ANNO QUADRAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 78.

An Act for dividing, allotting, and incloſing the Common Heaths, Marſhes, Fens, and Waſte Lands, within the ſeveral Pariſhes of *Somerleyton*, *Blundeſton*, and *Lound*, in the County of *Suffolk*.

[11th *June* 1803.]

WHEREAS there are within the Pariſhes of *Somerleyton*, *Blundeſton*, and *Lound*, in the County of *Suffolk*, divers Common Heaths, Marſhes, Fens, and Waſte Lands, containing by Eſtimation Nine hundred Acres or thereabouts: And whereas *Thomas Anguiſh* Eſquire, a Lunatick, is Lord of the ſeveral Manors of *Somerleyton*, *Blundeſton Hall*, and *Gunviles* in *Blundeſton* and *Lound*, within which the ſaid ſeveral Pariſhes of *Somerleyton*, *Blundeſton*, and *Lound*, are ſituated, and as ſuch is ſeiſed of and entitled to the Soil of all the ſaid Common Heaths, Marſhes, Fens, and Waſte Lands, within the ſaid Pariſhes: And whereas the ſaid *Thomas Anguiſh* is alſo Patron of the ſeveral Rectories and Pariſh Churches of *Somerleyton* and *Blundeſton* aforeſaid; and the Reverend *John Love* is the preſent Rector thereof, and entitled to all the Great and Small Tythes yearly ariſing, renewing, growing, and increaſing, in, upon, and from all the tytheable Places, Lands, and Grounds, within the ſaid Pariſhes, or to certain Moduſes in lieu thereof: And whereas the ſaid *Thomas Anguiſh* is alſo Patron of the Rectory and Pariſh Church of *Lound*, aforeſaid; and the Reverend *Norton Nicholls* is the preſent Rector thereof, and entitled to all the Great and Small Tythes yearly ariſing, renewing, growing, and increaſing, in, upon, and from all the tytheable Places, Lands, and Grounds, within the ſaid Pariſh: And whereas the ſaid *Thomas Anguiſh* and *Cammant Money*, *Thomas Morſe* and *Nathaniel Rix*, Eſquires,

and ſeveral other Perſons, are Owners and Proprietors of divers ancient Commonable Meſſuages and Cottages, and Tofts (being the Scites of ancient Commonable Meſſuages or Cottages) with the Lands, Tenements, and Appurtenances thereto belonging, within the ſaid Pariſhes, and have in reſpect thereof a Right of Common, or are poſſeſſed of other Rights and Intereſts in, to, over, and upon the ſaid Common Heaths, Marſhes, Fens, and Waſte Lands, within the ſaid Pariſhes reſpectively: 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, Fens, and Waſte Lands, in their preſent open and uncultivated State yield very little Profit; but if divided and allotted unto and amongſt the ſeveral Perſons having Right of Common thereon, or being otherwiſe intereſted therein, might be incloſed, cultivated, and improved; but ſuch Diviſion, Incloſure, and Improvement, cannot be made without the Aid of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid Common Heaths, Marſhes, Fens, and Waſte Lands, ſhall be ſet out, divided, allotted, and incloſed, in Manner hereinafter mentioned; and that *Henry Jermyn* of *Sibton* in the ſaid County of *Suffolk*, Eſquire, *Robert Boyden* of *North Cove* in the ſaid County of *Suffolk*, Gentleman, and *James Sayers* of *Great Yarmouth* in the County of *Norfolk*, Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Common Heaths, Marſhes, Fens, and Waſte Lands, and for putting this Act in Execution, in the Manner, and ſubject to the Rules, Orders, and Directions, herein contained, and alſo ſubject to the Powers and Proviſions of the ſaid recited Act, except where the ſame are hereby varied and altered.

Commons to be incloſed.

Appointment of Commiſſioners.

Two Commiſſioners may act.

II. Provided always, and be it further enacted, That all Powers, Authorities, Directions, Acts, Matters, and Things, thereby or hereby veſted in them, or authorized or directed to be done or executed by or before the ſaid Commiſſioners, may be done and executed by or before any Two of them; and the ſame ſhall be as valid and effectual, as if done and executed by or before all the ſaid Commiſſioners.

Election of new Commiſſioners.

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

IV. And

Allowance to Commissioners.

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

Advertisements in Newspapers.

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

Notice of Meetings.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required to give or cause to be given publick Notice in the several Parish Churches of *Somerleyton*, *Blundeston*, and *Lound* aforesaid, upon some *Sunday* immediately after the Time of Divine Service, or by Advertisement to be inserted in the *Ipswich Journal* or some other publick Newspaper to be circulated in the said County of *Suffolk*, of the Time and Place of their First and every other Meeting for executing the Powers hereby vested in them Ten Days at the least before every such Meeting (Meetings by Adjournment only 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 due Notice to the others or other of the said Commissioners, and so on from Time to Time as often as there shall be Occasion, until Two or more of the said Commissioners shall be present.

Where Meetings to be held.

