



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 219.

An Act for inclosing Lands in the Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard*, in the County of *Suffolk*. [26th June 1811.]

WHEREAS there are within the Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard*, in the County of *Suffolk*, divers Open Fields called Whole-year Lands and Half-year Lands, Commons, Commonable Lands, Heaths and Waste Grounds: And whereas the Reverend *Robert Kedington* Clerk is Lord of the Manor of *Morris*, alias *Moreves*, alias *Great Waldingfield-with-Storks Nest*; *James Goodeve Sparrow* Esquire is Lord of the Manor of *Sandesfords*, alias *Samfords*, alias *Sanderfords*; and *George Ruffell* Gentleman claims to be Lord of the Manor of *Brandiston Hall*, in the said Parish of *Great Waldingfield-cum-Chilton*: And whereas *Sir Edmund Bacon* Baronet is Lord of the Manor of *Acton*, extending into the said Parish of *Great Waldingfield-cum-Chilton*; and the said *James Goodeve Sparrow* is also Lord of the Manor of *Abbas Hall* in *Great Cornard*; and *Thomas Fitch* Gentleman is Lord of the Manor of *Great Greys*, in the said Parish of *Great Cornard*, and do severally claim to be entitled to or interested in the Soil of the said Commons, Heaths, and Waste Grounds: And whereas the Master and Fellows of *Clare Hall*, in the University of *Cambridge*, are Patrons of the Rectory and Parish Church of *Great Waldingfield* aforesaid, and *Frederica Marina Cecilia Windham*, Widow, is Patron of the Rectory or Parish

[Loc. & Per.]

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Church

Church of *Chilton* aforesaid; and the said *James Goodeve Sparrow* is Patron of the Parish Church of *Great Cornard* aforesaid, and also Impropiator of the Great Tythes arising within the said Parish of *Great Cornard*, or of a Portion thereof: And whereas *Francis Crefwell* Clerk is Rector of the Rectory and Parish Church of *Great Waldingfield* aforesaid, and as such is entitled to certain Houses and Glebe Lands situate in the said Parish of *Great Waldingfield*, and is also entitled to the Great and Small Tythes arising within the same Parish: And whereas *Paul Colombine*, Doctor in Divinity, is Rector of the Rectory and Parish Church of *Chilton* aforesaid, and as such is entitled to certain Houses and Glebe Lands situate in *Chilton* aforesaid, and is also entitled to the Great and Small Tythes arising within the same: And whereas *Charles Edward Holden* Clerk is Vicar of the Vicarage and Parish Church of *Great Cornard* aforesaid, and as such is entitled to certain Houses and Glebe Lands situate in the said Parish of *Great Cornard*, and is also entitled to a Portion of the Great Tythes, and to all the Small Tythes arising within the said Parish: And whereas the Right Honourable *Thomas Lord Walsingham*, and the said *Robert Kedington*, *James Goodeve Sparrow*, *Frederica Marina Cecilia Windham*, *George Ruffell*, *Barrington Syer* Clerk, *Thomas Fitch*, *Sir Edmund Bacon* Baronet, *Job Hanmer* Esquire, and divers other Persons respectively, are Owners and Proprietors of the Messuages, Cottages, Lands and Hereditaments, situate, lying and being within the several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard* aforesaid: And whereas the said Open Fields, Whole-year Lands, and Half-year Lands, lie intermixed and dispersed in small Parcels, and are therefore inconvenient to the several Occupiers, and of less Value to the respective Proprietors thereof; and the said Commons, Commonable Lands, Heaths and Waste Grounds are subject to certain Rights of Common, of Pasture, and other Commonable Rights and Interests, and in their present State and Condition yield but little Profit; and it would be very advantageous to the several Persons interested in the Premises, if the said Common of Pasture and other Rights and Interests were extinguished, and if the said Lands and Grounds were divided and inclosed, and specific Parts or Shares thereof allotted to the several Persons entitled to and interested therein, according to their respective Rights, Estates and Interests; but such Division, Inclosure and Allotment cannot be effected without the Authority of Parliament: 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*; 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 *John Fosselyn* the Younger, of *Sproughton*, in the said County of *Suffolk*, Gentleman, and his Successor, to be elected in Manner herein mentioned, shall be, and he is hereby appointed a Commissioner for dividing, allotting, and inclosing, the said Open Fields, Whole-year Lands, and Half-year Lands, Commons, Commonable Lands, Heaths, and Waste Grounds, and for carrying this Act into Execution, subject to the Rules, Orders and Directions herein contained, and also subject to the Powers and Provisions of the said recited Act (except where the same are hereby varied or altered).

