



ANNO QUADRAGESIMO NONO

GEORGI III. REGIS.

Cap. 63.

An Act for inclosing Lands in the Parishes of *Corton*,
Hopton, and *Gorleston*, in the County of *Suffolk*.
[12th May 1809.]

WHEREAS there are within the several Parishes of *Corton*,
Hopton, and *Gorleston*, in the County of *Suffolk*, divers Open
Fields, and also certain Common Heaths, Marshes, Doles,
and Waste Lands, containing by Estimation Six hundred Acres or there-
abouts: And whereas *Thomas Anguish* Esquire, a Lunatick, is Lord of
the several Manors of *Corton*, *Newton with Stalhams in Loud*, *Capton*
Hall with Belton, and *Gorleston*; and the Reverend *George Anguish* Clerk,
is the Committee of his Estate; and the Dean of the Cathedral Church
of *The Holy and Undivided Trinity of Norwich*, of the Foundation of King
Edward the Sixth, and the Chapter of the same Church, are Lords of
the Manor of *Hopton*; and *Robert Harvey* Esquire is Lord of the Manor
of *Bacons in Gorleston*; and the Lords of which said several Manors, or
some of them, are or claim to be entitled to the Soil of the said Common
Heaths, Marshes, Doles, and Waste Lands: And whereas the King's most
Excellent Majesty, in Right of his Crown, is Patron of the Vicarage and
Parish Church of *Corton* aforesaid; and *Thomas Fowler* Esquire, and *Mary*
Soame his Wife, are Owners or Impropriators of and entitled to all the
Great Tythes; and the Reverend *Richard Huck* is the present Vicar
thereof, and entitled to all the Small Tythes yearly arising, renewing, or
increasing within the said Parish: And whereas the said Dean and Chapter
are Patrons of the said Parish Church of *Hopton*, and also Impropriators

Lords of
Manors.

[Loc. & Per.]

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of and entitled to all the Great and Small Tythes yearly arising, renewing, or increasing within the said Parish, and *John Thurtell* Gentleman, is Lessee thereof, and the Reverend *Bartholomew Ritson* is perpetual Curate of the same Church: And whereas *Catherine Astley* Widow is Patron of the Vicarage and Parish Church of *Gorleston* aforesaid, and is also Owner or Impropiator of and entitled to all the Great Tythes; and the Reverend *Thomas Browne* Doctor of Divinity is the present Vicar thereof, and entitled to all the Small Tythes yearly arising, renewing, or increasing within the said Parish: And whereas the said Dean and Chapter, *Robert Harvey*, *Thomas Fowler*, and *John Thurtell*, and several other Persons, are Owners and Proprietors of the said Open Fields, and also 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, Doles, and Waste Lands; and fundry of such Owners or Proprietors have or claim to have also exclusive Rights of cutting Whins, Fern, and Heath upon certain Parts of the said Common Heaths, Marshes, Doles, and Waste Lands, and also Rights of Sheep Walk over the same or some Part thereof: 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 passing of such Acts*: And whereas the said Open Fields lie very much intermixed and dispersed in small Parcels, and are inconveniently situated for the several Owners and Occupiers thereof, and the said Common Heaths, Marshes, Doles, and Waste Lands in their present uncultivated State yield very little Profit; but if the same were divided and specifick Parts or Shares thereof allotted to and amongst the several Persons entitled thereto, or having Right of Common thereon, or otherwise interested therein, according to their respective Estates, Rights, and Interests, and such Allotments inclosed and held in severalty, and all Rights of Common in, over, or upon the same extinguished, it would be of great Advantage to such Persons, and of publick Utility; but such Division, Allotment, and Inclosure cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be 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 Open Fields, Common Heaths, Marshes, Doles, and Waste Lands shall be set out, divided, allotted, and inclosed in Manner herein-after mentioned, and that *Henry Jermyn* of *Sibton* in the County of *Suffolk* Esquire, *William Unthbank* of *Heigham* in the County of the City of *Norwich* Gentleman, and *Robert Boyden* of *North Cove* in the said County of *Suffolk* Gentleman, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the said Open Fields, Common Heaths, Marshes, Doles, 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: Provided always, that all Powers, Authorities, Direc-

Open Fields
and Com-
mons to be
inclosed.
Appoint-
ment of Com-
missioners.

tions,

tions, 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.