VII. And be it further enacted, That all Meetings of the said Commissioners for putting this Act into Execution, shall be held at *Lowestoft* in the said County of *Suffolk*, or within the Distance of Eight Miles from the said Parishes of *Somerleyton*, *Blundeston*, and *Lound*; and that the Proprietors interested in the said Heaths, Marshes, Fens, and Waste Lands, and all Persons claiming to be interested therein, shall pay their own Expences, and the Charges and Expences of their Agents and Attornies, when they shall attend the said Commissioners at any of their said Meetings.

Commissioners may shorten Boundaries.

VIII. And be it further enacted, That after the said Commissioners shall have perambulated, set out, ascertained, and fixed the Boundaries of the said Common Heaths, Marshes, Fens, and Waste Lands; and also the general Boundaries between the said several Parishes of *Somerleyton*, *Blundeston*, and *Lound*, and the several Parishes to the same respectively adjoining, under the Powers and Regulations, and in Conformity to the Act herein-before mentioned, that it shall and may be lawful for the said Commissioners; and they are hereby empowered, if they see fit, with the Consent of the Lord of the Manor and of the Majority of the Proprietors of Lands in the adjoining Parishes, to shorten and vary the said Boundaries

daries in such Manner as to them the said Commissioners shall appear most advantageous to all Parties.

To prevent breaking Soil of the Commons without Leave.

IX. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, from and after the passing of this Act, until the Execution of the Award of the said Commissioners, to cut, dig, pare, grave, break up, flay, or carry away the Turf, Flags, or Soil, upon or from the said Common Heaths, Marshes, Fens, and Waste Lands, or any Part thereof, or to fell, lop, top, cut down, take, or carry away any Trees, Shrubs, Bushes, Thorns, Ling, Furze, or Whins, growing thereon, without the Licence or Consent of the said Commissioners in Writing under their Hands first had and obtained (which Licence or Consent the said Commissioners are hereby empowered to grant, under such Rules, Orders, Regulations, and Restrictions, as they shall think proper to insert therein); and if any Person or Persons shall, after the passing of this Act, and before the Execution of the said Award, cut, dig, pare, grave, break up, flay, or carry away any Turf, Flags, or Soil, from any Part of the said Heaths, Marshes, Fens, and Waste Lands, or fell, lop, top, cut down, take, or carry away any Trees, Shrubs, Bushes, Thorns, Ling, Furze, or Whins, growing or being in or upon the same, without such Licence or Consent as aforesaid, or having obtained such Licence and Consent shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions, therein contained, every such Person being convicted thereof, either by his, her, or their own Confession, or upon the Oath of One or more credible Witness or Witnesses, before any Justice of the Peace for the said County of *Suffolk*, not being interested in the said Heaths, Marshes, Fens, and Waste Lands (and which Oath such Justice is hereby authorized to administer, and to summon the Person 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 nor less than Five Shillings; 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 the Overplus (if any) after deducting the Charges of such Distress and Sale, to the Owner of such Goods and Chattels; and such Penalty when paid or levied, shall be applied by the said Commissioners for the Purposes of this Act.

Disputed Claims to be heard and determined by the Commissioners.

X. And be it further enacted, That if any Claim of Right of Common or other Right or Interest in or to the said Heaths, Marshes, Fens, and Waste Lands, intended to be divided, allotted, and inclosed, by virtue of this Act, shall, by Writing to be delivered to the said Commissioners at such Time as shall be by them appointed for that Purpose, in pursuance of the said herein-before recited Act, be objected to by any Person or Persons claiming to be interested in the said Heaths, Marshes, Fens, and Waste Lands, and the Party or Parties making such Claim shall persist therein, then the said Commissioners shall and they are hereby required, at a Meeting to be by them held for that Purpose, of which they shall give publick Notice at least Ten Days before the Time of holding the same, by Examination of Witnesses upon Oath, and by such other Evidence, Ways, and Means, as they shall think proper, to hear and determine the Matter of every such Claim so made and objected to and persisted in as aforesaid; and the said Commissioners shall and they are hereby empowered and required

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

Persons dissatisfied may try Claims at Law.

XI. Provided always, and be it further enacted, That in case any Person or Persons, Bodies Politick or Corporate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any such Claim or Claims of Common or other Rights or Interests, in, to, over, or upon the said Heaths, Marshes, Fens, 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, Bodies Politick 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*, upon a feigned Issue; and for that Purpose the Person or Persons Bodies Politick or Corporate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months after such Determination of the said Commissioners; and the Defendant or Defendants in such Action is and are hereby required forthwith to appear to such Action, accept a Declaration, and plead to Issue (such Issue to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties 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, Body and Bodies Politick, Corporate, or Collegiate, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and that after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, or Tenements whatsoever.

If any of the Parties die Proceedings not to abate.

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

Determination of the Commissioners to be

XIII. Provided always, and be it further enacted, That all such Orders and Determinations of the said Commissioners as shall have been made as aforesaid,

final unless Parties proceed at Law.

aforesaid, with respect to such Claim, 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.

Encroachments since 1773, to be deemed Part of the Lands to be allotted.