Commission-
er.

II. And

II. And be it further enacted, That if the said *John Josselyn*, or any future Commissioner, shall die, refuse, or become incapable to act in the Execution of the Powers hereby vested in him; before the Execution of the Award to be made by the said Commissioner, it shall be lawful for the major Part in Value of the Proprietors of Lands, Tenements, or Hereditaments, within the said Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard* (such Value to be ascertained by the Land Tax Assessment) present at any such Meeting as is hereinafter mentioned; to appoint another Person (not interested in the said intended Division and Inclosure) to be a Commissioner in the Room of every such Commissioner so dying, refusing, or becoming incapable to act; and every Commissioner so to be appointed as aforesaid shall, after taking the Oath prescribed in that Behalf, have the like Power and Authority for carrying this and the said recited Act into Execution as if he had been originally nominated a Commissioner in and by this Act.

Appointmen
of new Com-
missioners.

III. And be it further enacted, That the said Commissioner shall, and he is hereby required to cause Notice to be given of the Time and Place of the First and every other Meeting for the Execution of this and the said recited Act, by inserting such Notice in the Newspaper called the *Ipswich Journal*, or in some other Newspaper printed or circulated within the said County of *Suffolk*, Eight Days at least before every such Meeting (Meetings by Adjournment only excepted); and that all the Meetings of the said Commissioner shall be held at some Place within the said Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard*, or within Eight Miles of the Boundaries of either of the said Parishes.

Notice of
Meetings.

IV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the said Division and Allotments, touching or concerning the respective Rights and Interests which they or any of them shall have, or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division and Allotments, it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to examine into, hear and determine the same: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioner to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Commissioner to deter-
mine Dis-
putes.

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

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

VI. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to

Commissioner to assess
Costs.

him for that Purpose, to settle, assess and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the Commissioner shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; 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 Commissioner, and he is hereby authorized and required, by Warrant under his Hand, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons 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 at
Law.

VII. 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 and Allotment, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons, Commonable Lands, Heaths and Waste Grounds, or of any Rights of Common, or other Rights or Interest in, over or upon the Lands and Grounds herein directed to be divided, allotted and inclosed, or any Part thereof, and shall by himself, herself or themselves, or by his, her or their respective known Agent or Agents, Attorney or Attornies, give Notice thereof in Writing to the said Commissioner, together with the Grounds or Reasons of his, her, or their Dissatisfaction, within Six Calendar Months next after such Determination shall have been made, then, and in every such Case, (but not otherwise) 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 Commissioner, at the then next or at the following Assizes to be holden for the said County of *Suffolk*; and for that Purpose, the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioner; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried or 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 Commissioner shall, and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of
such

such Trial or Trials: Provided always, That the Determination of the said Commissioner touching such Claim or Claims of Right to the Soil of the said Commons, Commonable Lands, Heaths, and Waste Grounds, or of any Rights of Common or other Interests in, over or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to within the Time and in Manner aforesaid, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in within such Time and in Manner aforesaid, shall be final and conclusive upon all Parties.

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

IX. And be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Title of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate in or to any Manors, Messuages, Lands, Tenements, or Hereditaments, within the said Parishes, or any of them, such Suit or Suits shall not impede, delay, hinder or prevent the said Commissioner from proceeding in the Powers vested in him by this and the said recited Act; but the said Division, Allotment, and Inclosure shall be proceeded in notwithstanding any such Suit or Suits, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate who upon the Determination of such Suit or Suits shall become entitled to the same. Suit respecting Tythes not to impede the Execution of this Act.

