath already been incurred under the Authority of the ſame Act, for paving, lighting, cleanſing, and otherwiſe improving the ſaid Town of *Loweſtoft*, and ſuch further Sum and Sums of Money which ſhall by the ſaid Commiſſioners be borrowed for thoſe Purpoſes under the Authority thereof; and when all ſuch Debt and Debts ſhall be diſcharged and ſatisfied, and as often as there ſhall be no ſuch exiſting Debt, then in Truſt that they the ſaid Commiſſioners ſhall and do, and they are hereby authorized and directed to apply all the Monies ſo to be from Time to Time paid to them or to their Treaſurer as aforeſaid, in, for, and towards paving, lighting, cleanſing, watching, and otherwiſe improving the ſaid Town of *Loweſtoft*, in like Manner as they are empowered and directed as to the Application of the Monies from Time to Time raiſed under the Authority of the ſame Act; and when the ſaid Monies ſo to be received, or any Part thereof, ſhall not be wanted for the Purpoſes laſt mentioned, then in Truſt to apply the ſame, or any Parts thereof, for ſuch Purpoſes of general Benefit and Utility to the ſaid Town and the Inhabitants thereof, as they the ſaid Commiſſioners under the ſame Act ſhall from Time to Time ſee fit.

New Truſtees to be appointed in certain Caſes.

XXIV. Provided always, and be it further enacted, That when the ſaid Six Truſtees to whom the ſaid Allotments are as aforeſaid to be made, ſhall by Death be reduced to Two, or under that Number, it ſhall be lawful for the ſaid ſurviving Truſtees or Truſtee, or the Heirs of the ſurviving Truſtee, and they or he are and is hereby authorized, required, and directed, by Deed of Feoffment, or by ſome other Deed or Deeds, Inſtrument or Inſtruments in Writing, to enfeoff, convey, and aſſure all the ſaid Lands to Six other Truſtees, Inhabitants of *Loweſtoft* aforeſaid, to be nominated and appointed in like Manner as the ſaid firſt Six Truſtees are herein-before directed to be nominated and appointed; to hold the ſame

ſame to ſuch Six new Truſtees and their Heirs, upon the ſame Truſts as are herein-before mentioned and declared with reſpect to ſuch Lands; except only as to ſuch of the ſaid Truſts as may, at the Time of making ſuch Feoffment, or other Deed or Deeds, Inſtrument or Inſtruments, be determined and at an End, with the like Power of leaſing the ſaid Lands, for any Term not exceeding Eight Years, as are herein-before mentioned; and in which ſaid Feoffment, or other Deed or Deeds, Inſtrument or Inſtruments, there ſhall be contained a like Power and Direction when ſuch new Truſtees ſhall by Death be reduced to Two or under, for the ſurviving Truſtees or Truſtee, or the Heirs of the ſurviving Truſtee, by Deed of Feoffment, or ſome other Deed or Deeds, Inſtrument or Inſtruments in Writing, to enfeoff, convey and aſſure the ſaid Lands to Six other Truſtees, to be nominated and appointed as aforeſaid, upon the Truſts aforeſaid, except to ſuch Truſts as may then have been determined and come to an End, and ſo on for ever.

Regulations reſpecting the North End Common.

XXV. Provided nevertheleſs, and it is hereby declared, That ſuch Part of the ſaid North-End Common as is bounded by a Public Carriage Way called *The Cart-ſcore* on the North, the Road next the Battery on the Eaſt, the Lighthouſe Hill on the South, the Turnpike Road on the Weſt, ſhall be and the ſame is hereby declared to be, Part of the Reſidue and Remainder of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, to be allotted to the ſaid Truſtees as aforeſaid, and may be let by them in like Manner as the other Lands, which ſhall be allotted to them as aforeſaid; or the ſaid Truſtees may, if they ſee fit, keep the Whole or any Part thereof as and for a Public Pleaſure Ground or Walk to be ſo uſed by the Inhabitants of the ſaid Town of *Loweſtoft*, and all other Perſons reſorting thereto, and may be fenced in ſuch Manner as the ſaid Truſtees or their Heirs ſhall from Time to Time ſee fit; or they may continue the Whole, or any Part or Parts thereof, unincloſed; and they may plant any Trees, Shrubs, or Buſhes thereon, or otherwiſe ornament and embelliſh the ſame, as to them ſhall appear proper.