XIV. And be it further enacted, That all Encroachments which have been made upon the said several Heaths, Marshes, Fens, and Waste Lands, hereby intended to be divided and inclosed, at any Time since the Year One thousand seven hundred and seventy-three, shall be deemed Part of the Lands to be divided and allotted by virtue of this Act; save and except such Parts thereof as have been inclosed by virtue of a Licence in Writing, under the Hand of the Lord or Lady of any of the said several Manors of *Somerleyton*, *Blundeston Hall*, and *Gunvile* in *Blundeston*, and *Lound*, and duly entered or inrolled in the Court Books or Rolls of such Manor or Manors respectively; but no Person or Persons, in Possession of any Land which has been so inclosed from the said Commons and Waste Lands within the Time aforesaid, shall be entitled to any Allotment in respect thereof under or by virtue of this Act.

Power to sell Encroachments where Buildings are erected to the Owners.

XV. And be it further enacted, That in case any Cottages, Huts, or other Buildings, shall have been erected upon any Part of the said Heaths, Marshes, Fens, or Waste Lands, or upon any Encroachments which shall have been made thereon at any Time since the Year One thousand seven hundred and seventy-three, without such Licence as aforesaid, then the said Commissioners are hereby authorized and empowered, in case they shall think fit, to make Sale and dispose of such Encroachment whereon such Cottages or other Buildings shall stand, or such other Parts of the said Commons and Waste Lands in lieu thereof, as they the said Commissioners shall think most proper and convenient (not exceeding the Quantity of such Encroachments respectively) to the Owners of such Cottages or other Buildings, or any of them respectively, at such Price or Prices as they the said Commissioners shall deem fair and reasonable; and in and by their Award to set out, allot, and convey the same to such Purchaser or Purchasers, his, her, or their Heirs accordingly; and the Monies arising from such Sale or Sales shall be applied in and towards the Payment of the Expences attending the passing and executing this Act; but if the Owner or Owners of any such Cottages or other Buildings shall refuse to purchase their respective Encroachments, at the Price or Sum which the said Commissioners shall value the same at, or shall refuse or neglect to pay the respective Purchase Monies thereof at such Time and Place as the said Commissioners shall for that Purpose direct, then and in such Case it shall and may be lawful for the said Commissioners to pull down, or cause to be pulled down, such Buildings respectively, and convert the Materials thereof for the general Purposes of this Act.

No Cattle to be depastured in Highways for Seven Years.

XVI. And be it further enacted, That no [illegible] or Persons shall graze or keep any Sort of Cattle whatsoever in or upon any of the publick Roads or Ways which the said Commissioners shall order and direct to be set out and fenced on both Sides, for the Space of Seven Years next after the making and executing of their Award, under a Penalty not exceeding Ten Shillings nor less than Five Shillings for every such Beast, Horse, Ass, Sheep, or Lamb, which shall be found therein, to be paid to the Person or Persons who shall take and impound the same; and every Proprietor or Occupier of Lands

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and Tenements within any of the said several Parishes, and their and every of their Servants and Labourers, is and are hereby empowered to take and impound every such Beast, Horse, Ass, Sheep, or Lamb, which shall be so found grazing as aforesaid, at any Time or Times after any Quicksets shall be planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Seven Years.

Allotments for Clay, Gravel, and Sand Pits.

XVII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, in the First Place, to set out and allot such Part or Parcels of the Lands and Grounds hereby intended to be divided and inclosed, as they shall think proper in each of the several Parishes of *Somerleyton*, *Blundeston*, and *Lound* aforesaid, as and for publick Clay, Gravel, and Sand Pits, with convenient Roads to and from the same, to be used by the Proprietors of Lands and Estates in the said several Parishes respectively, and their respective Tenants, as well for their own necessary Uses within the said Parishes only, in such Manner, and under such Rules and Regulations, as the said Commissioners shall by their Award direct or appoint, as in common for the Repairs of the publick and private Roads within the same Parishes; and that such Allotments shall be vested in the Surveyors of the Highways of the said several Parishes of *Somerleyton*, *Blundeston*, and *Lound* respectively, in Trust for the Purposes aforesaid; and from Time to Time to let the same (subject to such Right of taking Clay, Gravel, and Sand therefrom) for the best Rents that can be gotten for the same, and to apply the Profits thereof towards the Repairs of the publick Roads and Ways within the said several Parishes respectively.

Allotment to the Lord for Right of Soil.

XVIII. And be it further enacted, That the said Commissioners shall, in the next Place, assign, set out, and allot unto the said *Thomas Anguish*, his Heirs and Assigns, so much and such Parts of the Residue of the said Heaths, Marshes, Fens, and Waste Lands, in each of the said several Parishes of *Somerleyton*, *Blundeston*, and *Lound* aforesaid (after deducting therefrom the said Roads, and Clay, Gravel, and Sand Pits), as in the Judgement of the said Commissioners shall be equal in Value to One Seventeenth Part thereof, and the same Allotments shall be in full Compensation and Recompence to the said *Thomas Anguish*, for his Right as Lord of the said several Manors respectively, in and to the Soil of all the said Heaths, Marshes, Fens, and Waste Lands.

