



ANNO PRIMO & SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. 33.

An Act for authorizing the Mayor, Aldermen, and Burgesses of the Borough of *Sudbury* in the County of *Suffolk* to release and discharge from Shackage and Commonage certain Lands within the said Borough, and for other Purposes relating to other Lands belonging to the said Borough.

[27th July 1838.]

**W**HEREAS there are in the Parish of *Saint Gregory* in the Borough of *Sudbury* in the County of *Suffolk*, or in some of the Parishes or extra-parochial Places within or adjoining the Precincts of the said Borough, certain Arable Lands, and also certain Meadow or Pasture Lands, called *North Meadow*, *Great Fulling Pit Meadow*, and *Friar's Meadow*, which are subject to the Exercise of Shackage and Commonage thereon for certain Periods of the Year, which Right of Shackage and Commonage is now and has for a great Number of Years been exercised by those Inhabitants and Burgesses to whom the said Mayor, Aldermen, and Burgesses have granted the Right of turning out Cattle on certain Common Meadow or Pasture Lands called *Little Fulling Pit Meadow*, *Portman's Croft*, and the *King's Marsh*, within the said Borough, and also certain Pasture Land called *Armsey*, in the Parish of *Bulmer* in the County of *Essex*, in consideration of a Sum of Money paid by such Burgesses for the Purchase of such Right, and also of an annual Sum of Money imposed by the said Mayor, Aldermen, and Burgesses, and varied in different Years at their Discretion, for each Head of Cattle belonging to such Burgesses: And whereas the said Mayor,

[Private.]

Empowering the Owners of Arable Lands to require the Corporation to release Rights of Shackage, &c., making Compensation in Land.

Incapacitated Persons may make Compensation in Money.

Aldermen, and Burgesses are desirous of being authorized by Parliament to release and discharge from such Shackage and Commonage the said Arable Lands, on receiving from the Owners of such Arable Lands an Equivalent for the Advantage to be derived by them in respect of such Release and Discharge, and to sell the said Pasture Land called *Armsey*, and to lay out and invest the Monies to be received in respect of such Release and Discharge and Sale in the Purchase of other Lands, as herein-after mentioned: And whereas additional Whole Year or Common Pasture Land might be provided for the Use of such Inhabitants, if the said Mayor, Aldermen, and Burgesses were authorized to accept from any Proprietor or Proprietors of such Arable Lands, as an Equivalent for the Release and Discharge of such Arable Lands from such Shackage and Commonage, a Conveyance of a Proportion thereof, or a Conveyance of other Lands which shall be eligibly situated or proper for being converted into Common Pasture Land, for the Use of such Inhabitants at all Times of the Year: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Body Corporate, Aggregate or Sole, or Person or Persons, who shall be seised or possessed of any Estate or Interest in any Arable Lands in the said Borough, or in any Parish or extra-parochial Place within or adjoining the Precincts thereof, subject to such Shackage and Commonage as aforesaid, and who shall be desirous of having his, her, or their Arable Lands released and discharged from such Rights of Shackage and Commonage, and he, she, or they is and are hereby authorized, by Requisition in Writing, containing an Offer to convey to the said Mayor, Aldermen, and Burgesses such Quantity of such Lands, or of any other Lands as herein-after mentioned, for such Release and Discharge, and specifying and describing the Lands so desired to be released from such Rights of Shackage and Commonage, and also specifying and describing the Lands and the Quantity thereof so intended to be conveyed, to require the said Mayor, Aldermen, and Burgesses to release and discharge such Arable Lands from such Rights of Shackage and Commonage; and it shall also be lawful for any Body Corporate, Aggregate or Sole, being under any legal Incapacity to convey Lands in Fee Simple, or any Body Corporate, Aggregate or Sole, or any Person or Persons, who shall be seised or possessed of any such Arable Lands for any beneficial Estate or Interest in Possession less than an immediate Estate in Fee Simple or Fee Tail, whereof they, he, or she were or was so seised or possessed on the First Day of *June* One thousand eight hundred and thirty-eight, or for the Guardians, Trustees, Committees, Husband, or Attorney of any Person who shall be seised or possessed of any such Arable Lands for any beneficial Estate or Interest in Possession whereof he or she was so seised or possessed on the said First Day of *June* One thousand eight hundred and thirty-eight, and who was on the said First Day of *June* One thousand eight hundred and thirty-eight and shall continue to be a Minor, Lunatic, Feme Covert, beyond Seas, or under other legal Disability, and they, he, or she are and is hereby authorized, by Requisition in Writing, to require the Mayor, Aldermen, and Burgesses of the said Borough of *Sudbury* to release and discharge any of the same Arable Lands respectively which shall be specified in such Requisition from all such Rights of Shackage and Commonage of the said Mayor, Aldermen, and Burgesses; and the Inhabitants of the said Borough, for a Compensation in Money; provided

