ANNO QUINQUAGESIMO QUARTO

GEORGII III. REGIS.

Cap. 72.

An Act for incloſing Lands within the Pariſhes of *Mettingham* and *Bungay Trinity*, in the County of *Suffolk*. [18th *May* 1814.]

WHEREAS there is within the Townſhip of *Ilketſhalls*, and in the Pariſhes of *Mettingham* and *Bungay Trinity*, in the County of *Suffolk*, a certain Common or Waſte called *Mettingham Green*; and there are alſo within the ſaid Pariſhes, or one of them, divers Open and Common Fields, Dole Meadows, and certain other Commons and Waſte Lands: And whereas the moſt Noble *Charles* Duke of *Norfolk* is Lord of the Manors of *Bungay Soke*, *Bungay Priory*, and *Bungay Burgh*: And whereas *Samuel Safford* Eſquire is Lord of the Manors of *Mettingham Caſtle cum Bungay Soca*, and *Ilketſhall Saint Andrew*: And whereas Sir *William Windham Dalling* Baronet, is Lord of the Manor of *Ilketſhall Bardolfes*: And whereas the ſaid *Samuel Safford*, the Right Honourable *George Thomas Beresford*, commonly called Lord *George Thomas Beresford*, *Matthias Kerriſon* Eſquire, *Charles Brightly*, and divers other Perſons, are Proprietors of Meſſuages, Lands, and Tenements in the Townſhip of *Ilketſhall* aforeſaid; and in reſpect thereof, they or their Leſſees or Tenants are reſpectively entitled to Rights of Common, in, over, or upon the ſaid Common or Waſte called *Mettingham Green*, as appendant, appurtenant, or belonging to their ſaid reſpective Meſſuages, Lands and Tenements; and the ſaid ſeveral Proprietors, or ſome of them, are alſo ſeized of or entitled to the ſaid Open Fields and Dole Meadows, and entitled to Rights

of Common in the said other Commons 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 Lands of the respective Proprietors in the said Open and Common Fields and Dole Meadows lie intermixed and dispersed, and the Cultivation and Occupation thereof in their present State is inconvenient, and it would tend greatly to the Advantage of the said several Proprietors and Persons interested, if all the said Open Fields and Dole Meadows, and the said Common called *Mettingham Green*, and all other the Commons, Wastes, and other Commonable Lands within the said Parishes, were divided, and specific Parts thereof allotted to the said several Proprietors and Persons interested, in Proportion to their respective Rights and Interests, and if such Allotments were inclosed and held in Severalty; but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted, by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Henry Jermyn* of *Sibton*, in the said County of *Suffolk*, Esquire, and *Richard Brettingham* of *Mendham*, in the County of *Norfolk*, Gentleman, shall be, and they are hereby appointed Commissioners for dividing and allotting all the Open and Common Fields, Dole Meadows, the said Common called *Mettingham Green*, and all other the Commons, Wastes, and other Commonable Lands within the said Parishes of *Mettingham* and *Bungay Trinity*, and for carrying the several Purposes of this Act into Execution, with such of the Powers, and subject to such of the Regulations of the said recited Act of the Forty-first Year of the Reign of His present Majesty, as are not repugnant to, or varied, altered, or otherwise provided for by any of the Powers, Regulations, Clauses, or Provisions contained in this Act.

Commissioners.

Umpire to be appointed in case of Difference.

II. Provided always, and be it further enacted, That whenever the said Commissioners shall disagree or differ in Opinion touching or concerning any Matter or Thing to be by them done and performed in pursuance and by virtue of this Act, or of the said recited Act, then, and in every such Case, it shall be lawful for the said Commissioners, and they are hereby authorized and required, with all convenient Speed, after any such Disagreement or Difference in Opinion shall arise, to refer the Matter thereof to such disinterested Person as the said Commissioners shall think proper to appoint for that Purpose as Umpire, whose Judgment and Determination thereupon respectively shall be deemed and considered to be the Judgment and Determination of the said Commissioners: Provided always, That no Person shall be capable of acting as Umpire in the Execution of the Powers given by this or the said recited Act until he shall have taken and subscribed the Oath following; (that is to say),

Umpire to be sworn.

'I do swear, (*or*, being One of the People called *Quakers*, do solemnly affirm), 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 an Umpire, by virtue of an Act passed in the Fifty-fourth

'Year

'Year of the Reign of King *George* the Third, intituled [*here set forth the* '*Title of this Act*], according to Equity and good Conſcience, and with-'out Favour or Affection, Prejudice or Partiality, to any Perſon or 'Perſons whomſoever. So help me GOD.'