Allotments for the Poor.

XIX. And be it further enacted, That the said Commissioners shall also assign, set out, and allot, unto the said *Thomas Anguish*, his Heirs and Assigns, being Lord or Lords, Lady or Ladies, of the said several Manors of *Somerleyton*, *Blundeston Hall*, and *Gunviles* in *Blundeston*, and *Lound* respectively, and to the respective Rectors, Churchwardens, and Overseers of the Poor of the said several Parishes of *Somerleyton*, *Blundeston*, and *Lound*, for the Time being, and to their respective Successors, for the Use and Benefit of the poor Persons residing within the said several Parishes respectively, such Part or Parts of the said Heaths, Marshes, Fens, and Waste Lands, hereby intended to be divided, allotted, and inclosed, as the said Commissioners shall think fit; which Allotments, when set out, shall be and the same shall be deemed to be, vested in the Lord or Lords, Lady or Ladies of the said several Manors within which the said Parishes respectively lie, and the Rector, Churchwardens, and Overseers of the Poor of each of the said several Parishes respectively for the Time being, for ever,

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upon Truſt that they the ſaid Lord or Lords, Lady or Ladies, Rectors, Churchwardens, and Overſeers of the Poor of the ſaid ſeveral Pariſhes reſpectively, and their Succeſſors for the Time being, or the major Part of them, ſhall, and they or the major Part of them are hereby authorized, empowered, and required, by any Deeds or Writings under their reſpective Hands and Seals, or otherwiſe, from Time to Time to demiſe and let by publick Auction, the ſaid Lands ſo to be allotted to them reſpectively as aforeſaid, or ſuch Part and Parts thereof as the ſaid Commiſſioners in their Award ſhall order and direct to be let (and One Month's publick Notice of ſuch Auction ſhall be given upon a *Sunday*, in the Pariſh Church of each of the ſaid ſeveral Pariſhes reſpectively, immediately after Divine Service), for any Term not exceeding Fourteen Years, as they ſhall think proper, for the beſt or moſt improved Rent that can be reaſonably gotten for the ſame, without taking any Income, Fine, Premium, or Foregift, in Conſideration of any ſuch Leaſe, and under and ſubject to ſuch Covenants and Agreements as they ſhall think proper; and all ſuch Deeds and Writings ſhall be good and valid in the Law; and the Rents and Profits ariſing from ſuch Lands, ſhall from Time to Time be paid to the Rectors, Churchwardens, and Overſeers of the Poor of each of the ſaid ſeveral Pariſhes for the Time being, and be by them applied for the Uſe and Benefit of ſuch poor Perſons in the Purchaſe of Coals or other Fuel, to be diſtributed to them at ſuch Times and in ſuch Manner as the ſaid Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overſeers of each of the ſaid ſeveral Pariſhes reſpectively, or the major Part of them for the Time being, ſhall think moſt beneficial; and as to ſuch Part and Parts of the ſaid Lands as ſhall not be by the ſaid Commiſſioners directed to be ſo let, it ſhall be lawful for the ſaid Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overſeers of each of the ſaid ſeveral Pariſhes reſpectively for the Time being, or the major Part of them, and they are hereby empowered, from Time to Time and at any Time when they ſhall think fit, to appropriate ſuch Part of the Lands ſo to be allotted to them as aforeſaid, and not by the ſaid Commiſſioners directed to be let, or any Part or Parts thereof, for the growing of Whins, Broom, Ling, or Heath, or for the digging or cutting of Peat, Turf, or Flag, or for raiſing of any Vegetables, or for any other Uſes or Purpoſes whatſoever, which they the ſaid Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overſeers of the ſaid ſeveral Pariſhes reſpectively for the Time being, or the major Part of them, ſhall think moſt needful and beneficial for ſuch poor Perſons reſpectively as aforeſaid, and in ſuch Shares and Proportions, and under and ſubject to ſuch Rules, Orders, and Regulations, as they the ſaid Lord or Lords, Lady or Ladies, Rector, Churchwardens, and Overſeers of the ſaid ſeveral Pariſhes reſpectively for the Time being, or the major Part of them, ſhall from Time to Time think fit and proper, and which they are hereby authorized and empowered to make and alter for that Purpoſe, when and as often as they ſhall think neceſſary: Provided nevertheleſs, that no Perſon or Perſons, who ſhall occupy Lands and Tenements in the ſaid Pariſh of *Somerleyton*, of more than the yearly Rent or Value of Six Pounds, ſhall be entitled to receive any Coals or other Fuel to be purchaſed as aforeſaid, or to have, cut, or take any Turf or Firing ſo to be ſet out as aforeſaid for the Poor of the ſaid Pariſh of *Somerleyton*: Provided alſo, that the ſaid Truſtees for the Poor of the ſaid Pariſh of *Somerleyton*, ſhall from Time to Time, before diſtributing the ſaid Coals or other Fuel, or ſetting out the ſaid Turf or Firing, call a Meeting of the principal Inhabitants of the ſaid Pariſh; and the ſaid

Truſtees,

Truſtees, and ſuch of the principal Inhabitants as ſhall attend ſuch Meeting, ſhall make ſuch Diſtribution or Apportionment as aforeſaid.