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

XI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized at any Time or Times before the Execution of the said Award, by Notice in Writing under his Hand, to be affixed upon the principal outer Doors of the respective Parish Churches of *Great Waldingfield-cum-Chilton*, and *Great Cornard* aforesaid, to order and direct all or any Part of the Rights of Common in, over, Rights of Common to be extinguished.

or upon the said Open Fields, Whole-year Lands, Half-year Lands, Commons, Commonable Lands, Heaths, and Waste Grounds, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time as shall be expressed in such Writing; and that all such Rights of Common as the said Commissioner shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Doors, respectively cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage or Custom to the contrary thereof notwithstanding.

Turfs, &c.
not to be cut
without Com-
missioner's
Licence.

XII. And be it further enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act, until the Execution of the Award of the said Commissioner, to cut, dig, pare, flay or carry away, any Turf or Flags, in, upon or from the said Commons, Commonable Lands, Heaths, and Waste Grounds, or any Part thereof, without the Leave and Licence of the said Commissioner first had and obtained in Writing under his Hand; which Leave and Licence the said Commissioner is hereby empowered to grant under such Rules, Orders, Regulations, and Restrictions, as he shall think proper; and if any Person shall, after the passing of this Act, cut, dig, pare, flay or carry away any Turf or Flags, in, upon or from the said Premises, or any Part thereof, without the Leave and Licence of the said Commissioner, or having obtained such Leave and Licence, 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 or her own Confession, or upon the Oath of One credible Witness, before One of His Majesty's Justices of the Peace for the said County of *Suffolk*, not being interested, who may summon the Parties concerned, and examine Witnesses upon Oath relating to the said Complaint, shall for every such Offence forfeit and pay such Sum of Money as he the said Justice shall appoint, not exceeding the Sum of Five Pounds; 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 so offending (Demand having been first made thereof) rendering the Overplus (if any) after deducting the Costs and Charges of such Distress and Sale, to the Person so offending; and the said Penalty, when paid or levied, shall be applied by the said Commissioner to the Purposes of this Act.

Encroach-
ments.

XIII. 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, Commonable Lands, Heaths and Waste Lands, shall be deemed Part thereof, and shall be divided and allotted accordingly as Part thereof; and in case any Dispute or Difference shall arise, touching any such Encroachments, or the Extent thereof, such Dispute shall be determined by the said Commissioner.

Allotment
for Watering
Places and
Gravel Pits.

XIV. And be it further enacted, That the said Commissioner shall in the next Place, assign, set out, and allot unto the Surveyors of the Highways within the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard* respectively, such Parts of the said Commons, Commonable Lands, Heaths and Waste Grounds, hereby directed to be divided and allotted,

allotted, as the said Commissioner shall think necessary for each Parish, as and for public Watering Places for Cattle, and as and for public Sand, Gravel, Stone, Clay and Chalk Pits; and the same Allotments, when set out, shall for ever thereafter be used by the Surveyors of the Highways, and by the Proprietors of Lands, Tenements, and Hereditaments within the said Parishes respectively, and their Tenants for the Time being, in such Manner and under such Rules and Regulations as the said Commissioner shall by his said Award order, direct, or appoint.

XV. And be it further enacted, That the said Commissioner shall assign, set out, and allot unto and for the Lords or Ladies of the several and respective Manors hereinbefore mentioned; or any of them, being Owner or Owners of the Soil of the said Commons, Commonable Lands, Heaths, and Waste Grounds, such Part and Parts of the said Commons, Commonable Lands, Heaths, and Waste Grounds; as in the Judgment of the said Commissioner shall not exceed One-fifteenth, nor be less than One-twentieth Part in Value of the said Commons, Commonable Lands, Heaths, and Waste Grounds, according to their respective Rights and Interests in and to the Soil of the said Commons, Commonable Lands, Heaths, and Waste Grounds.