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

For appointing new Commiſſioners in Caſes of Vacancy.

III. And be it further enacted, That if either of the ſaid Commiſſioners, or any Commiſſioner to be appointed as herein-after mentioned, ſhall refuſe or become incapable to act in the Execution of the Powers hereby veſted in him or them, or ſhall die before all the Powers and Authorities repoſed in the ſaid Commiſſioners ſhall have been fully executed and performed; then it ſhall be lawful for the major Part in Value (to be aſcertained by the Land Tax Aſſeſſment) of the Perſons intereſted in the Lands and Grounds hereby directed to be divided and allotted, whoſe Rights ſhall or may have been then aſcertained and determined (in caſe the ſame ſhall have been ſo aſcertained and determined), and if not, then of the ſeveral Perſons claiming to be ſo intereſted, who ſhall be preſent at a Meeting to be appointed for that Purpoſe, within Twenty Days, or as ſoon as conveniently may be, next after ſuch Refuſal, Incapacity, or Death ſhall be known to the ſurviving or remaining Commiſſioner (who ſhall give Ten Days Notice thereof by Advertiſement in the *Suffolk Chronicle*, or in ſome other public Newſpaper to be circulated in the ſaid County of *Suffolk*), to nominate and appoint by Writing under their Hands and Seals, another fit and proper Perſon to be the Commiſſioner in the Place and Stead of the Commiſſioner ſo refuſing or becoming incapable to act, or dying; and every ſuch Appointment of a new Commiſſioner in purſuance of this Act ſhall be forthwith delivered to the ſurviving or remaining Commiſſioner; and every ſuch Commiſſioner ſo to be appointed, ſhall have the like Power and Authority to execute this Act and the ſaid recited Act, as the Commiſſioner whom he ſhall ſucceed was veſted with.

Notice of Meetings.

IV. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required to give, or cauſe to be given, public Notice in the Pariſh Churches of *Mettingham* and *Bungay Trinity* aforeſaid, upon ſome *Sunday* immediately after the Time of Divine Service, or by Writing, to be affixed upon the principal Outer Door of each of the ſame Churches reſpectively, or by Advertiſement, to be inſerted in the *Suffolk Chronicle*, or ſome other public Newſpaper to be circulated in the ſaid County of *Suffolk*, of the Time and Place of their firſt and every other Meeting for executing the Powers hereby veſted in them, Eight Days at leaſt before every ſuch Meeting, (Meetings by Adjournment excepted); and that it ſhall be lawful for the ſaid Commiſſioners, at any of their Meetings to be holden in purſuance of this Act, from Time to Time as they ſhall find it convenient, to continue ſuch Meeting by Adjournment; provided, that if at any Meeting appointed to be holden as aforeſaid it ſhall happen that only one of the ſaid Commiſſioners ſhall attend, ſuch Commiſſioner may adjourn ſuch Meeting to any future Day he ſhall ſee moſt convenient, giving Notice of ſuch Adjournment to the abſent Commiſſioner, and ſo

Where Meetings to be held.

from Time to Time as there ſhall be Occaſion, until both of the ſaid Commiſſioners ſhall be preſent: Provided, that all Meetings of the ſaid Commiſſioners for putting this and the ſaid recited Act into Execution, ſhall be held within either of the ſaid Pariſhes, or within Eight Miles of either of them.

Other Notices how to be made.

V. And be it further enacted, That all other Notices neceſſary or requiſite to be made or given by the ſaid Commiſſioners, ſhall be ſo made and given by Advertiſement in ſome one of the Newſpapers printed and circulated in the ſaid County of *Suffolk*.

Survey.

VI. Provided always, and be it further enacted, That nothing in this or the ſaid recited Act contained, ſhall oblige the ſaid Commiſſioners to cauſe a Survey or Map to be made of the ſaid Pariſhes of *Mettingham* and *Bungay Trinity*, or either of them, but only of ſuch Parts thereof as they ſhall find or deem neceſſary for aſcertaining and ſetting out the Lands or Grounds to be allotted by virtue of this Act.