Allotment of Reſidue.

XX. And be it further enacted, That after all the Allotments herein-before mentioned ſhall be made, the ſaid Commiſſioners ſhall then aſſign, ſet out, and allot, all the Reſidue and Remainder of the ſaid Heaths, Marſhes, Fens, and Waſte Lands, unto and amongſt the ſaid *Thomas Anguiſh*, *Cammant Money*, *Thomas Morſe*, *Nathaniel Rix*, and all other Perſons intereſted therein at the Time of ſuch Diviſion, Allotment, and Incloſure, in Proportion and according to their reſpective Rights of Common, and other Rights and Intereſts in, to, and over the ſaid Heaths, Marſhes, Fens, and Waſte Lands, ſo to be divided and incloſed as aforeſaid (other than and except ſuch Rights and Intereſts for which a Compenſation is herein-before directed to be made as aforeſaid), and in Proportion to the real yearly Value of the ſeveral Meſſuages, Cottages, and Toſts, with the Lands, Tenements, and Appurtenances thereto reſpectively belonging, and of all other Rights and Intereſts in right of which ſuch Allotment ſhall be made, ſubject to the Rules, Orders, and Directions contained in this Act.

Diſputes to be ſettled by the Commiſſioners.

XXI. And be it further enacted, That in caſe any Diſpute or Difference ſhall ariſe between any of the Parties touching the reſpective Shares and Proportions of the ſaid Lands and Grounds hereby intended to be divided, allotted, and incloſed, which they or any of them ought to have in lieu of their Rights of Common, or other Rights or Intereſts, in, over, and upon the ſame, or touching any Timber, Wood, or Buſhes, growing upon the ſaid Lands or Grounds, or touching or concerning any Encroachment which ſhall have been committed thereon, or touching or concerning any other Matter or Thing relating thereto, it ſhall be lawful for the ſaid Commiſſioners to examine into, hear, and determine the ſame, in like Manner, and by the like Ways or Means, as they are herein-before authorized and empowered to hear and determine any Claims which ſhall be delivered to them in Writing, and objected to by any Perſon or Perſons claiming to be intereſted in the ſaid Heaths, Marſhes, Fens, and Waſte Lands: Provided always, that when the ſaid Commiſſioners ſhall have adjudged and declared the reſpective Shares, Rights, and Intereſts, to be allotted to the ſaid Owners and Proprietors reſpectively, of and in the ſaid Heaths, Marſhes, Fens, and Waſte Lands, to be divided by virtue of this Act, they the ſaid Commiſſioners ſhall give Notice in ſuch Manner as is herein-before directed with reſpect to their Meetings, of ſome convenient Time and Place when and where all Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and may take a Copy of ſuch Schedule, or any Part thereof: And in regard that ſome Perſon or Perſons may be diſſatisfied with their intended Allotments, the ſaid Commiſſioners ſhall give Notice as aforeſaid of a Meeting to be held by them for receiving Complaints or Objections to ſuch intended Allotments, and for hearing and determining ſuch Complaints and Objections, and the Determination of the ſaid Commiſſioners in the Premiſes ſhall be final, binding, and concluſive, upon all Parties and all Perſons intereſted therein.

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

XXII. And be it further enacted, That all ſuch Parts of the ſaid Heaths, Marſhes, Fens, and Waſte Lands, as ſhall be aſſigned or allotted unto any Perſon or Perſons by virtue of this Act, for or in reſpect of any Meſſuages, Cottages, or Toſts, Lands, Tenements, and Hereditaments, which are holden by Copy of Court Roll of any of the ſaid ſeveral Manors of *Somerleyton*, *Blundeſton Hall*, and *Gunviles* in *Blundeſton* and *Lound*, ſhall be deemed and