provided that no Tenant at Rack Rent, or for any Term of Years whereof there shall not be Twenty-one Years unexpired, shall be authorized to make any such Requisition as last aforesaid; provided also, that any such Requisition by the Incumbent of any Rectory or Vicarage or other Benefice shall not be effectual for the Purposes of this Act without the Consent in Writing of the Bishop of the Diocese, and the Patron of such Rectory, Vicarage, or other Benefice; and any such Requisition as aforesaid may be in the Form or to the Effect following; (that is to say,)

‘ **BY** virtue of an Act passed in the First and Second Years of the  
 ‘ Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here insert*  
 ‘ *the Title of this Act*], I [or we ] being Tenant  
 ‘ [or Tenants] in Fee Simple [or Guardian or Guardians of  
 ‘ an Infant, or Trustee or Trustees, or Tenant or Tenants for Life, or  
 ‘ *such other Description, as the Case may require,*] of the Lands herein-  
 ‘ after described, do hereby require you the Mayor, Aldermen, and Bur-  
 ‘ gesses of the Borough of *Sudbury* to release and discharge [*here insert the*  
 ‘ *Description and Quantity of the Lands,*] of and from all Rights of Shack-  
 ‘ age and Commonage of yourselves and the Inhabitants of the said  
 ‘ Borough, and the Exercise thereof, in, upon, or over the said Lands,  
 ‘ according to the Directions and Provisions of the said Act; and I  
 ‘ [or we ] do hereby offer to convey to you for the Purposes  
 ‘ of the said Act the Lands herein-after mentioned, that is to say, [*here*  
 ‘ *describe the Lands intended to be conveyed,*] [or I do hereby offer to pay  
 ‘ to you the Compensation Money authorized by the said Act to be paid  
 ‘ for such Release, *as the Case may be*]. Witness my Hand, [or our  
 ‘ Hands, or our Common Seal, *as the Case may be,*] this Day  
 ‘ of in the Year of our Lord

Form of Re-  
quisition.

And which Requisition shall be delivered to or left at the usual Place of Residence in the said Borough of the Mayor or Town Clerk of the said Borough; and if the said Mayor, Aldermen, and Burgesses shall be of opinion that any Lands so offered to be conveyed shall, from Situation or otherwise, be ineligible for the Purposes of this Act, it shall not be imperative upon them to comply with such Requisition, nor to take any further Proceedings thereon; but nevertheless it shall be lawful for any such Requisitionist to make a further Requisition and new Offer, subject to the Opinion as aforesaid of the said Mayor, Aldermen, and Burgesses as to Eligibility, and so on from Time to Time *toties quoties* until Lands shall be so offered which the said Mayor, Aldermen, and Burgesses shall consider eligible for the Purposes aforesaid; and whenever the said Mayor, Aldermen, and Burgesses shall be of opinion that the Lands so at any Time offered to be conveyed shall be eligible for the Purposes hereby intended, then, and also in any Case in which any such Requisition for a Release from Shackage and Commonage for a Compensation in Money by this Act authorized as aforesaid shall be made, it shall be lawful for the said Mayor, Aldermen, and Burgesses, and they are hereby required, within Two Calendar Months after the Delivery of any such Requisition, at a Meeting of the Council of the said Borough, to be duly convened and held for that Purpose, and not being One of the quarterly Meetings of the said Council, to appoint One competent Person, not being a Member of the said Council, or resident within or interested in the Exercise of the said Shackage and Commonage, or in any Lands in the Borough of *Sudbury* or in the Precincts thereof, to be and act as Valuer for the Purposes herein-after mentioned; and such Requisitionist or Requisitionists shall also appoint One competent Person, not being resident or interested

Appointment  
of Valuers.