Commiſſioner to give Notice when Allotments are ſet out.

XXVI. Provided always, and be it further enacted, That when the ſaid Commiſſioner ſhall have ſet out the ſeveral and reſpective Allotments of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, to be divided, allotted and incloſed by virtue of this Act, the ſaid Commiſſioner ſhall give Notice in ſuch Manner as is herein-before directed with reſpect to his Meetings, of ſome convenient Time and Place, when and where all and every Perſon or Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and may take a Copy of ſuch Schedule, or any Part thereof; and in regard that ſome Perſon or Perſons may be diſſatisfied with their intended Allotments, the ſaid Commiſſioner ſhall give Notice as aforeſaid, of a Meeting to be held by him for receiving Complaints or Objections to ſuch intended Allotments, and for hearing and determining ſuch Complaints and Objections; and the Determination of the ſaid Commiſſioner as to ſuch Allotments, ſhall be final, binding, and concluſive upon all Parties and all Perſons intereſted therein.

Fences by whom to be made and kept in Repair.

XXVII. And be it further enacted, That all the Allotments of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands hereby intended to be ſet out, divided and allotted, ſhall be incloſed and fenced with ſuch Ditches, Drains, Hedges or other Fences, to be made, and at all Times thereafter

thereafter repaired by and at the Expence of the ſeveral Perſon and Perſons, Body or Bodies Politic or Corporate, to or for whoſe Uſe ſuch Allotments ſhall be reſpectively made, within ſuch Time and in ſuch Manner as the ſaid Commiſſioner ſhall, in and by his Award, or by any Writing under his Hand previous thereto, direct or appoint.

Payments for Great and Small Tithes for the firſt Six Years, to be ſettled by Commiſſioner.

XXVIII. And be it further enacted, That the ſaid *Richard Lockwood*, and his Succeſſors, Vicars of the ſaid Vicarage of *Loweſtoft* for the Time being, entitled to the Great and Small Tythes as aforeſaid, ſhall be, and he and they is and are hereby empowered to aſk, demand, ſue for, recover and receive of and from every Occupier, Owner or Proprietor of the ſaid ſeveral Allotments of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands to be made by virtue of this Act, for, in lieu and full Satisfaction of all the Great and Small Tithes which ſhall yearly ariſe, renew, increaſe or be produced, in and upon ſuch Allotments and Lands reſpectively, in the firſt Six Years next after the ſame ſhall be incloſed, or the Award of the ſaid Commiſſioner ſhall be made, ſuch Sum and Sums of Money annually, and no more, as the ſaid Commiſſioner ſhall in and by his ſaid Award, or ſome other Inſtrument or Schedule under his Hand, order, direct or appoint to be paid for or in reſpect of ſuch Tithes; and from and immediately after the Expiration of the ſaid Six Years, the ſaid *Richard Lockwood* and his Succeſſors for the Time being, Vicars as aforeſaid, ſhall be entitled to receive and take in Kind all and all Manner of Great and Small Tithes ariſing, renewing or increaſing, or which ſhall ariſe, renew, increaſe or be produced, in and upon the ſaid Lands and Grounds to be allotted as aforeſaid.

Allotments to be ſubject to a Shilling an Acre to the Lord of the Soil.

XXIX. Provided always, and be it further enacted, That all the Allotments of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, ſo to be made as aforeſaid (except thoſe made to the Surveyors of the Highways as aforeſaid), ſhall be ſubject and liable to and charged with, and the Proprietors thereof reſpectively for the Time being ſhall pay to the ſaid *George Anguiſh*, his Heirs and Aſſigns, Lord or Lords, Lady or Ladies of the ſaid Manor of *Loweſtoft*, for ever, a yearly Rent at and after the Rate of One Shilling *per* Acre for every Acre of the ſaid Lands and Grounds which ſhall be ſo allotted as aforeſaid; and ſo in Proportion for any leſs Quantity than an Acre, at ſuch Time or Times as the ſaid Commiſſioner appointed by or acting under this Act ſhall in and by his ſaid Award appoint for Payment thereof; and provided that no Quantity leſs than a Rood ſhall be liable to pay any ſuch Rent; and which ſaid Rent, after the Rate of One Shilling *per* Acre, as aforeſaid, ſhall be in full Compenſation, Recompence and Satisfaction to the ſaid *George Anguiſh*, his Heirs and Aſſigns, Lord or Lords, Lady or Ladies of the ſaid Manor, for his, her or their Right and Intereſt in and to the Soil of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, hereby directed to be allotted and incloſed.