Two Commissioners may act.

II. 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.

Election of new Commissioners.

III. 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, attending at, and returning from the Meetings to be held for the Execution of this Act and the said recited Act, over and besides his travelling Expences, and all other Expences occasioned by his Attendance at such Meetings.

Allowance to Commissioners.

IV. 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 made and given by Advertisements in *The Ipswich Journal*, or in some other publick Newspaper to be circulated in the said County of *Suffolk*.

Directing how Notices shall be given.

V. 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 *Corton*, *Hopton*, and *Gorleston* 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 the 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 and the said recited Act, from Time to Time, as they shall find it convenient, to continue such Meetings 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,

Notice of Meetings.

One Commissioner may adjourn.

giving due Notice to the others or other of the said Commissioners, and so 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.

Proprietors to pay their own Expences.

VI. And be it further enacted, That all Meetings of the said Commissioners for putting this Act into Execution shall be held within the Distance of Eight Miles from the said Parishes of *Corton*, *Hopton*, and *Gorleston*; and that the Proprietors interested in the said Open Fields, Common Heaths, Marshes, Doles, and Waste Lands, and all Persons claiming to be interested therein, shall pay their own Expences, and the Charges and Expences of their Agents, Attornies, and Witnesses when they shall attend the said Commissioners at any of their said Meetings.

Power to shorten Boundary Fences.

VII. And be it further enacted, That in order to shorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and any adjoining Parish or Parishes, it shall and may be lawful to and for the said Commissioners, with the Consent in Writing under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owner or Owners of the Soil, and under the Hands of the major Part in Value of the Land Owners in any Parish or Parishes interested in any Commons or Waste Grounds adjoining to the said several Parishes of *Corton*, *Hopton*, and *Gorleston*, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands upon which such Fence or Fences are intended to be made, to set out and ascertain the Boundary Fences to be made between the said Commons and Waste Grounds adjoining to the Lands and Grounds hereby intended to be divided and allotted, in such Manner as they shall judge proper for the Purposes aforesaid; and after such Boundary Fences shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons, in such Manner and at such Time or Times as the said Commissioners shall order and direct in and by their Award, and shall for ever thereafter be, and be deemed and taken to be the Boundaries between the said several Parishes of *Corton*, *Hopton*, and *Gorleston*, and such adjoining Parish or Parishes as aforesaid, any Law, Usage, or Custom to the contrary notwithstanding.

Disputed Claims to be heard and determined by the Commissioners.

VIII. And be it further enacted, That if any Claim of Right of Common, or other Right or Interest in or to the said Common Heaths, Marshes, Doles, 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 Common Heaths, Marshes, Doles, 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; but that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever; and

and the said Commissioners shall and they are hereby authorized and required 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 Owner of such Goods and Chattels.

Power to
assess Costs.

IX. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, 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 Claim or Claims of Common or other Rights or Interests in, to, over, or upon the said Common Heaths, Marshes, Doles, and Waste Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, then and in every such Case it shall and may be lawful to and for such Person or Persons, Body or Bodies Politick, Corporate or Collegiate, to try such Claims at Law at the next or at the following Assizes to be holden for the said County of *Suffolk*, next after such Determination, first giving Fourteen Days Notice to the said Commissioners or their Clerk, of his, her, or their Intention to bring such Action, and for that Purpose the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months after such Determination of the said 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 have been 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.

Persons dis-
satisfied may
try Claims
at Law.

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

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

[*Loc. & Per.*]

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XI. Provided

Determina-
tion of the
Commis-
sioners to be
final, unless
Parties pro-
ceed at Law.

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

Proviso in
case of Death
of Parties be-
fore Actions
brought.

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

Right of
Possession of
Persons not
to be deter-
mined by
Commis-
sioners.

XIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments made since the Year One thousand seven hundred and seventy-nine; but in case the said Commissioners shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been given up, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Encroach-
ments since
1779 to be
deemed Part
of the Land
to be allotted.