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as aforesaid, to be and act as Valuer for the Purposes herein-after mentioned; and such Two Valuers, before they shall proceed to act, shall appoint another competent Person, not being resident or interested as aforesaid, to be an Umpire, to act in case of any Difference in opinion between the said Two Valuers: Provided always, that it shall be lawful for the Parties so respectively authorized to appoint One Valuer as aforesaid to appoint One competent Person only to be the sole Valuer between them, if they shall think proper and agree thereon; and the said Two Valuers so appointed, or such Valuers and Umpire, in case of any such Difference of Opinion as aforesaid, or such sole Valuer (as the Case may be), shall and they or he are and is hereby authorized and empowered forthwith (in all Cases where Land shall be offered to be conveyed as aforesaid) to proceed to ascertain and determine the Value of the Land so offered, and also the Value of the Rights of Shackage and Commonage so desired to be released, and also to ascertain the Amount of the Difference in such Values (if any) which ought to be paid by any such Requisitionist or Requisitionists in respect of such Release and Discharge, and (in all other Cases where under the Provisions of this Act a Compensation in Money is authorized to be made) also to proceed to ascertain and determine the Amount of the Compensation to be paid by any Party or Parties or Person or Persons for such Release and Discharge as aforesaid, and to complete the Business of every such Valuation within Two Calendar Months after the Appointment of such Valuer or Valuers; and it shall be lawful for either of such Two Valuers, in case of any Difference of Opinion as aforesaid, to call in the Assistance of the Umpire, and thereupon the Decision or Determination of any One of such Two Valuers, jointly with such Umpire, shall be as binding and conclusive as if both of such Valuers had concurred in the Valuation: Provided always, that in all Cases where the Lands of several Owners required to be released and discharged as aforesaid are included in the same Requisition the said Lands of such several Owners respectively, and also the Rights of Shackage and Commonage to which the same are subject respectively, shall be separately valued.

Declaration to be made by Valuers.

II. Provided always, and be it further enacted, That every Valuer and Umpire to be appointed as aforesaid, before he shall be capable of acting in the Business of such Valuation, shall make and subscribe, before One of the Justices of the Peace for the said Borough, a solemn Declaration in the Form or to the Effect following; (that is to say,)

Form of Declaration.

‘ I do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Powers and Duties of a Valuer [or an Umpire, as the Case may be,] under an Act passed in the First and Second Years of the Reign of Her Majesty Queen Victoria, intituled [here set forth the Title of this Act], according to Equity and good Conscience, and without Favour or Affection, or Prejudice or Malice, to any Person or Persons whomsoever, and according to the Principles of Valuation therein prescribed.’

Principles of Valuation.

III. And be it further enacted, That the following Principles shall be observed by the Valuer or Valuers and Umpire in any Valuation to be made under the Powers or Provisions of this Act; that is to say, as to any Land which shall be offered to be conveyed as aforesaid, the Value of the Land so offered to be conveyed shall be estimated with reference to its

its being applicable to the Purposes of Agriculture, and any other beneficial Uses, and to its Locality, and with reference to all other Circumstances affecting its Value, as in ordinary Cases between Buyer and Seller, and (if the same shall be subject to such Rights of Shackage and Commonage) also with reference to the Circumstance of its being so subject thereto; and as to any Rights of Shackage and Commonage desired to be released and discharged as aforesaid, the full Value of the Lands included in any such Requisition for the Purposes of Agriculture upon the Supposition of their being exempt from the Exercise of any Rights of Shackage or Commonage thereon, and the actual Value of the same Lands for such Purposes, subject to the Mode of Culture of such Lands and the Exercise of such Rights, shall be separately estimated, and the Difference between such Values shall be taken to be the Value of the Rights of Shackage and Commonage desired to be released and discharged as aforesaid, or (as the Case may be) the Value or Amount of Compensation Money to be paid for the Release and Discharge of such Rights of Shackage and Commonage; and every such Valuation shall be made out in Duplicates in Writing, describing the several Lands so valued, and their Situation, and specifying the Quantities thereof, and the several Values aforesaid; and such Duplicates shall be signed by such Two Valuers, or in case the Umpire shall be required to act, then by One of such Two Valuers and such Umpire, or by such One Valuer, as the Case may be; and One of the said Duplicates shall be for the Use of the said Mayor, Aldermen, and Burgesses, and the other for the Use of the Party requiring the Release and Discharge of the Lands from such Rights of Shackage and Commonage.