For Recovery of Rent.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid *George Anguiſh*, his Heirs or Aſſigns, Lord or Lords, Lady or Ladies of the ſaid Manor of *Loweſtoft*, to recover the ſaid ſeveral Sums of Money, when and as often as the ſame or any Part thereof ſhall be in Arrear, or remain unpaid, after the Time or reſpective Times in and by the ſaid Award of the ſaid Commiſſioner appointed for the

Payment

Payment thereof, together with the Coſts and Charges of recovering thereof, from the Owner or Occupier, or Owners or Occupiers of the Lands and Hereditaments out of which the ſaid Sum or Sums of Money is or are to be charged and iſſuing, or of any Part thereof, by ſuch Ways and Means as by the Laws and Statutes of this Realm, any Rent reſerved on common Demiſe or Leaſe, when in Arrear, is directed to be or may be recovered.

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

XXXI. And be it further enacted, That all ſuch Part and Parts of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands as ſhall be aſſigned, ſet out, and allotted by virtue of this Act, to any Perſon or Perſons, for and in reſpect of any Dole Land, or Right of cutting and taking Whins, Fern or Heath, holden by Copy of Court Roll of the ſaid Manor of *Loweſtoft*, or for or in reſpect of any Leaſehold Dole Lands, ſhall, from and after the Execution of the Award of the ſaid Commiſſioner, be deemed and taken to be Copyhold of the ſame Manor or Leaſehold reſpectively, according to the Tenure of ſuch Dole Lands for or in reſpect of which they ſhall be ſo aſſigned, ſet out and allotted, and ſhall be held accordingly by and under the ſame Tenure, and ſubject to the ſame Rents, Payments, Fines, Cuſtoms and Services, as the Copyhold or Leaſehold Lands, in reſpect whereof ſuch Allotment ſhall be made, are now holden; and the ſaid Commiſſioner ſhall, in and by his ſaid Award, aſcertain the Quantity of, and deſcribe and abut the Lands and Grounds which are to be and remain Copyhold or Leaſehold reſpectively, as aforeſaid; and all other the Lands and Grounds to be aſſigned, ſet out or allotted by virtue of this Act (ſave and except ſuch as ſhall be ſo aſcertained by the ſaid Commiſſioner to be Copyhold or Leaſehold reſpectively), ſhall from thenceforth be deemed, taken and enjoyed as Freehold Lands and Grounds.

For allowing Exchanges to be made.

XXXII. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner to ſet out, allot and award any Lands, Tenements or Hereditaments whatſoever, within the ſaid Pariſh of *Loweſtoft*, in lieu of and in exchange for any other Lands and Hereditaments whatſoever, within the ſaid Pariſh, or within any adjoining Pariſh, Hamlet or Townſhip; provided that all ſuch Exchanges be aſcertained, ſpecified and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic or Corporate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſes, Huſbands, Committees or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who, at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf or herſelf, ſuch Conſent to be teſtified in Writing under the Common Seal of the Body Politic or Corporate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid and effectual in Law, to all Intents and Purpoſes whatſoever: Provided

nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Biſhop of the Dioceſe in which the ſaid Lands, Tenements and Hereditaments ſo to be exchanged, ſhall lie or be ſituate: Provided always, that all Coſts, Charges and Expences attending the making of any Exchanges, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall, by his Award, order and direct.

Leaſes of allotted or exchanged Lands to be void.