Commiſſioners to ſettle Diſputes,

VII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted, or claiming to be intereſted in the ſaid intended Diviſion and Allotment, touching or concerning the reſpective Rights, Intereſts, and Shares which they or any of them ſhall claim to have, of, in, or to the Lands and Grounds hereby directed to be divided and allotted, or touching or concerning any Objection to any ſuch Claim or Claims, or any other Matter or Thing relating to the ſaid Diviſion and Allotment, it ſhall be lawful for the ſaid Commiſſioners and Umpire, and they reſpectively are hereby authorized and required to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Lands or other Hereditaments whatſoever: Provided alſo, that within Ten Days after any Objection or Objections ſhall be delivered to the ſaid Commiſſioners, or either of them, or their Clerk, to any Account or Claim which ſhall be made in purſuance of the ſaid recited Act or this Act, the ſaid Commiſſioners ſhall give or cauſe to be given, Notice of ſuch Objection or Objections to the Perſon or Perſons, Body or Bodies Politic or Corporate, by whom ſuch Account or Claim was made.

but not Titles.

Notice to be given of Objections to Claims.

Power to aſſeſs Coſts.

VIII. And be it further enacted, That in caſe the ſaid Commiſſioners or Umpire ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be made in purſuance of this or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners and Umpire, and they reſpectively are hereby empowered, upon Application made to them or him for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they or he ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall 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

Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to try Rights by an Iſſue at Law.

IX. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims of or to any Lands, Rights of Common, or other Intereſts in, over, or upon the Lands hereby directed to be divided and allotted, or any Part thereof, or any Objection or Objections to any ſuch Claim or Claims, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners or Umpire at the next or at the following Aſſizes to be holden for the ſaid County of *Suffolk* next after ſuch Determination ſhall be made, and for that Purpoſe the Perſon or Perſons who ſhall be ſo diſſatisfied ſhall within One Calendar Month next after ſuch Determination, cauſe an Action to be brought in one of His Majeſty's Courts of Record at *Weſtminſter*, upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies who ſhall appear thereto, and accept one or more Iſſue and 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 whomſoever, 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 after ſuch Verdict or Verdicts ſhall be obtained and not ſet aſide by the Court, the ſaid Commiſſioners ſhall act in conformity thereto, and allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided always, that the Determination of the ſaid Commiſſioners or Umpire, touching ſuch Claim or Claims of or to any Lands, Rights of Common, or Intereſts in, over, or upon the Lands hereby directed to be divided and allotted, or any Part thereof, which ſhall not in due Time be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties.

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.

Allowing Actions to be brought after the Deaths of Parties.

XI. Provided alſo, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any Action or Actions ſhall have been brought,

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 reſpectively, who might have brought ſuch Action 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 Notice of ſuch Action or Actions in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall 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.

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

XII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners for the Time being to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties, ſave and except in Caſes of Encroachment as herein-after mentioned, but in caſe the ſaid Commiſſioners ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Diſputes about Titles not to impede the Execution of this Act.

XIII. And be it further enacted, That if any Suit or Suits ſhall be commenced or proſecuted touching or concerning the Title in or to any Lands or other Hereditaments in the ſaid Pariſhes, or either of them, ſuch Suit or Suits ſhall not impede, delay, hinder, or prevent the ſaid Commiſſioners from proceeding in the Execution of the Powers veſted in them by this and the ſaid recited Act, but the ſaid Diviſion, Allotment, and Incloſure ſhall be proceeded in notwithſtanding ſuch Suit or Suits, and the Allotment or Allotments to which any ſuch Suit or Suits ſhall relate may be had and taken by the Perſon or Perſons who, upon the Determination of ſuch Suit or Suits, ſhall become entitled to the ſame.

For extinguiſhing or ſuſpending Rights of Common before the Award.

XIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized, at any Time or Times before the Execution of their Award, by Notice in Writing under their Hands, to order and direct all or any of the Rights of Common or other Rights whatſoever, in, over, and upon the ſaid Commons and Waſte Lands, or any Part thereof, to be extinguiſhed, or the Exerciſe thereof ſuſpended for and during ſuch Time or Times as ſhall be expreſſed in ſuch Writing, which Notice in Writing ſhall be affixed on the principal Door of the Pariſh Church or Churches in which ſuch Extinguiſhment or Suſpenſion ſhall be intended to take place; and that all ſuch Rights as the ſaid Commiſſioners ſhall by ſuch Notice order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall from the Time of affixing ſuch Notice on the ſaid Church Doors reſpectively as aforeſaid, or from ſuch Time as ſhall be ſpecified in ſuch Notice or Notices reſpectively for that Purpoſe determine, and be extinguiſhed, or the Exerciſe thereof be ſuſpended accordingly, any Law, Uſage, or Cuſtom to the contrary notwithſtanding.