IV. And be it further enacted, That any such said Valuers or Valuer, or Umpire (in case it shall be necessary for an Umpire to act), and their or his Agents and Servants, may at all seasonable Times enter upon the Lands purposed to be discharged from such Rights of Shackage and Commonage, and upon any other Lands so offered to be conveyed as aforesaid, for the Purpose of making any Admeasurement, Plan, or Valuation of the same, without being subject to any Action or Molestation for so doing, or may, if they respectively shall think fit, for the Purposes of such Valuation, use any Admeasurement, Map, or Plan previously made of such Lands of the Accuracy of which they shall be satisfied.

Valuers may enter on Lands for the Purpose of Admeasurement.

V. And be it further enacted, That in every Case in which Two Valuers shall be employed each of such Valuers shall be paid his Charges by the Party by whom he shall be appointed; and the Charges of any sole Valuer or Umpire, and all other Charges and Expences attending any such Valuation as aforesaid, shall be paid in equal Moieties by each of the Parties appointing such Valuers or Valuer.

Expences of Valuation, how to be paid.

VI. Provided always, and be it further enacted, That the Quantity of Land to be so offered to be conveyed to the said Mayor, Aldermen, and Burgesses, as an Equivalent for the Release and Discharge of such Rights of Shackage and Commonage, shall not be less than One Tenth of the whole Quantity of Land so desired to be released and discharged from such Rights of Shackage and Commonage by such Requisitionist or Requisitionists; and in case the Land offered to be conveyed as aforesaid (whether the Quantity thereof be such One Tenth, or more than such One Tenth,) shall be ascertained and determined by such Valuers to be of less Value than the Value of the Rights of Shackage and Commonage

Directing what Quantity of Land may be accepted.

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desired

desired to be released and discharged, then the Difference shall be paid in Money.

When Value determined, Requisitionist shall execute a Conveyance of the Land.

VII. And be it further enacted, That after the Value of any Land so offered to be conveyed as aforesaid, and the Value of the Rights for which the same shall be offered as an Equivalent, shall have been determined in manner aforesaid, the Requisitionist or Requisitionists offering to convey such Lands shall, and he, she, or they is and are hereby required to execute or procure to be executed forthwith a Conveyance thereof to the said Mayor, Aldermen, and Burgesses, for the Uses mentioned in this Act.

Form of Conveyance.

VIII. And be it further enacted, That all Conveyances to be made to the said Mayor, Aldermen, and Burgesses, of any Lands or Hereditaments, by virtue of this Act, may be made in the Form or to the Effect following, with such Variations as the Circumstances of the Case may require; (that is to say,)

‘ **KNOW** all Men by these Presents, That I [*or we, as the Case may*  
 ‘ *be,*] of in consideration of the Release  
 ‘ and Discharge of [*here describe the Lands*] from Rights of Shackage  
 ‘ and Commonage by the Mayor, Aldermen, and Burgesses of the  
 ‘ Borough of *Sudbury*, pursuant to the Provisions of an Act passed in the  
 ‘ First and Second Years of the Reign of Her Majesty Queen *Victoria*,  
 ‘ intituled *An Act [here insert the Title of this Act]*, do hereby grant and  
 ‘ convey unto the said Mayor, Aldermen, and Burgesses all [*here describe*  
 ‘ *the Land to be conveyed*], and all my [*or our*] Right, Title, and Interest  
 ‘ in and to the same, to hold the same, for the Uses and Purposes of  
 ‘ the said Act, unto the said Mayor, Aldermen, and Burgesses, and their  
 ‘ Successors, from thenceforth for ever. In witness whereof I [*or we*]  
 ‘ have hereunto set my Hand and Seal [*or our Hands and Seals, or our*  
 ‘ *Common Seal, as the Case may require*], this Day of  
 ‘ in the Year of our Lord

Conveyance to be effectual.