and taken to be Copyhold of the ſaid ſeveral Manors reſpectively (ſave and except ſuch Allotments to be made in reſpect of any ſuch Copyhold as aforeſaid, which ſhall contain in the Whole leſs than One Rood) and ſhall be ſubject and liable to, and the Proprietors thereof reſpectively for the Time being, ſhall pay to the Lord or Lords, Lady or Ladies, of the ſaid ſeveral Manors reſpectively for ever, a yearly Quit Rent, at and after the Rate of One Penny for every Acre of the ſaid Lands and Grounds which ſhall be allotted in reſpect of ſuch Copyhold Meſſuages, Cottages, or Tofts, Lands, Tenements, and Hereditaments, and ſo in Proportion for any leſs Quantity than an Acre; and the ſeveral Perſons to whom ſuch Copyhold Allotments ſhall be made as aforeſaid, ſhall, within the Space of Six Calendar Months next after the Execution of the Award of the ſaid Commiſſioners, or at the Firſt General Court Baron to be holden for each of the ſaid ſeveral Manors reſpectively, next after the Expiration thereof, be admitted Tenants to the ſame Allotments reſpectively, without paying any Fines or other Charges to the Lord or Lords, Lady or Ladies, or to the Stewards of any of the ſaid ſeveral Manors (ſave and except the Stamp Duties, and Parchment requiſite to be uſed for the Copies of ſuch Admiſſions reſpectively, and ſuch reaſonable Fees to the Stewards of the ſaid Manors reſpectively, as the ſaid Commiſſioners ſhall in and by their ſaid Award order and direct); but in caſe any Perſon or Perſons, his, her, or their Heirs or Aſſigns, to whom any ſuch Copyhold Allotment or Allotments ſhall be made, ſhall neglect or refuſe to be admitted Tenant thereto within the ſaid Six Calendar Months, or at the Firſt General Court Baron to be holden for each of the ſaid ſeveral Manors next after the Expiration thereof, then it ſhall and may be lawful to and for the Lord or Lords, Lady or Ladies, of the ſaid ſeveral Manors reſpectively for the Time being, to take and uſe all ſuch Meaſures for compelling ſuch Admiſſion or Admiſſions to the ſaid Allotment or Allotments reſpectively, as the ſaid *Thomas Anguiſh* is now by Law, and according to the Cuſtoms of the ſaid ſeveral Manors, empowered to take and uſe for want of a Tenant to any Lands, Tenements, and Hereditaments, holden by Copy of Court Roll of the ſaid ſeveral Manors reſpectively; and in ſuch caſe the ſame Fines, Fees, and other Payments ſhall be due and payable on ſuch Admiſſion or Admiſſions reſpectively, as the Lord or Lords, Lady or Ladies, and Stewards of the ſaid reſpective Manors are now by Law, and the Cuſtoms of the ſame Manors reſpectively, entitled to take and receive upon Admiſſions to any Lands, Tenements, or Hereditaments, holden by Copy of Court Roll of the ſaid ſeveral Manors reſpectively; and that from and after the Firſt Admiſſion, all the ſaid Copyhold Allotments ſhall for ever thereafter be held under and ſubject to the ſame Fines and Services as the ſaid Copyhold Lands and Tenements reſpectively, in reſpect whereof ſuch Allotments ſhall be made, are now ſubject and liable to, together with the ſaid Quit Rent at and after the Rate of One Penny *per* Acre yearly; and that all other Parts of the ſaid Heaths, Marſhes, Fens, and Waſte Lands, as ſhall be aſſigned or allotted unto any Perſon or Perſons by virtue of this Act, for and in reſpect of any Freehold or Leaſehold Meſſuages, Cottages, or Tofts, Lands, Tenements, and Hereditaments, ſhall be deemed and taken to be Freehold and Leaſehold, and ſhall be held and enjoyed as ſuch accordingly, ſubject nevertheleſs to ſuch Rents, Payments, Cuſtoms, and Services, as the reſpective Lands and Tenements in reſpect whereof the ſame ſhall be aſſigned or allotted, are now ſubject and liable to.

Wills and Settlements not to be affected.

XXIII. 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,

alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Lands or Grounds to be divided, allotted, and incloſed, as aforeſaid, or any Part or Parts thereof, reſpectively; but that each and every Proprietor ſhall ſtand and be ſeiſed of the Allotment and Allotments to be aſſigned and made to him, her, or them, as aforeſaid, of which ſhall be given or taken in Exchange, or of which Partition ſhall or may be made in purſuance of the before recited Act, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Limitations, Truſts, Charges, and Incumbrances, and no other, as the ſame Meſſuages, Lands, Tenements, and Hereditaments, for or in reſpect whereof ſuch Allotments, Exchanges, or Partitions, ſhall be made, would have been ſubject or liable to be charged with or affected by in caſe the ſame had remained unincloſed, unexchanged, or no Partition had been made as aforeſaid.

Allotments to the Rectors; for the Uſe of the Poor; and for any School, to be fenced at the general Expence.