XV. And

Encroachments within Twenty Years to be allotable;

XV. And be it further enacted, That all Encroachments which at any Time within Twenty Years now laſt paſt have been made upon the ſaid Commons and Waſte Lands hereby directed to be divided and allotted, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly; and that no ſuch Encroachments which ſhall have been made for Twenty Years or more ſhall be liable to the Claim of any other Perſon againſt the preſent Poſſeſſor, on the Ground of ſuch Encroachment having heretofore been Part of the ſaid Commons and Waſte Lands, and in caſe any Diſpute ſhall ariſe touching any ſuch Encroachments, or the Extent or Duration thereof, ſuch Diſputes ſhall be ſettled and determined by the ſaid Commiſſioners.

for Twenty Years confirmed.

XVI. Provided always, that nothing in this Act contained ſhall extend to prejudice, diminiſh, or diſturb the Right or Poſſeſſion of any Perſon or Perſons whomſoever to any Encroachment upon the ſaid Commons and Waſte Lands which ſhall have been made within Twenty Years now laſt paſt, by virtue of any Licence or Grant from the Lord or Lady, Lords or Ladies, of any of the above-mentioned Manors having Authority to grant the ſame; and which Licence, Conſent, or Grant ſhall, before the paſſing of this Act, have been duly entered in the Court Books of ſuch Manor or Manors reſpectively; and that no Perſons in Poſſeſſion of any Lands which ſhall have been incloſed within the ſaid Time of Twenty Years now laſt paſt, and with ſuch Licence or Grant, and entered or enrolled as aforeſaid, ſhall be entitled to any Allotment in reſpect thereof under or by virtue of this Act; and that no Perſon or Perſons who at the paſſing of this Act ſhall be in the Poſſeſſion of any Encroachments heretofore made by virtue of any ſuch Licence 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 ſaid Commons and Waſte Lands.

Power to ſtop up, divert, or turn old Roads.

XVII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, with the Concurrence and Order of any Two Juſtices of the Peace for the ſaid County of *Suffolk*, in ſuch Manner and ſubject to ſuch Appeal as in the ſaid recited Act is mentioned, to divert, alter, or change any Public Roads or Footways, paſſing or leading into, through, or over any of the incloſed Lands within the ſaid Pariſh, or to ſtop or diſcontinue ſuch of the ſaid Roads or Footways as to them ſhall appear uſeleſs and unneceſſary, and ſuch Public Roads as ſhall be diſcontinued ſhall be deemed Part of the Lands to be divided and allotted by virtue of this Act.

Preſent Roads not to be ſtopped up until new Roads made.

XVIII. Provided always, and be it further enacted, That none of the preſent Roads, Ways, Paths, or Paſſages within the ſaid Pariſhes, ſhall be ſhut up, diverted, turned, or diſcontinued until the Roads, Ways, Paths, and Paſſages which ſhall be intended to remain or be the public Roads, Ways, Paths and Paſſages in future ſhall be ſet out, in ſuch Manner as by the ſaid recited Act is directed, and until the ſame ſhall be properly formed and made ſafe and convenient for Paſſengers, Horſes, Carts, and Carriages.

Allotment for Right of Soil.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required in the Firſt Place to ſet out, allot, and award

award unto the reſpective Lord or Lords, Lady or Ladies of the ſeveral Manors herein-before mentioned, ſome or one of them, or unto the Lord or Lords, Lady or Ladies of any other Manor or Manors, being the Owner or Owners of the Soil of the ſaid Commons and Waſte Lands in the ſaid ſeveral Pariſhes of *Mettingham* and *Bungay Trinity*, ſuch Parts and Parcels of the ſame Commons and Waſte Lands as in the Judgment of the ſaid Commiſſioners ſhall be equal in value to One Fifteenth Part of the ſaid Commons and Waſte Lands (after deducting thereout the Public Roads), which Allotment or Allotments ſhall be a full Recompence, Compenſation, and Satisfaction for the Rights of ſuch Lord or Lords, Lady or Ladies reſpectively, in and to the Soil of the ſaid Commons and Waſte Lands.