And every such Conveyance and Assurance so made in manner aforesaid shall be valid and effectual to all Intents and Purposes, and shall be sufficient in Law to vest the Property of and in any such Lands or Hereditaments so conveyed as aforesaid in the said Mayor, Aldermen, and Burgesses for ever, for the Uses and Purposes of this Act, any Law, Statute, Usage, or other Matter or Thing to the contrary thereof notwithstanding.

On Execution of Conveyance, &c., or on Payment of Compensation Money, and Proportion of Expences of this Act, by Landowners, the Council to execute a Release of all Rights.

IX. And be it further enacted, That when and as soon as such Conveyance shall have been executed, and the Difference (if any) shall have been paid into the Bank of *England*, or (as the Case may be) when and so soon as the Compensation Money for the Release and Discharge of such Rights of Shackage and Commonage payable under this Act shall have been paid into the Bank of *England*, and also when a Sum equal in Amount to Twenty Shillings *per Acre* of the Lands intended to be discharged from such Rights, as the Proportion of the Expences of obtaining this Act, to be borne by the Owner or Owners of such Lands, shall have been paid by such several Requisitionists respectively into the Bank of *England*, then the Council of the said Borough, at a Meeting to be forthwith duly convened and held (not being a quarterly Meeting), shall and they are hereby authorized, empowered, and required, in the Name and under the Seal of the Mayor, Aldermen, and Burgesses of the Borough of *Sudbury*, to execute to the Owner or Owners of the said Lands, at his

or their Costs and Charges, a Release of all such Rights of Shackage and Commonage; and which Release may be in the Form or to the Effect following, with such Variations as the Circumstances of the Case may require; (that is to say,)

‘ **KNOW** all Men by these Presents, That we, the Mayor, Aldermen, and Burgesses of *Sudbury*, in pursuance of the Powers and Provisions of an Act passed in the First and Second Years of the Reign of Her Majesty Queen *Victoria*, intituled [*here insert the Title of this Act*], and in consideration of [*here describe the Lands conveyed*] having been conveyed to us pursuant to the Powers and Provisions of the said Act by \_\_\_\_\_ [*or, as the Case may require, in consideration of the Sum of \_\_\_\_\_ paid to us or to our Use by \_\_\_\_\_ Guardian of \_\_\_\_\_, a Minor, Tenant for his Life, [or, as the Case may require, of the Lands herein-after described,]*] do hereby for ever release and discharge all [*here describe the Land*] of and from all Rights of Shackage and Commonage thereon of the said Mayor, Aldermen, and Burgesses, and of all other Persons whomsoever, to the Intent that all and every the present and future Owner and Owners of the same Lands, his, her, and their Heirs and Assigns, may have and enjoy the same Lands freed and discharged of and from all Shackage and Commonage thereon, and all Rights and Claims in respect thereof, from the Day of the Date hereof, and for ever. Given under our Common Seal the \_\_\_\_\_ Day of \_\_\_\_\_

Form of Release.

And upon the Execution of any such Release, and also upon the Execution of any Conveyance of the Piece of Land called *Armsey*, as herein-after authorized, all Exercise of Shackage and Commonage in, over, or upon the Lands comprised in any such Release, or in any such Conveyance respectively, shall from thenceforth cease and determine, and all Claims and Rights of the said Mayor, Aldermen, and Burgesses, and of all other Persons whomsoever, in respect thereof, shall be and are hereby declared to be for ever extinguished; and such Release shall not be impeached on account of any Informality in the Proceedings preliminary to the Execution thereof, but shall be binding and conclusive on the said Mayor, Aldermen, and Burgesses, and on all Persons interested in the Exercise of such Shackage and Commonage.

X. And be it further enacted, That every Body Corporate, Aggregate or Sole, and Person, who shall have any Estate or Interest in Possession as aforesaid less in the whole than an immediate Fee Simple in any Lands which shall have been released and discharged from Rights of Shackage and Commonage under the Powers and Provisions of this Act, and the Guardians, Trustees, Committees, Husband, or Attorney of any Person who shall have any Estate or Interest in such Lands entitling them, him, or her to require the Release and Discharge of such Rights, and being a Minor, Lunatic, Feme Covert, beyond Seas, or under any other legal Disability, may, at any Time within Twelve Calendar Months after the Execution of such Release as aforesaid, charge the same Lands with any Sum not exceeding the Amount of Ten Pounds *per* Acre for every Acre thereof, in favour of any Person or Persons who shall have advanced the same, for the Purpose of paying, or for enabling such Body Corporate or Person, Guardian, Trustee, Committee, Husband, or Attorney, to pay the Compensation Money for the Release of such Rights, or the Proportion of the Expences of obtaining this Act to be borne by the Owner of the same Lands as aforesaid, together with any lawful Interest thereon, and

Power for Tenants for less Estate than Fee Simple to charge Lands with Compensation Money, &c.