XXIV. And be it further enacted, That the ſeveral Allotments of the ſaid Common Heaths, Marſhes, Fens, and Waſte Lands, which may be made to the Rectors of the ſaid ſeveral Pariſhes of *Somerleyton*, *Blundeſton*, and *Lound*, in purſuance of this Act, for or in reſpect of any Meſſuages or Glebe Lands belonging to the Churches of the ſaid ſeveral Pariſhes; and the ſaid Allotments herein-before directed to be made to the ſaid Surveyors of the Highways, and for the Benefit of the poor Perſons of *Somerleyton*, *Blundeſton*, and *Lound* as aforeſaid; and all other Allotments which may be made in purſuance of this Act to any Truſtee or Truſtees, Feoffee or Feoffees of any School, or of any charitable, pious, or publick Inſtitution in any of the ſaid ſeveral Pariſhes, ſhall be incloſed and fenced in with ſuch Ditches, Hedges, Mounds, or other Fences, as the ſaid Commiſſioners ſhall think proper, and the ſeveral Expences thereof raiſed and paid in like Manner as the Expences of obtaining this Act and of carrying the ſame into Execution are herein-after directed to be raiſed and paid; and that all ſuch Hedges, Ditches, Mounds, and Fences, when made, ſhall for ever thereafter be maintained and ſupported by and at the Expence of the Rectors of the ſaid ſeveral Pariſhes for the Time being reſpectively, and with and out of the Profits and Produce of the ſaid reſpective Allotments which may be made to the ſaid Surveyors, the Truſtees of the Poor of the ſaid ſeveral Pariſhes reſpectively, or to the Truſtee or Truſtees, Feoffee or Feoffees of ſuch School, or of any charitable, pious, or publick Inſtitution within the ſaid ſeveral Pariſhes reſpectively; and that all the other Allotments of the ſaid Heaths, Marſhes, Fens, and Waſte Lands hereby intended to be divided and allotted, ſhall be incloſed and fenced with proper Ditches, Hedges, Mounds, or other Fences, to be made and at all Times thereafter repaired by and at the Expence of the ſeveral Perſons to or for whom the ſame ſhall be reſpectively allotted, within ſuch Time and in ſuch Manner as the ſaid Commiſſioners ſhall in and by their Award, or by any Writing under their Hands, previous thereto, direct or appoint: Provided always, that in caſe it ſhall happen that any Perſon or Perſons, to whom any Allotment or Allotments of the ſaid Heaths, Marſhes, Fens, and Waſte Lands ſhall be made under this Act, ſhall have more than an equal and proportionable Share of Boundary Fences to make and raiſe to incloſe the ſame, it ſhall be lawful for the ſaid Commiſſioners, where they ſhall judge it proper, having due Regard to the Quantity and Value of each and every Allotment, and to the neceſſary Subdiviſions to be made thereon, to aſcertain and appoint ſuch Sum of Money to every ſuch Proprietor, towards making ſuch Fences by ſuch other

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of the ſaid Proprietors, who under the ſaid Regulations may have leſs than an equal Proportion of fencing allotted to them, or otherwiſe to make ſuch Allowance out of the publick or general Expences to be raiſed by virue of this Act, as they ſhall think reaſonable, in order that the ſaid Boundary Fences may be brought as near as may be to a juſt and equal Proportion.

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

XXV. And be it further enacted, That the ſaid *John Love* and *Norton Nicholls*, Rectors of the ſaid ſeveral Pariſhes of *Somerleyton*, *Blundeſton*, and *Lound* aforeſaid, and their Succeſſors, Rectors of the ſaid ſeveral Pariſhes for the Time being reſpectively, ſhall be and they are hereby reſpectively empowered to aſk, demand, ſue for, recover, and receive, of and from every Occupier, Owner, or Proprietor of the ſeveral Allotments to be made by virtue of this Act, from which they ſhall be reſpectively entitled to receive Tythes, for, in lieu, and full Satisfaction of, all the Great and Small Tythes which ſhall yearly ariſe, renew, increaſe, or be produced in and upon ſuch Allotments reſpectively, in the firſt Six Years next after the ſame ſhall be incloſed, or the Award of the ſaid Commiſſioners ſhall be made, ſuch Sum and Sums of Money annually, and no more, as the ſaid Commiſſioners ſhall in and by their ſaid Award, or ſome other Inſtrument or Schedule under their Hands, order, direct, or appoint to be paid, for or in reſpect of ſuch Tythes reſpectively; and from and after the Expiration of the ſaid Six Years, the ſaid Rectors reſpectively for the Time being, ſhall be entitled to receive and take in Kind all and all Manner of Great and Small Tythes ariſing or coming or which ſhall ariſe or come off or from the ſame Allotments from which they ſhall be reſpectively entitled to receive Tythes as aforeſaid, and every or any of them.

Leſſees of Lands may hold Allotments.

XXVI. And be it further enacted, That it ſhall and may be lawful for all and every Leſſee or Leſſees of any Lands, Tenements, or Hereditaments, entitled to Right of Common upon the ſaid Heaths, Marſhes, Fens, and Waſte Lands, by virtue of any Leaſe or Leaſes, or other Agreement for any Time or Times therein, to hold and enjoy ſuch Allotment or Allotments as ſhall be made in reſpect of ſuch Lands, Tenements, or Hereditaments, by him, her, or them, ſo held or enjoyed, for and during all ſuch Time and Term as he, ſhe, or they ſhall or may have to come and unexpired of ſuch former holding, upon paying ſuch further or advanced Rent or Rents to their reſpective Leſſors or Landlords, and under and ſubject to ſuch Orders and Regulations reſpecting the Tillage and Management thereof, as ſhall be aſcertained and determined by the ſaid Commiſſioners, and be ſpecified in and by ſome Inſtrument or Inſtruments in Writing under their Hands, to be made at the Expence of ſuch Leſſee or Leſſees reſpectively, which Rent or Rents ſhall be paid at ſuch Time or Times, and in ſuch Manner, as the ſaid Commiſſioners ſhall by ſuch Inſtrument or Inſtruments reſpectively appoint; and ſuch Leſſor or Leſſors, Landlord or Landlords, ſhall have ſuch Powers and Remedies for the recovering and obtaining ſuch additional Rent, as he, ſhe, or they had, or was or were entitled to have had for obtaining and recovering the original Rent reſerved by ſuch Leaſe or Leaſes, or other Agreements; and in caſe any ſuch Leſſee or Leſſees, who ſhall hold any ſuch Lands, Tenements, or Hereditaments at Rack Rent, ſhall not, within One Calendar Month next after the Date of ſuch Inſtrument or Inſtruments as aforeſaid, give Notice in Writing of his, her, or their Intention of holding the Allotment or Allotments ſo to be made in reſpect of the ſaid Lands, Tenements, or Hereditaments, and thereby agree to pay for the ſame ſuch Rent or Rents as the ſaid Commiſſioners ſhall have ſo appointed to be paid