Allotment of the Reſidue.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, in the next Place, to ſet out, allot, and award all the Reſidue and Remainder of the ſaid Open and Common Fields, Dole Meadows, Commons, Waſtes, and other Commonable Lands by this Act directed to be divided and allotted in Manner following; (that is to ſay), all the ſaid Open and Common Fields and Dole Meadows unto and amongſt all and every Perſon and Perſons, Bodies Politic, Corporate or Collegiate, who at the Time of making ſuch Allotment ſhall be ſeized of, or entitled to any Lands, Common Rights, or Hereditaments therein, in ſuch Quantities, Shares, and Proportions as the ſaid Commiſſioners ſhall deem and adjudge to be equivalent to their ſaid ſeveral and reſpective Lands, Common Rights, and other Rights and Intereſts therein; and all the ſaid Commons, Waſtes, and other Commonable Lands unto the ſeveral Owners of antient Meſſuages, Cottages, Tofts, Lands, or Hereditaments reſpectively, having Right of Common or other Intereſts in or upon the ſaid Commons, Waſtes, and other Commonable Lands, according to their ſeveral and reſpective Eſtates and Intereſts therein, and that the ſaid Commiſſioners may allot Lands in any of the Open and Common Fields, Dole Meadows, Commons, Waſtes, or other Commonable Lands, in lieu of Lands, Common or other Rights, in any other of the Open and Common Fields, Dole Meadows, Commons, Waſtes, or other Commonable Lands; and all ſuch Allotments ſhall be laid as convenient for Occupation with the Meſſuages, Cottages, Homeſteads, and incloſed Lands belonging to the reſpective Owners in the ſaid Pariſhes as the general Convenience of ſuch Owners will admit of.

For fencing Allotments.

XXI. And be it further enacted, That the ſaid ſeveral Allotments which ſhall be ſet out and made by virtue of this Act, ſhall be incloſed, hedged, ditched, and fenced, and ſuch Arches, Drains, Bridges, and Watercourſes made thereon, within ſuch Time and in ſuch Manner as the ſaid Commiſſioners ſhall in and by their ſaid Award order, direct, and appoint; and the Hedges, Ditches, Fences, Arches, Drains, and Watercourſes, which ſhall be made purſuant to the ſaid Award, ſhall at all Times thereafter be maintained, ſupported, ſcoured out, and kept in Repair, by and at the Expence of the Proprietors of or Perſons intereſted in ſuch of the Allotments to be made by virtue of this Act as the ſaid Commiſſioners ſhall direct or appoint in and by their Award, or by any Writing ſigned by them prior to the Execution of their Award.

XXII. And

Proprietors may ſell their Allotments before the Award, and their Common Rights ſeparately.

XXII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, ſell, demiſe, ſurrender, mortgage, limit, convey, and aſſure the ſame for all or any Part of his, her, or their Eſtate or Intereſt therein or Right thereto, at any Time before the Execution of the Award of the ſaid Commiſſioners; and every ſuch Gift, Grant, Bargain, Sale, Demiſe, Surrender, Mortgage, Limitation, Conveyance, and Aſſurance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and allotted, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparately and diſtinctly from the Eſtate in Right of which they, he, or ſhe are or is entitled to the ſame, in the ſame Manner as they, he, or ſhe might have done at any Time after the Execution of the ſaid Award.

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

XXIII. And be it further enacted, That all the Lands and Grounds which ſhall be aſſigned, ſet out, and allotted unto any Perſon or Perſons by virtue and in purſuance of this Act, or of the ſaid recited Act, for or in reſpect of any Meſſuages, Cottages, Lands, Tenements, or Hereditaments, holden by Copy of Court Roll of any Manor or Manors, or for or in reſpect of any Leaſehold Meſſuages, Lands, Tenements, or Hereditaments, or for or in reſpect of any Right of Common, or any other Right or Intereſt, appurtenant or appendant to any ſuch Copyhold or Leaſehold Premiſes, ſhall, from and after the Execution of the Award of the ſaid Commiſſioners, be deemed and taken to be Copyhold or Leaſehold, and ſhall be held as ſuch by and under the ſame Tenure, Rents, Payments, Fines, Suits, Cuſtoms, and Services as the Copyhold and Leaſehold Meſſuages, Cottages, Lands, Tenements, or Hereditaments reſpectively, for and in reſpect whereof ſuch Allotments ſhall be made, are now holden; and that ſuch Parts of the ſame Commons and Waſte Lands as ſhall be allotted unto any Perſon or Perſons by virtue of this Act, in reſpect of any Meſſuages, Cottages, Lands, Tenements, and Hereditaments which are Copyhold, ſhall be deemed and taken to be Copyhold, and ſhall be ſubject to, and the Owner or Proprietor, Owners or Proprietors thereof, ſhall pay to the Lord or Lords, Lady or Ladies of the Manor or Manors of which ſuch Copyhold Meſſuages, Cottages, Lands, Tenements, or Hereditaments are holden, a yearly Quit Rent at and after the Rate of One Penny for every Acre of Land which ſhall be allotted in reſpect of ſuch Copyhold Meſſuages, Cottages, Lands, Tenements or Hereditaments, over and above the preſent Quit Rent paid for the ſame; and that all or any Perſon or Perſons to whom ſuch Copyhold Land and Premiſes ſhall be allotted as aforeſaid, ſhall, within Six Calendar Months next after the Execution of the ſaid Award, be admitted Tenant or Tenants to the ſame, without paying any Fine or other Charges to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the ſaid Manor or Manors (ſave and except for the Stamp Duties and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the reſpective Steward or Stewards of the ſaid Manor or Manors as the ſaid Commiſſioners ſhall by their Award, or any Writing under their Hands, order and direct); but in caſe the