XIV. And be it further enacted, That all Encroachments which have been made upon the said several Common Heaths, Marshes, Doles, and Waste Lands hereby intended to be divided and inclosed, at any Time since the Year One thousand seven hundred and seventy-nine, 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; but no Person or Persons in Possession of any Land which has been so inclosed from the said Common Heaths, Marshes, Doles, and Waste Lands within the Time aforesaid, shall be entitled to any Allotment in respect thereof under or by virtue of this Act; and in case any Dispute shall arise touching any such Encroachments or the Extent thereof, every such Dispute shall be finally determined by the said Commissioners.

XV. And

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 Common Heaths, Marshes, Doles, 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-nine, 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 Encroachments whereon such Cottages, Huts, or other Buildings shall stand, or such other Parts of the said Common Heaths, Marshes, Doles, and Waste Lands in lieu thereof as they the said Commissioners shall think most proper and convenient (not exceeding the Quantity or Value of such Encroachments respectively), to the Owners of such Cottages, Huts, or other Buildings, or any of them respectively, at such Price or Prices, to be paid as after mentioned, 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: Provided always, that if any Surplus Money shall remain after Payment of such Expences as aforesaid, such Surplus shall be divided and apportioned between the several Proprietors and Persons interested in the said Lands and Grounds, in such Shares as shall be in proportion to their respective Property and Interest therein, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively; and the Shares of the other Proprietors and Persons of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses; but if the Owner or Owners of any such Cottages, Huts, or other Buildings shall refuse to purchase their respective Encroachments, or such other Parts of the said Common Heaths, Marshes, Doles, and Waste Lands in lieu thereof, at the Discretion of the Commissioners as they shall think most proper and convenient, not exceeding the Quantity or Value of such Encroachment as aforesaid, 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 and to such Person or Persons as the said Commissioners shall for that Purpose, at any Time before the Execution of their said Award, by any Writing under their Hands 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.

Powers to sell Encroachments, where Buildings are erected, to the Owners.

XVI. And be it further enacted, That no Person or Persons shall graze or keep any Sort of Cattle or Swine whatsoever in or upon any Part of the 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 Fourteen Years next after the making and executing of their Award, under the Penalty, not exceeding Forty Shillings for every Bullock, Cow, Horse, Ass, Sheep, Lamb, Head of Swine, or other Beast which shall be found therein, to be paid to the Person or Persons who shall take and impound the same;

No Cattle to be depastured in the Highways for Fourteen Years.

and every Proprietor or Occupier of Lands 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 Bullock, Cow, Horse, Ass, Sheep, Lamb, Head of Swine or other Beast, which shall be so found grazing as aforesaid, at any Time or Times after any live Fences shall have been made or planted next the said Roads or Ways so fenced off as aforesaid, before the Expiration of the said Term of Fourteen Years; and in case any Dispute shall arise touching any such Trespass, or the Sum which may be demanded as a Penalty for the same, or as to the Payment thereof, the same shall be heard, determined, ascertained, and levied by and before any Justice of the Peace acting in and for the said County of *Suffolk*, by such Ways and Means, with the like Powers, and subject to the same Powers of Distress for Recovery of the Penalty such Justice shall assess, as are herein-after mentioned concerning the Penalty for breaking the Soil of the said Common Heaths, Marshes, Doles, and Waste Lands without the Leave of the said Commissioners.

To prevent
breaking the
Soil of the
Commons
without Leave.

XVII. 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 off the said Common Heaths, Marshes, Doles, and Waste Lands, or any Part thereof, or to fell, lop, top, cut down, take, or carry away any 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 Common Heaths, Marshes, Doles, and Waste Lands, or fell, lop, top, cut down, take, or carry away any 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 or 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 or Oaths of One or more credible Witnesses or Witnessess before any Justice of the Peace acting in and for the said County of *Suffolk*, not being interested in the said Common Heaths, Marshes, Doles, and Waste Lands (and which Oath or Oaths such Justice is hereby authorized to administer, and to summon the Person or Persons complained of and examine such Witnesses or Witnessess relating to the said Complaint), shall for every Offence forfeit and pay such Sum of Money as the said Justice shall direct, not exceeding Five Pounds, to be applied by the said Commissioners for the Purposes of this Act; and it shall be lawful for such Justice, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause the said Penalty, or any other Penalty incurred under this Act, 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.