Charges attending the Recovery thereof, by Distress and Sale, in such Manner as Rents may by Law be recovered by Landlords from their Tenants: Provided always, that no Body or Bodies Corporate or Politic, or Person or Persons, who are, is, or shall be entitled, in Remainder, Reversion, Expectancy, or Succession, or for any future Interest, to any Lands or Hereditaments comprised in such Mortgage, shall, nor shall the said Lands or Hereditaments, upon their, his, or her coming into Possession thereof, be in anywise subject or liable to the Payment of any Arrears of Interest secured by such Mortgage for more than Six Calendar Months preceding the Time that the Title to such Possession shall have accrued.

XII. And be it further enacted, That it shall be lawful for the said Council, in the Name of the Mayor, Aldermen, and Burgesses of the Borough of *Sudbury*, with the Approbation in Writing of the Lords Commissioners of Her Majesty's Treasury, under the Hands of any Three of them, to be applied for and obtained as herein-after mentioned, absolutely to sell and dispose, in such Manner as the said Council shall think proper, of the said Piece of Land called *Armsey*, particularly described in the Schedule to this Act annexed, and to convey the same by Deed, under the Common Seal of the Mayor, Aldermen, and Burgesses of the Borough of *Sudbury*, to any Person or Persons who shall be willing to purchase the same, or as he, she, or they shall direct, freed and discharged of and from all Rights, Privileges, Liberties, or Claims of the said Mayor, Aldermen, and Burgesses, and of all other Persons whomsoever.

Power for the Council to sell certain Lands.

XIII. Provided always, and be it further enacted, That it shall not be lawful for the said Mayor, Aldermen, and Burgesses, or the Council of the said Borough, to sell or alienate any Lands of the said Corporation without the Approbation in Writing of the Lords Commissioners of Her Majesty's Treasury, under the Hands of any Three of them; and for obtaining such Approbation the said Council shall present a Memorial to the said Lords Commissioners truly representing all the Circumstances of the Case: Provided always, that Notice of the Intention of the Council to make such Application as aforesaid shall be fixed on the outer Door of the Town Hall, or in some public and conspicuous Place within the Borough, One Calendar Month at least before such Application; and a Copy of the Memorial intended to be sent to the said Lords Commissioners shall be kept in the Town Clerk's Office during such Calendar Month, and shall be freely open to the Inspection of every Burgess at all reasonable Hours during the same.

Requiring Approbation of the Lords Commissioners of the Treasury to be obtained previous to any Sale.

XIV. And be it further enacted, That all the Monies to arise or be produced by virtue of any of the Provisions of this Act shall be respectively paid into the Bank of *England* in the Name and with the Privity of the Accountant General of Her Majesty's Court of Chancery, to be placed to his Account there, *ex parte* the Mayor, Aldermen, and Burgesses of *Sudbury*, pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of His late Majesty King *George* the First, Chapter Thirty-two, and the General Rules and Orders of the said Court, without any Fee or Reward, according to the Act of the Twelfth Year of His late Majesty King *George* the Second, Chapter Twenty-four.

Monies arising from Sales, &c. to be paid into the Bank of England.

XV. And be it further enacted, That the Certificate or Certificates of the said Accountant General for the Time being, under his Hand, together with the Receipt or Receipts of some or One of the Cashiers of the Bank

Certificates of the Accountant General and Receipts of

[Private.]

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Cashier of  
the Bank to  
be sufficient  
Discharge.