Perſon or Perſons to whom ſuch Lands and Premiſes ſhall be allotted, ſhall die without Admiſſion within the ſaid Six Calendar Months, then the cuſtomary Fines and other Payments ſhall be due and payable on the Admiſſion of the Perſon or Perſons then entitled to ſuch Lands and Premiſes; and after every ſuch Firſt Admiſſion as aforeſaid, the Copyhold Premiſes ſo to be allotted as aforeſaid, ſhall at all Times be held under and ſubject to the ſame Tenures, Fines, and other Payments, as the preſent Copyhold Meſſuages, Cottages, Lands, Tenements, or Hereditaments, in lieu or in reſpect whereof ſuch Lands and Premiſes were allotted, are now held under, and are ſubject to, together with the ſaid Quit Rent, after the Rate of One Penny Yearly for every Acre of Land allotted in reſpect of the Commonable Meſſuages, Cottages, Lands, Tenements, or Hereditaments, and the ſaid Commiſſioners ſhall by their ſaid Award, and by the Plan or Map to be thereto annexed, determine, deſcribe, and abut the Meſſuages, Cottages, Lands, Tenements, and Hereditaments reſpectively, which are to be or remain Copyhold or Leaſehold, and all other Meſſuages, Cottages, Lands, Tenements, and Hereditaments to be allotted by virtue of this Act, or the ſaid recited Act (ſave and except ſuch as ſhall be ſo aſcertained by the ſaid Commiſſioners to be Copyhold or Leaſehold), ſhall be from thenceforth deemed, taken, or enjoyed as Freehold Meſſuages, Cottages, Lands, Tenements, and Hereditaments, ſubject nevertheleſs to ſuch Free Rents and Services as are now payable out of the reſpective Meſſuages, Cottages, Lands, Tenements, or Hereditaments, for or in reſpect whereof they ſhall or may be allotted.

For allowing Exchanges to be made.

XXIV. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners to ſet out, allot, and award any Lands, Tenements, or Hereditaments within the ſaid Pariſhes of *Mettingham* and *Bungay Trinity*, or either of them, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments, within the ſaid Pariſhes of *Mettingham* and *Bungay Trinity*, or either of them, or within any adjoining Pariſh, Hamlet, or Townſhip, provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, and be made with the Conſent and Approbation of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, and Hereditaments, which ſhall be ſo exchanged (whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives), or with the Conſent of the Guardians, Truſtees, Feoffees for Charitable or other Uſe or 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 and Approbation to be teſtified in Writing, under the Common Seal of any Body Politic, Corporate or Collegiate, and under the Hands of the other conſenting Parties reſpectively), and all and every ſuch Exchange and Exchanges ſo to be made, ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Meſſuages, Lands, Tenements, or Hereditaments, held in right of any Church, Chapel, or other Eccleſiaſtical Benefice,

Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Meſſuages, Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall be and be ſituate: Provided always, that all Coſts, Charges, and Expences attending the making of any Exchanges or Partitions, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner and Proportions as the ſaid Commiſſioners ſhall by their ſaid Award order and direct.

Tenants to give up allotted Lands on having Satisfaction.