XXXIII. And be it further enacted, That all and every Leaſe and Leaſes, and other Agreements at Rack or Extended Rent, which is or are now ſubſiſting, of any Meſſuages, Lands, Tenements or Hereditaments, ſituate within the ſaid Pariſh of *Loweſtoft*, ſhall ceaſe, determine, and be void, ſo far as ſuch Leaſe or Leaſes, or other Agreements may operate to demiſe or leaſe all or any Part of the Common Heaths, Marſhes, Doles and Waſte Lands, hereby directed to be divided, allotted or incloſed, or any excluſive Right of cutting Whins, Fern or Heath growing thereon, or Right of Common or Depaſturage over the ſame, or to any Lands, Tenements or Hereditaments, which ſhall or may be exchanged by virtue of this or the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty; and the ſaid Commiſſioner is hereby empowered to order and adjudge ſuch Satisfaction or Compenſation as to him ſhall appear reaſonable to be made to ſuch Leſſee or Leſſees of the ſaid Dole Lands, or exchanged Lands, by the reſpective Owners or Proprietors of the ſaid Meſſuages, Lands and Hereditaments, and to order, adjudge and determine when, and by whom, and in what Manner, ſuch Satisfaction or Compenſation ſhall be made; but no Satisfaction or Compenſation ſhall be made or given to any ſuch Leſſee, in reſpect of any Right of Common or Depaſturage in, over, or upon any of the ſaid Common Heaths, Marſhes, Doles and Waſte Lands, intended to be divided, allotted or incloſed: Provided always, that nothing in this Act ſhall extend to render void any Leaſe or Leaſes of any Meſſuages, Lands, Tenements or Hereditaments within the ſaid Pariſh of *Loweſtoft*, granted by any College in either of the Univerſities of *Cambridge* or *Oxford*, or any Part or Parts of ſuch Leaſe or Leaſes: Provided always, that when any Lands to be taken in Exchange, and which ſhall be under Leaſe, ſhall be wholly ſituate in any adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Lands ſhall not be vacated or made void.

Wills and Settlements not to be affected.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt or Incumbrance, out of, upon or affecting any of the Dole Lands or Grounds to be divided, allotted or incloſed as aforeſaid; but that each and every Perſon or Perſons ſhall ſtand and be ſeiſed of the Allotment and Allotments ſo to be aſſigned to him, her or them as aforeſaid, for and in reſpect of ſuch Dole Lands, or excluſive Right of cutting and taking Whins, Fern and Heath as aforeſaid, or the Lands which ſhall be given or taken in Exchange, in purſuance of this Act, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Limitations, Truſts, Charges and Incumbrances, and no other,

as

as the ſaid Dole Lands, or excluſive Rights for and in reſpect whereof ſuch Allotments ſhall be made, or the Lands and Hereditaments in reſpect whereof ſuch Exchanges ſhall be made, would have been ſubject or liable to be charged with, or affected by, in caſe the ſame had remained uninclоſed, unallotted, or unexchanged.

Expences of this Act how to be paid.

XXXV. And be it further enacted, That the ſeveral Sums of Money herein-before directed to be paid to the ſaid Commiſſioner for his Trouble, Expences, and Attendance, in the Execution of this and the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty; and alſo all the Coſts and Charges in any way occaſioned by, incident to, and attending the obtaining and paſſing of this Act, and of valuing, ſurveying, dividing, and allotting the ſaid Common Heaths, Marſhes, Doles, and Waſte Lands, and alſo of opening, cutting, and making any Ditches or Drains neceſſary for preſerving and improving the ſaid Lands and Grounds, and of making and forming ſuch new Public Carriage Roads and Highways as the ſaid Commiſſioner may, under the Authority of ſuch laſt-mentioned Act ſet out and appoint; and the Coſts, Charges, and Expences of incloſing and fencing the ſaid Allotments herein-before directed, to be made to the Surveyors of the Highways; and of preparing and inrolling the Award of the ſaid Commiſſioner; and all other neceſſary Expences of the ſeveral Perſons employed by him in and about the Premiſes; and of all or any Public Works; and all other Coſts, Charges, and Expences of carrying this and the ſaid laſt recited Act into Execution (ſo far as the Money to ariſe by the Sale of the Lands hereby directed to be ſold ſhall not be ſufficient to defray the ſame), ſhall be borne and defrayed by the ſeveral Perſons, and Body or Bodies Politic or Corporate, to whom Allotments under the Authority of this Act ſhall be made, (other than and except the ſaid Surveyors of the Highways for and in reſpect of the Allotments herein-before directed to be made to them, who are not to bear or pay any Part thereof in reſpect of ſuch Allotments) in Proportion to the Value of the Lands to be allotted to them reſpectively, to be aſcertained by the ſaid Commiſſioner, and ſhall be paid by them the ſaid Proprietors reſpectively, at ſuch Time or Times as he the ſaid Commiſſioner ſhall think proper, and in and by his Award order, direct, and appoint for that Purpoſe; and in caſe any of the Perſons aforeſaid ſhall neglect or refuſe to pay his, her, or their Share or Shares of ſuch Charges and Expences, or any Part thereof, to the Perſon or Perſons who ſhall be appointed to receive the ſame, within the Time to be limited by the ſaid Commiſſioner as aforeſaid, then and in every ſuch Caſe the ſaid Commiſſioner ſhall cauſe the ſame to be levied and recovered in Manner directed by ſuch laſt recited Act.