Bank of *England*, to be thereunto annexed, and therewith filed in the Register's Office of the said Court, of the Payment of such Monies respectively, or any of them, or any Part thereof, into the Bank of *England*, shall from Time to Time and at all Times be and be considered a good and sufficient and effectual Receipt and Discharge, and good, sufficient, and effectual Receipts and Discharges, to the Person or Persons respectively paying the same, and to his, her, or their Heirs, Executors, Administrators, and Assigns respectively, for such several Monies respectively, or so much thereof for which such Certificate or Certificates and Receipt or Receipts shall be given respectively; and that after filing as aforesaid such Certificate or Certificates and Receipt or Receipts respectively such Person or Persons so respectively paying, and his, her, or their Heirs, Executors, Administrators, and Assigns respectively, shall be absolutely freed, acquitted, and discharged of and from the same Monies respectively, and shall not be answerable for any Loss, Misapplication, or Non-application thereof respectively, or of any Part thereof.

Directing the  
Application  
of the  
Monies.

XVI. And be it further enacted, That all and singular the Monies herein-before directed to be paid into the Bank of *England* in manner aforesaid shall be respectively applied from Time to Time (under the Direction of the Court of Chancery, to be obtained as herein-after provided) for the Purposes and in the Manner following; that is to say, in the first place, in and for paying, defraying, and discharging all the Costs, Charges, and Expences which have been or shall be paid or incurred preparatory to and attendant upon the applying for, soliciting, obtaining, and passing this Act, and other Charges incident thereto, and in Payment and Discharge of the Costs of all Applications which shall be made to the said Court of Chancery under or in pursuance of this Act, and the Costs of paying the Monies aforesaid into and taking the same out of the Bank of *England*, and also the Costs, Charges, and Expences of and attendant upon making such Sale or Sales of the Land called *Armsey* as aforesaid, and of making out the Title to the same Land, and in Payment of any Costs, Charges, and Expences attendant upon the Conveyance of any Lands conveyed to the said Mayor, Aldermen, and Burgesses under the Provisions of this Act, and of the Expences of any Valuations which the said Mayor, Aldermen, and Burgesses will be liable to pay under this Act, and all Costs, Charges, and Expences incidental to the Execution of this Act, as the said Court shall think it necessary or proper from Time to Time to pay and discharge; and the Residue of the said Monies shall be laid out and invested, under the Direction of the said Court of Chancery, in the Purchase of Meadow or Pasture Lands, or other Lands suitable and fit to be converted into Pasture, in or within a convenient Distance of the Borough of *Sudbury*, which immediately upon or after the Purchase thereof shall be, under the like Direction of the said Court, conveyed and assured unto and be held by the said Mayor, Aldermen, and Burgesses, for the Purposes of this Act; or, as to such Part of the same Residue as the said Court shall deem proper, in defraying the Expences of inclosing, fencing, planting, draining, and improving any Lands to be conveyed to the said Mayor, Aldermen, and Burgesses, under the Provisions of this Act, or any of the Common Meadow or Pasture Lands of the said Borough, or in the Redemption, Purchase, or Discharge of any Land Tax, or any Rent-charge for which any Tithes Improprate shall be commuted, Rents or other Charges or Incumbrances now or at any Time hereafter issuing out of, charged upon, or affecting any of the same Lands respectively, to the  
Intent

Intent to merge and extinguish the same in the Inheritance and Ownership of the same Lands.