XXV. And be it further enacted, That every Tenant and Occupier of any Lands, Tenements, or Hereditaments, which ſhall be allotted by virtue of this Act, except Leſſees holding under beneficial Leaſes, ſhall immediately after the ſigning of the Award of the ſaid Commiſſioners, or at ſuch other Time as the ſaid Commiſſioners ſhall, by any Writing under their Hands, appoint, give, reſign, and deliver up the full and peaceable Poſſeſſion of ſuch allotted Lands, Tenements, or Hereditaments to the Perſon or Perſons to whom the ſame ſhall be reſpectively allotted; but the reſpective Tenants or Occupiers of ſuch allotted Lands, Tenements, or Hereditaments, ſhall receive from the reſpective Owners or Proprietors thereof, ſuch Satisfaction and Recompence as the ſaid Commiſſioners ſhall aſcertain, order, direct, or appoint to be paid to ſuch Tenant or Occupier, Tenants or Occupiers reſpectively, on account thereof, as an Equivalent for the Loſs or Loſſes he, ſhe, or they ſhall reſpectively ſuſtain thereby; and if the Money ſo to be aſcertained as aforeſaid ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Ten Days after Demand ſhall be made thereof, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby required to raiſe and levy the ſame for the Uſe and Benefit of the Perſon or Perſons entitled thereto, by ſuch Ways and Means as the Coſts, Charges, and Expences of obtaining and executing this Act, can or may be raiſed and levied.

Satisfaction to be made to Tenants for Loſs of Common Rights.

XXVI. And be it further enacted, That in all Caſes where an Allotment or Allotments of any Part of the ſaid Open and Common Fields, Dole Meadows, Commons, and Waſte Grounds, ſhall be made for or in reſpect of the Right of Common belonging to any Meſſuages, Cottages, Lands, or Hereditaments within the ſaid Pariſhes of *Mettingham* and *Bungay Trinity*, or either of them, which are held by any Tenants or Occupiers for a Term of Years, at Rack or Extended Rent, now ſubſiſting by virtue of any Leaſe or Agreement thereof made, and ſuch Tenants or Occupiers do not or ſhall not come to an Agreement with the Perſon or Perſons to whom ſuch an Allotment ſhall be made, for the Uſe and Occupation thereof, ſuch Tenants or Occupiers ſhall not be entitled to enter upon, occupy, or hold the ſaid Allotment or Allotments, but ſhall nevertheleſs have and receive from the reſpective Owners or Proprietors thereof ſuch an Abatement from the yearly Rent or Rents reſerved and made payable in and by ſuch Leaſe or Leaſes, Agreement or Agreements, for the Remainder of the Term or Terms at Rack or Extended Rent now ſubſiſting, then to come therein, as the ſaid Commiſſioners ſhall adjudge to be a reaſonable Compenſation to him, her, or them, for the Right of Common which hath been accuſtomed to be uſed and exerciſed by ſuch Tenants or Occupiers, and which ſhall be extinguiſhed by this Act.

XXVII. Provided

This Act not to affect Wills or Settlements.

XXVII. 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, Deed, or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance upon or affecting any of the Messuages, Cottages, Lands, Tenements, or Hereditaments within the said several Parishes of *Mettingham* and *Bungay Trinity*, or either of them, or which shall be allotted or exchanged by virtue of this Act, or the said recited Act, or any Part or Parts thereof respectively, but that each and every Proprietor and Owner shall stand and be seised of the several Messuages, Cottages, Lands, Tenements, or Hereditaments, which shall be allotted to or exchanged with him or her as aforesaid, to such and the same Uses, for such and the same Estates, and subject to such and the same Wills, Jointures, Rents and Charges, and no other, as the Messuages, Cottages, Lands, Tenements and Hereditaments, whereof such Proprietor and Owner shall be seised or possessed at or immediately before the Execution of the said Award, or for which, or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by, in case this Act had not been made.

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

XXVIII. And be it further enacted, That the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of surveying, measuring, planning, valuing, dividing, and allotting the Lands and Grounds hereby directed to be divided and allotted, and of preparing and inrolling the said Award, and of the Copies thereof, and all the Charges and Expences of the said Commissioners, their Clerk, Assistants and Servants, and all other necessary Charges and Expences of the several Persons to be employed by the said Commissioners in and about the Premises, either before or after the Execution of the said Award, and all Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out and appointed by the said Commissioners, and all other Expences of carrying this Act and the said recited Act into Execution (save and except the Expences of such Exchanges and Partitions as are herein-before mentioned), shall be borne, paid, and defrayed by the several Persons, and Body and Bodies Politic, Corporate, or Collegiate, to whom any Allotment or Allotments shall be made by virtue of this Act, which said Costs, Charges, and Expences, together with the Shares and Proportions thereof to be paid by the several Persons, and Body or Bodies Politic, Corporate or Collegiate, hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioners, and shall be paid at such Time and Place to such Person or Persons, and in such Manner as the said Commissioners shall direct or appoint.