Truſtees may borrow Money to pay Expences.

XXXVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Truſtees, to whom the Reſidue of the Lands and Grounds hereby intended to be incloſed, is herein-before directed to be allotted, and they are hereby authorized and empowered, to borrow and take up at Intereſt of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money (not exceeding Five Pounds *per* Acre) as ſhall be neceſſary to defray their Proportion of the Coſts, Charges, and Expences of paſſing this Act, and of carrying the ſame and the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, into Execution; and that all the Money which ſhall be ſo advanced and lent, ſhall be repaid with lawful Intereſt, to ſuch Perſon or Perſons, his, her, or their Executors, Adminiſtrators, or Aſſigns, out of the firſt Monies which ſhall

be received by ſuch Truſtees, from the Rents of the ſaid Lands ſo to be allotted to them as aforeſaid; and as a Security for ſuch Money ſo to be borrowed, advanced, and lent, it ſhall and may be lawful to and for the ſaid Truſtees to mortgage, leaſe, or demiſe, or otherwiſe ſubject and charge the ſaid Lands and Hereditaments, which may be ſo allotted to them as aforeſaid, unto ſuch Perſon or Perſons who ſhall advance and lend the ſame accordingly, his, her, or their Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years; ſo that every ſuch Mortgage, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or that the Term thereby created ſhall be aſſigned as the Mortgagors ſhall or may direct, when ſuch Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied; and every ſuch Charge, Mortgage, Leaſe, or Demiſe, ſhall be good, valid, and effectual in the Law, for the Purpoſes aforeſaid.

Commiſſioner may borrow Money to pay Expences.

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

Commiſſioner to paſs his Accounts once a Year.

XXXVIII. And be it further enacted, That once at leaſt in every Year during the Execution of this Act, ſuch Year to be computed from the Day of paſſing thereof, the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences, or which ſhall otherwiſe have been expended in obtaining this Act, and in carrying the ſame, and the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty into Execution; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be examined by *James Sayers* of *Hopton*, in the ſaid County of *Suffolk*, Gentleman, or in caſe of his Death, or Incapacity, or Refuſal to act, then by ſome Juſtice of the Peace for the ſaid County of *Suffolk*, not intereſted in the ſaid Diviſion and Incloſure; and the Amount or Balance thereof ſhall be ſtated by the ſaid *James Sayers*, or by the ſaid Juſtice (as the Caſe may be), in the Book of Accounts to be kept in the Office of the Clerk of the ſaid Commiſſioner; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall have been duly allowed by the ſaid *James Sayers*, or in caſe of his Death, Incapacity, or Refuſal, by ſuch Juſtice as aforeſaid.

Award.

XXXIX. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, under the Directions of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, together with ſuch Maps or Plans as ſhall be annexed thereto, when enrolled in Manner directed by the ſame Act, ſhall be kept in the Pariſh Church of *Loweſtoft* aforeſaid.

XL. And

Power of Appeal.

XL. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic or Corporate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, or this Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioner, as are by the ſame Act and this Act directed to be final, binding, and concluſive, and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried, as herein-before mentioned), then and in every ſuch caſe, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace, which ſhall be holden for ſuch Diviſion of the ſaid County of *Suffolk* in which the ſaid Pariſh of *Loweſtoft* is ſituate, within Four Calendar Months next after the ſaid Cauſe of Complaint ſhall have ariſen, on giving the ſaid Commiſſioner, or the Party or Parties intended to be appealed againſt, Fourteen Days Notice of ſuch Appeal, and of the Matter thereof; and the Juſtices in their ſaid General Quarter Seſſions are hereby authorized and required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable; and in caſe of Nonpayment thereof before the then next General Quarter Seſſions, to levy by their Order or Warrant the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale; which Determination of the ſaid Juſtices ſhall be final and concluſive on all Parties concerned, and ſhall not be removed by Certiorari, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the Juſtices to be frivolous or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonable, and to be levied in Manner aforeſaid.

General Saving.

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

Act to be printed by the King's Printers.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1814.