Allotments
to the Lords
of Manors.

XVI. And be it further enacted, That the said Commissioner shall assign, set out, and allot unto and for the Rectors and Vicar of the said Rectories and Vicarage of *Great Waldingfield cum-Chilton*, and *Great Cornard* respectively for the Time being, such Part or Parts of the said Commons, Commonable Lands, Heaths, and Waste Grounds, as in the Judgment of the said Commissioner shall be a full Equivalent and Compensation for the Rights of Common belonging or appertaining to the Parsonage Houses or Glebes of the said Rectories and Vicarage, or to the said Rectories and Vicarage respectively, according to their respective Rights and Interests in, over, or upon the said Commons, Commonable Lands, Heaths, and Waste Grounds.

Allotments
to the Rectors
in right of
Glebe.

XVII. And be it further enacted, That all and every Parcel or Parcels of Land which, in pursuance of this Act, shall be allotted unto and for the Rectors and Vicar of the said Rectories, and Vicarage, and Parish Churches respectively, for the Time being, shall be inclosed and ring-fenced in such Manner as the said Commissioner shall in and by his said Award direct or appoint; which Fences shall be made at the Expence of the several Owners of and Persons interested in the said Lands and Grounds in and by this Act directed to be divided, allotted and inclosed (except the Lords of the several Manors aforesaid, for or in respect of the Allotments to be made for their Right of Soil, and the Rectors and Vicar of the said Rectories, and Vicarage, and Parish Churches respectively) in such Shares and Proportions as the said Commissioner shall in and by his said Award order and direct; and from and after the making the said Fences, the same shall be for ever thereafter preserved, maintained and kept up by and at the Expence of the said Rectors and Vicar of the said Rectories, and Vicarage, and Parish Churches respectively.

Allotments
to Rectors to
be fenced.

XVIII. And be it further enacted, That after the several Allotments hereinbefore mentioned shall have been made, the said Commissioner shall, and he is hereby authorized and required to assign, divide, set out and

Allotment
of Residue.

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allot the Residue and Remainder of the said Lands and Grounds intended to be divided, allotted, and inclosed by this Act, unto and amongst such Person and Persons, Body or Bodies Politic, Corporate or Collegiate, being Owners and Proprietors of Messuages, Tofts, Lands, or Tenements, within the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard* respectively, as have any Right or Rights of Common, or other Rights or Interests in, over or upon the said Open Fields, Whole-year Lands, Half-year Lands, Commons, Commonable Lands, Heaths, and Waste Grounds hereby intended to be divided, allotted and inclosed (save and except the Owner or Owners, Proprietor or Proprietors of such Inclosures or Encroachments as herein mentioned in right thereof) in such Quantities, Shares, and Proportions as the said Commissioner shall award, adjudge and determine to be a just and reasonable Compensation, Share, and Allotment to him, her, or them respectively, for his, her, or their several and respective Rights and Interests in, over and upon the said Open Fields, Whole-year Lands, Half-year Lands, Commons, Commonable Lands, Heaths, and Waste Grounds in respect of and in proportion to the yearly Value of the said Messuages, Tofts, Lands, or Tenements respectively belonging to such Proprietors, or any of them.

Persons selling Allotments before Award.

XIX. Provided always, and be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the Award of the said Commissioner, sell his or her Right, Interest, or Property in, over or upon the said Commons, Commonable Lands, Heaths, and Waste Grounds, or any Part thereof, to any Person or Persons, then, and in every such Case, it shall be lawful for the said Commissioner, and he is hereby directed, authorized, and required to make an Allotment of Land unto the Vendee or Purchaser in such Sale, or to his, her, or their Heirs or Assigns, for and in respect of such Right, Interest and Property so sold as aforesaid; and every such Vendee or Purchaser, and his and her Heirs and Assigns shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same, in case such Sale had not been made, or such Right, Interest or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Allotments of Lands held under Lease.