Allowance to Commissioners.

XXIX. And be it further enacted, That each of the said Commissioners for the Time being shall be paid the Sum of Three Guineas, and no more, for every Day he shall be employed in, or travel or be from Home, for the Purpose of executing the Powers and Authorities by this and the said recited Act in them reposed, over and besides his reasonable Travelling Expences, and all other Expences occasioned by his Attendance at such Meetings.

XXX. Provided

Proprietors to pay their own Expences at Meetings.

XXX. Provided always, That the ſeveral Proprietors intereſted in the Lands and Grounds hereby directed to be divided and allotted, and all Perſons claiming to be intereſted therein, and their ſeveral Attornies or Agents, ſhall pay their own Expences when they ſhall attend the ſaid Commiſſioners at any of their ſaid Meetings.

Money advanced for the Act to be repaid with Intereſt.

XXXI. And be it further enacted, That if any Perſon or Perſons ſhall advance and pay any Money for defraying the Coſts, Charges and Expences of preparing, obtaining, and executing this Act, the Money ſo advanced ſhall be repaid by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame.

Commiſſioners Accounts.

XXXII. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing thereof), the Commiſſioners acting in the Execution of this Act ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them received and expended, or due to them for their Trouble and Expences in the Execution of this Act, and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Suffolk* (not intereſted in the ſaid Diviſion and Allotment), to be by him examined and balanced, and ſuch Balance ſhall by ſuch Juſtice be ſtated in the Book of Accounts, to be kept in the Office of the Clerk to the ſaid Commiſſioners, and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice.

Commiſſioners Award.

XXXIII. And be it further enacted, That within the Time which is by the ſaid recited Act limited for the Enrolment of the Award thereby directed to be made by the ſaid Commiſſioners, a true Copy of the ſaid Award, written upon Parchment, and ſigned and atteſted by the ſaid Commiſſioners to be a true Copy thereof, together with a proper Map or Plan thereto annexed, ſhall be delivered to the Clerk of the Peace for the ſaid County of *Suffolk*, who is hereby required to depoſit and keep the ſame amongſt the Records of the ſaid County, ſo that Recourſe may be had thereto by any Perſon or Perſons intereſted in the Premiſes; for the Reception whereof the Fee of Two Guineas ſhall be paid, and for the Inſpection and Peruſal whereof the Sum of One Shilling and no more ſhall be paid; and the ſaid Award ſhall from and after the Delivery of ſuch Copy thereof, ſo ſigned and atteſted as aforeſaid, to the ſaid Clerk of the Peace, be deemed and taken to be enrolled, according to the Direction and within the Meaning of the ſaid recited Act; and the ſaid Award, and the ſaid Copy thereof, or any other Copy thereof, or of any Part thereof, atteſted by the ſaid Commiſſioners, or by the ſaid Clerk of the Peace or his Deputy (for which Copy no more ſhall be paid than Sixpence *per* Sheet, each Sheet containing Seventy-two Words), ſhall from Time to Time and at all Times be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatſoever; and the original Award, with a Map or Plan thereto annexed, ſhall be depoſited and kept in ſuch One of the Pariſh Churches of *Mettingham* and *Bungay Trinity* aforeſaid, as the ſaid Commiſſioners ſhall direct.

Appeal to the Seſſions.

XXXIV. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are herein-before, and as are therein declared to be final or concluſive, and except in ſuch Caſes as are directed or authorized to be tried, ſettled, or determined by an Iſſue at Law, as herein-before mentioned) then and in every ſuch Caſe, he, ſhe, or they may appeal to the Juſtices at the General Quarter Seſſions of the Peace, which ſhall be holden in and 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 Fourteen Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes) at their ſaid General Quarter Seſſions, or at any future Seſſions to which ſuch Appeal may be adjourned, are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order, and award ſuch Coſts and Damages, as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus, (if any,) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of ſuch 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 His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous or 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.

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

Evidence Clauſe.

XXXVI. 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 that 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.