XVIII. And

XVIII. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, after they shall have set out and appointed such publick Roads in the Parish of *Gorleston* as they shall think fit, in the next Place to set out and appoint such Part or Parcel of the said Common Heaths, Marshes, Doles, and Waste Lands situate in the said Parish of *Gorleston*, lying next the River *Yare* commonly called *Yarmouth Harbour*, and running parallel thereto, as they shall think necessary, not exceeding in Breadth Ninety Feet from Low Water Mark, to be made, used, and kept in Repair by all and every Person and Persons trading upon or using the said River, for laying and placing their Boats and other Craft thereon, and for loading and unloading their Goods, Wares, and Merchandizes, or for such other Purposes as the same hath been accustomed to be used by such Person or Persons as aforesaid.

Publick Way
adjoining the
River Yare.

XIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, with the Concurrence and Order of Two Justices of the Peace for the said County of *Suffolk* acting in and for the Division in which the Road or Roads, Footpath or Footpaths herein-after mentioned shall be situate, and not interested in the Repair of such Road or Roads, Footpath or Footpaths, to stop up and direct to be discontinued any publick Road or Roads, Footpath or Footpaths through any Part or Parts of the Lands or Grounds in the said several Parishes of *Corton*, *Hopton*, and *Gorleston*, or any of them, which to the said Commissioners shall appear to be useless or unnecessary: Provided always, that such Order so to be made shall be subject to an Appeal to the Quarter Sessions in like Manner and under the same Forms and Restrictions as if the same had been originally made by such Justices as aforesaid: Provided also, that none of the present Roads or publick Highways within the said Parishes of *Corton*, *Hopton*, and *Gorleston*, or any of them, shall be shut up or discontinued until the Roads intended to remain publick Highways within the said several Parishes shall be set out according to the Directions of the said recited Act, and the same shall be properly formed and made safe and convenient for Horses, Cattle, and Carriages.

Commission-
ers may stop
up old Roads
after new
ones are made.

XX. And be it further enacted, That the said Commissioners shall, after they have set out and appointed the publick Carriage Roads and Highways in, through, over, and upon the said Open Fields intended to be divided, allotted, and inclosed, assign, set out, and allot all the said Open Field Lands unto and amongst the several Owners and Proprietors thereof, and all and every other Person or Persons, and Body or Bodies Politick, Corporate or Collegiate, having any Right or Interest in, to, over, or upon the same, or any Part thereof, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of and a full Satisfaction and Compensation to him, her, or them respectively for his, her, or their respective Parts and Shares of and in such Lands, and his, her, or their respective Rights and Interests therein: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to assign, set out, or allot Three several Lands belonging to the said Dean and Chapter, *William Blake*, and *James Sayers*, situate on the South Side of a certain Open Field in the said Parish of *Hopton*, called *Long Furlong*, without the Consent of the said Dean and Chapter, *William Blake*, and *James Sayers* respectively.

Allotment of
Open Fields.

[Loc. & Per.]

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XXI. And

Allotment
for Watering
Places, Clay,
Gravel, and
Sand Pits.

XXI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, to set out and allot such Parts or Parcels of the Common Heaths, Marshes, Doles, and Waste Lands hereby intended to be divided and inclosed as they shall think requisite in each of the said several Parishes of *Corton*, *Hopton*, and *Gorleston* aforesaid, as and for publick Watering Places for Cattle, and 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 *Corton*, *Hopton*, and *Gorleston* aforesaid respectively, in Trust for the Purposes aforesaid; and it shall be lawful for them from Time to Time to let the said Allotments for Clay, Gravel, and Sand Pits (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 Lords for
Right of
Soil.