XX. And be it further enacted, That all and every Tenant and Occupier under Lease or Agreement for any Term of Years of any of the Commons, Open Fields, Whole-year Lands, Half-year Lands, Commonable Lands, Heaths, and Waste Grounds within the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard*, or any of them, which shall be allotted or exchanged by virtue of this or the said recited Act, shall, immediately after the Execution of the Award of the said Commissioner, or within such further Time as the said Commissioner shall appoint, and whereof Notice in Writing shall be given for that Purpose, give up and resign the full and peaceable Possession of such allotted or exchanged Lands to the Person or Persons to or with whom the same shall be respectively allotted or exchanged; such respective Tenants and Occupiers of such allotted or exchanged Lands receiving from the said respective Owners and Proprietors thereof such Satisfaction in Money as the said Commissioner shall ascertain, order, direct or appoint to be paid

to

to such Tenant or Tenants 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 Fourteen Days after Demand made thereof, it shall be lawful for the said Commissioner, and he is hereby required to raise and levy the same for the Use or 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, levied, and recovered: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in either of the said Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard*, and Part in any adjoining Parish, all and every such Lease and Leases upon Rack-rent now subsisting may be vacated; but where any Lands shall be taken in Exchange, which Lands shall be under Lease and wholly situate in an adjoining Parish, the Lease of such last mentioned Lands shall not be vacated.

XXI. And be it further enacted, That all the Lands and Grounds which shall be allotted, by virtue of this or the said recited Act, to any Person or Persons, for or in respect of any Messuages, Cottages, Lands, or Grounds holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Messuages, Lands, or Tenements, or for or in respect of any Right of Sheep-walk or Shackage, or for depasturing Sheep, 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 Commissioner, be deemed and taken to be Copyhold or Leasehold, and shall be held as such by and under the same Tenure, Rents, Payments, Fines, Customs and Services as the Copyhold and Leasehold Messuages, Cottages, Lands or Tenements respectively, for or in respect whereof such Allotments shall be made, are now held; and that such Parts of the said Open Fields, Whole-year Lands, Half-year Lands, Commons, Commonable Lands, Heaths, and Waste Grounds as shall be allotted to any Person or Persons by virtue of this Act, in respect of any Commonable Messuages, Cottages, or Tofts, which are Copyhold, shall be deemed and taken to be Copyhold, and shall be subject to, and the Owner or Owners thereof shall pay to the Lord or Lords, Lady or Ladies of the Manor or Manors of which such Copyhold Messuages, Cottages, Lands, or Grounds are holden, a Quit Rent of One Penny *per Acre* for every Acre of Land which shall be allotted in respect of such Copyhold Messuages, Cottages, Lands, or Grounds over and above the present Quit Rent paid for the same; and that all and every Person or Persons to whom such Copyhold Lands and Premises shall be allotted as aforesaid, shall, within Six Calendar Months next after the Execution of the Award of the said Commissioner, be admitted Tenant or Tenants to the same, without paying any Fine or other Charge to the Lord or Lords, Lady or Ladies, or to the Steward or Stewards of the said Manor or 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 respective Steward or Stewards of the said Manor or Manors as the said Commissioner shall by his Award 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

Allotments
to be of the
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and other Payments shall be due and payable on the Admission of the Person 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 Tenure, Fines and other Payments, as the present Copyhold Messuages, Cottages, Lands, or Tenements, in lieu or in respect whereof such Lands and Premises were allotted, and now held under and subject to, together with the said Rent of One Penny yearly, for every Acre of Land allotted in respect of such Commonable Messuages, Cottages, Lands and Grounds; and the said Commissioner shall, by his said Award determine, describe and abut the Messuages, Cottages, Lands, and Grounds respectively, which are to be or remain Copyhold or Leasehold; and all other Messuages, Cottages, Lands, and Grounds to be allotted by virtue of this or the said recited Act (save and except such as shall be so ascertained by the said Commissioner to be Copyhold or Leasehold) shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Cottages, Lands, and Grounds, subject nevertheless to such free Rents and Services as are now payable out of the respective Lands, Tenements, or Hereditaments for or in respect whereof they shall or may be allotted.