XVII. And be it further enacted, That all Sums of Money which shall be paid into the Bank as aforesaid, or so much thereof as shall not be ordered by the said Court of Chancery to be otherwise applied for the Purposes of this Act, shall in the meantime, and subject at all Times to such Application, until the said Monies shall be invested in such Purchase or Purchases as aforesaid, from Time to Time be laid out, under the Direction of the said Court of Chancery, in the Purchase of Navy or Victualling or Exchequer Bills; and the Interest arising from the Money so laid out in the said Navy or Victualling or Exchequer Bills, and the Money received for the same as they shall be respectively paid off by Government, shall be laid out, in the Name of the said Accountant General, in the Purchase of other Navy or Victualling or Exchequer Bills: Provided always, that it shall be lawful for the said Court of Chancery to make such General Order or Orders, or Special Order or Orders, if necessary, that whenever the Navy or Victualling or Exchequer Bills of the Date of those in the Hands of the said Accountant General shall be in the Course of Payment by Government, and new Navy or Victualling or Exchequer Bills shall be issued, such new Navy or Victualling or Exchequer Bills may be received in exchange for those which are so in the Course of Payment as shall be effectual for enabling such Receipt in exchange; and that in that Event the Interest of the new Bills shall be laid out as before directed with respect to the Interest on the old Bills which are paid off; all which said Navy, Victualling, or Exchequer Bills respectively, whether purchased or exchanged, shall be deposited in the Bank of *England* in the Name of the said Accountant General, and shall there remain until a proper Purchase or Purchases, or other proper Purpose or Purposes for the Application of such Monies, shall be found and approved as herein-before directed, and until the same Navy, Victualling, or Exchequer Bills respectively shall, upon a Petition setting forth such Approbation, to be preferred to the said Court of Chancery in a summary Way by the said Mayor, Aldermen, and Burgesses, or Person or Persons interested in the same, be ordered to be sold by the said Accountant General for the Purposes or any of the Purposes hereby authorized, in such Manner as the said Court shall think just and direct; and if the Money arising by the Sale of such Navy, Victualling, or Exchequer Bills shall exceed the Amount of the original Purchase Money so laid out as last mentioned, then and in that Case only the Surplus which shall remain shall, after discharging the Expences of the Applications to the Court, be applied by the said Mayor, Aldermen, and Burgesses in the same Manner as the Revenues arising from the Common Meadow and Pasture Lands of the said Borough now are or ought to be applied.

Until Investment, the Monies to be laid out in Navy, Victualling, and Exchequer Bills.

XVIII. And be it further enacted, That it shall be lawful for the Council of the said Borough, in the Name of the Mayor, Aldermen, and Burgesses of the said Borough, to treat and agree for the Purchase, and to purchase of and from any Person or Persons able and willing to sell, any Meadow or Pasture Lands or other Lands suitable and fit to be converted into Pasture for the Purposes aforesaid.

The Council empowered to purchase Lands.

XIX. And be it further enacted, That in case any Lands so to be conveyed to the said Mayor, Aldermen, and Burgesses as aforesaid, or purchased as aforesaid, shall at the Time of such Conveyance or Purchase

Requiring the Corporation to convert Arable be

Lands, and all other Lands acquired under this Act, into Common, Meadow, or Pasture, for the Use of Inhabitants.

be other than Meadow or Pasture Land, then the said Council shall cause the same, with all convenient Speed, to be converted into Meadow or Pasture Land; and the same, and all other the Lands to be conveyed to the said Mayor, Aldermen, and Burgesses for the Purposes of this Act, shall be held by the said Mayor, Aldermen, and Burgesses, to be used and enjoyed by the Inhabitants of the said Borough entitled to exercise such Shackage and Commonage, in like Manner as the other Common Meadow or Pasture Lands within the said Borough are used and enjoyed, and subject to such Regulation and Management by the said Council as the said last-mentioned Lands are or may be subject to.

General Saving.

XX. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all other Persons, Bodies Politic and Corporate, Ecclesiastical and Civil, their Heirs and Successors, Executors and Administrators, (other than and except the said Mayor, Aldermen, and Burgesses, and all Persons heretofore exercising any Rights of Shackage or Commonage which shall be released or discharged under the Provisions of this Act, or as respects their Estates, Rights, and Interests by this Act authorized to be extinguished, sold, or otherwise disposed of, and except all other Persons in respect of such Estates, Rights, and Interests as the Objects and Intents of this Act require should be absolutely barred or extinguished, and all Persons claiming under or in Remainder after them respectively,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever as they or any of them could or ought to have had or enjoyed in, to, or out of the Lands hereby authorized to be released from the said Rights of Shackage and Commonage, and Lands hereby authorized to be sold, or any of them, before the passing of this Act, or the carrying the Powers thereof into execution, or could or might have had or enjoyed in, to, or out of the same Lands in case this Act had not been made.

Act as printed by the Queen's Printers to be Evidence.

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

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### The SCHEDULE to which this Act refers.

ALL that Piece or Parcel of Pasture Land called Armsey, situate in the Parish of Bulmer in the County of Essex, containing Fourteen Acres or thereabouts, abutting North-west on Lands called Aubries, and South-east on Lands of William Windham, Esquire, John Sperling, Esquire, and others, now let to William Kirkham Simpson, as Tenant at Will, at the yearly Rent of - - - - - 10/.

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LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1838.