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to the Leſſor or Leſſors, Landlord or Landlords thereof (ſuch Notice to be left at his, her, or their laſt or moſt uſual Place or Places of Abode) that then and in ſuch Caſe the Allotment or Allotments ſo to be made in right of the ſaid Lands, Tenements, and Hereditaments reſpectively, leaſed to or agreed to be held by ſuch Leſſee or Leſſees ſo neglecting or refuſing to give Notice as aforeſaid, ſhall go and remain unto, and be held and enjoyed by his, her, or their reſpective Leſſors or Landlords, freed and diſcharged of and from all Right and Intereſt of ſuch reſpective Leſſees.

Expence of Exchanges to be borne by the Parties.

XXVII. And be it further enacted, That all the Coſts, Charges, and Expences, attending all and every Exchange or Exchanges, Partition or Partitions, of any Meſſuages, Lands, Tenements, and Hereditaments, which ſhall or may be made by the ſaid Commiſſioners, under and by virtue of the Powers and Authorities of the ſaid herein-before recited Act, ſhall be borne and paid by the ſeveral Parties between whom the ſame ſhall be made reſpectively.

Expences of the Act how to be paid.

XXVIII. And be it further enacted, That the ſeveral Sums of Money herein-before directed to be paid to the ſaid Commiſſioners for their Trouble and Attendance in the Execution of this Act, over and beſides their reaſonable and neceſſary Expences, and to the Surveyor or Surveyors to be appointed by them for ſurveying and admeaſuring, planning and mapping the ſaid Heaths, Marſhes, Fens, and Waſte Lands, to be divided, allotted, and incloſed, by virtue of this Act, and the Lands, Tenements, and Hereditaments, in reſpect whereof a Right of Common or other Right or Intereſt thereon or therein ſhall be claimed, and alſo the Coſts and Charges in any way occaſioned by, incident to, and attending the obtaining and paſſing this Act, and of valuing, dividing, and allotting the ſaid Heaths, Marſhes, Fens, and Waſte Lands, and of preparing and inrolling the Award of the ſaid Commiſſioners, and all other neceſſary Expences of the ſeveral Perſons employed by the ſaid Commiſſioners in and about the Premiſes, and of all publick Works, and all other Coſts, Charges, and Expences of carrying this Act into Execution, ſhall be borne and defrayed by the ſeveral Perſons to whom Allotments ſhall be made by virtue of this Act (other than and except the Rectors, and the Surveyors of the Highways of the ſaid ſeveral Pariſhes of *Somerleyton*, *Blundeſton*, and *Lound*, for and in reſpect of the Allotments to be made to them, and the ſeveral Perſons to whom the ſaid Allotments for the Benefit of the ſaid poor Perſons, Schools, and other charitable, pious, or publick Inſtitutions, ſhall be made as aforeſaid, 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 Commiſſioners, and ſhall be paid by them the ſaid Proprietors reſpectively, at ſuch Time or Times as they the ſaid Commiſſioners ſhall think proper, and in and by their Award mention and appoint for that Purpoſe.

Commiſſioners may borrow Money to pay Expences.

XXIX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt, of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money as ſhall from Time to Time be neceſſary for defraying the Charges and Expences of paſſing this Act, and carrying the ſame 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.

Commissioners to lay their Accounts before Two Justices Once in every Year.

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

Power of Appeal.

XXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act (other than and except such Orders and Determinations of the said Commissioners as are directed to be final, binding, and conclusive, and except in such Cases wherein an Issue at Law shall be tried as herein-before mentioned), then and in every such Case he, she, or they, may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Suffolk* at *Beccles* aforesaid, within Four Calendar Months next after the said Cause of Complaint shall have arisen, on giving the said Commissioners, or the Party or Parties intended to be appealed against, Ten 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 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.

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

XXXIII. And

XXXIII. And be it further enacted, that this Act shall be printed by the Printer to the King's most Excellent Majesty, and when so printed may be given in Evidence in all Courts of Justice, and before all Judges and Justices whomsoever, who shall take judicial Notice thereof in like Manner as if the same had been declared to be a publick Act. For printing the Act by the King's Printer.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN Printers to the King's most Excellent Majesty. 1803.