Power to
make Ex-
changes.

XXII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, award, and allot any Lands, Tenements, or Hereditaments whatsoever within the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard* respectively, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said several and respective Parishes, or within any adjoining Parish, Township, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie and be situate.

XXIII. Pro-

XXIII. Provided always, and be it further enacted, That all the Expences of Exchanges by whom borne. Costs, Charges, and Expences attending the making and completing of any Exchanges and Partitions which shall be made by virtue of this or the said recited Act, shall be paid, borne and defrayed by the several Persons making such Exchanges and Partitions, in such Manner and in such Shares and Proportions as the said Commissioner shall, by his Award, or other separate Deed or Instrument order and direct; and that any extraordinary Costs, Charges, and Expences which may attend the ascertaining and setting out the Boundaries of the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard*, and each of them, shall be borne and paid by such Person or Persons, and in such Shares and Proportions, as the said Commissioner shall think interested and benefited thereby.

XXIV. And be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, to revoke, make void, alter or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances out of, upon or affecting any of the Messuages, Buildings, Lands, or Grounds to be divided, allotted, inclosed, or exchanged in pursuance of this or the said recited Act, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this or the said recited Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges and Incumbrances, and no other, as the Messuages, Buildings, Lands, Grounds and Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioner, 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. Wills and Settlements not to be affected.

XXV. And be it further enacted, That the Rectors, Impropiator, and Vicar of the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard*, and every of them respectively, and their Successors respectively for the Time being, shall, and each and every of them is and are hereby empowered to ask, demand, sue for, recover, and receive of and from every Occupier, Owner or Proprietor of the said several Allotments to be made by virtue of this Act, out of the said Open Fields, Whole-year Lands, Half-year Lands, Commons, Commonable Lands, Heaths, and Waste Grounds hereby intended to be divided, allotted, and inclosed, and from which they shall respectively be entitled to receive Tythes for, or in lieu and full Satisfaction of, all the Great and Small Tythes which shall yearly arise, grow, renew, increase or be produced in and upon such Allotments respectively, for the Space of Three Years next after the same shall be inclosed, or the Award of the said Commissioner shall be executed, the following Sums of Money; (that is to say) for and during the First of the said Three Years, the Sum of Sixpence *per* Acre; and for and during the Second Year, the like Sum of Sixpence *per* Acre; and for and during the Third Year, the Sum of One Shilling *per* Acre; and so in proportion for a less Quantity than an Acre and no more; and that from and after the Expiration of the said Three Years, the Rectors, Impropiator, Compensation for Tythes.

proprietor, and Vicar of the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard* respectively, for the Time being, shall be entitled to receive and take all and all Manner of Great and Small Tythes whatsoever yearly, coming, growing, arising, happening, renewing or increasing, or to come, grow, arise, happen, renew, or increase in, upon, from, and out of the same Allotments, and every or any of them.

No Sheep to be kept in the Allotments for Seven Years.

XXVI. And be it further enacted, That no Cattle, Sheep, or Lambs, shall be kept on any of the Allotments to be made by virtue of this Act; out of the said Open Fields, Whole-year Lands, Half-year Lands, Commons, Commonable Lands, Heaths and Waste Grounds, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so keeping the same shall first, at his, her, or their own Expence not only make and maintain a Fence sufficient to guard the young Quick Fences round such Allotments from being cropped, hurt, or damaged by such Cattle, Sheep, or Lambs, but for the better Security thereof hurdle out the same with Sheep Hurdles or other Hurdles, and whether such Quick Fences be planted or set by the Owner or Occupier of such Allotments as aforesaid, or by the Owner or Occupier of the Allotment or Allotments adjoining thereto.

Expences of Act.

XXVII. And be it further enacted, That as well the Charges and Expences of soliciting, obtaining, and passing this Act, as the Costs, Charges, and Expences of inclosing the Allotments which shall, by virtue of this Act, be made to the Rectors and Vicar of the said Rectories of *Great Waldingfield cum Chilton*, and Vicarage of *Great Cornard*, and every of them respectively, in right of their said Rectories and Vicarage respectively, and of inclosing the Allotments hereby directed to be made to the Lords of the said Manors, and the Rectors and Vicar of the said several Parishes of *Great Waldingfield-cum-Chilton*, and *Great Cornard* respectively, and of inclosing the Allotments hereby directed to be made to the Surveyors of the Highways within the said Parishes respectively; and all the Costs, Charges, and Expences incident to and attending the obtaining of this Act, and of surveying, measuring, planning, valuing, dividing, and allotting the Lands, Grounds, and Premises to be divided and allotted by virtue of this Act, and of preparing and inrolling the Award of the said Commissioner, and of the Copies thereof, and all the Charges and Expences of the said Commissioner, his Assistant, and Servants, and all other necessary Expences of the several Persons to be employed by the said Commissioner in and about the Premises, before 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 Commissioner, and all other Expences of carrying this Act into Execution, shall be borne and defrayed by the several Persons to whom any Allotment or Allotments shall be made by virtue of this Act (save and except the said Rectors and Vicar of the said several Rectories and Vicarage of *Great Waldingfield-cum-Chilton*, and *Great Cornard* respectively, for or in respect of any Allotment or Allotments which shall be made to them or any of them in right of the said Rectories or Vicarage respectively, and also save and except the Lords of the said Manors, for or in respect of the Allotment or Allotments hereby directed to be made to them as aforesaid; and also save and except the Surveyors of the Highways within the said Parishes respectively for the Time being, for or in respect of the Allotment or Allotments

Allotments hereby directed to be made to them as aforesaid); which said Costs, Charges, and Expences, together with the Proportions thereof to be paid by the several Persons hereby made liable to the Payment thereof, shall be settled and adjusted by the said Commissioner, and shall be paid at such Time and Place, and to such Person or Persons, as the said Commissioner shall appoint; and in case any Person or Persons shall neglect or refuse to pay his, her or their Proportion of such Costs, Charges, and Expences as aforesaid, within the Time, and to such Person or Persons as the said Commissioner shall appoint, then, and in such Case, the said Commissioner shall cause the same to be levied and recovered in the Manner directed by the said recited Act.

XXVIII. Provided always, and be it further enacted, That the said Proprietors, their Attornies, and Agents shall pay and defray their own Charges and Expences when they or any of them shall attend the said Commissioner at any of his Meetings to be held in pursuance of this Act. Proprietors to pay their own Expences.

XXIX. And be it further enacted, That if any of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any other Person or Persons, on his, her, or their Behalf, shall advance and pay any Money in Discharge of the Fees or other Expences of obtaining and executing this Act, the Money so paid and advanced shall be repaid and satisfied by the Direction of the said Commissioner, together with lawful or less Interest for the same. Persons advancing Money to be repaid with legal Interest.

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 passing thereof), the said Commissioner shall, and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any One or more of His Majesty's Justices of the Peace for the Time being for the said County of *Suffolk*, not interested in the Premises, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; 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 or Justices. Commissioners to lay their Accounts before a Justice of the Peace.

XXXI. And be it further enacted, That the Award to be made by the said Commissioner, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Church of *Great Cornard*. Award where deposited.

XXXII. 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 or the said recited Act (other than and except such Orders and Determinations of the said Commissioner as are herein directed to be final and conclusive, and except in such Cases wherein an Issue at Law shall be tried as hereinbefore mentioned), then, and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace which shall Appeal.

[*Loc. & Per.*]

shall be holden for the said County of *Suffolk*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Ten 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 are hereby 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 by their Order or Warrant to levy the Costs and Charges 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 the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removeable 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, 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.

XXXIII. 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 (except the several Persons, Body and Bodies Politic, Corporate, or Collegiate to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Right, Title, and Interest as they, every, or any of them, could or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or exchanged as aforesaid, before the passing of this Act, or could or might have had and enjoyed in case the same had not been made.

Evidence
Clause.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.