XXII. And be it further enacted, That the said Commissioners, after they shall have set out the publick Roads and Ways, and private Roads, Watering Places, Clay, Gravel, and Sand Pits, shall in the next Place assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said several Manors, or to such of them respectively as may be entitled to the Soil of the said Common Heaths, Marshes, Doles, and Waste Lands hereby intended to be divided, allotted, and inclosed, according to their several and respective Rights and Interests therein, so much and such Part and Parts of the Residue of the said Common Heaths, Marshes, Doles, and Waste Lands respectively in each of the said several Parishes of *Corton*, *Hopton*, and *Gorleston*, as in the Judgement of the said Commissioners shall be equal in Value to One-seventeenth Part thereof; and such Allotment or Allotments shall be in full Compensation, Recompence, and Satisfaction to such Lord or Lords, Lady or Ladies of the said several Manors, for his, her, or their respective Rights and Interests in and to the Soil of the said Common Heaths, Marshes, Doles, and Waste Lands.

Allotment for
the Poor.

XXIII. And be it further enacted, That the said Commissioners shall also assign, set out, and allot unto the Lord or Lords, Lady or Ladies of the said several Manors, or to such of them respectively as shall or may be entitled to the Soil of the said Common Heaths, Marshes, Doles, and Waste Lands in each of the said several Parishes of *Corton*, *Hopton*, and *Gorleston* respectively, and to the respective Vicars, perpetual Curate, Churchwardens, and Overseers of the Poor of the said several Parishes for the Time being, and to their respective Successors, for the Use and Benefit of the poor Persons residing within the said several Parishes of *Corton*, *Hopton*, and *Gorleston* respectively, such Part or Parts of the said Common Heaths, Marshes, Doles, and Waste Lands hereby intended to be divided, allotted, and inclosed as the said Commissioners shall think fit; provided that the Quantity so to be assigned, set out, and allotted in
any

any of the said several Parishes shall not exceed the Proportions following, (that is to say), in the Parish of *Corton* not exceeding in Value Eight Acres of the average Value of the Common Heaths, Marshes, Doles, and Waste Lands within the said Parish of *Corton*; in the Parish of *Hopton* not exceeding in Value Ten Acres of the average Value of the Common Heaths, Marshes, Doles, and Waste Lands within the said Parish of *Hopton*; and in the Parish of *Gorleston* not exceeding in Value Twenty Acres of the average Value of the Common Heaths, Marshes, Doles, and Waste Lands within the said Parish of *Gorleston*; which said several Allotments when set out shall be, and the same shall be deemed to be vested in such Lord or Lords, Lady or Ladies as aforesaid, and the Vicars, perpetual Curate, Churchwardens, and Overseers of the Poor of each of the said Parishes respectively for the Time being for ever; upon Trust that they the said Lord or Lords, Lady or Ladies, Vicars, and perpetual Curate, 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 and required, by any Deeds or Writings under their respective Hands and Seals, or otherwise, from Time to Time to demise and let the said Lands so to be allotted to them respectively as aforesaid, or any Part or Parts thereof, by publick Auction (of which Auction One Month's publick Notice shall be given upon a *Sunday* in the Parish Church of each of the said several Parishes respectively immediately after Divine Service), to any Person or Persons whomsoever, for any Term or Number of Years they shall think proper, not exceeding Twenty-one Years, so that in every such Lease there be reserved and made payable to the said Trustees for the Time being, or the major Part of them, by Two equal Half-yearly Payments in every Year, the best and most improved yearly Rent or Rents that can be reasonably obtained for the same, without taking any Income, Fine, Premium, or Foregift in consideration of granting such Lease or Leases, and so that in all such Leases there be contained the usual Covenants and Stipulations between Lessors and Lessees, and such other Covenants, Stipulations, and Agreements, and such Security for the Performance of the same as the said Trustees, or the major Part of them, shall think proper to be inserted therein; and 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 said Trustees 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 Inhabitants in the Purchase of Coals or other Fuel, to be distributed to them in such Proportions and Quantities, at such Times, and in such Manner in every Year; and according to such Rules and Orders as the said Trustees for the Time being of each of the said several Parishes respectively, or the major Part of them for the Time being, shall think most beneficial: Provided always, that in case the Rents and Profits of any or all of such Allotments in any or all of the said several Parishes shall at any Time or Times be more than sufficient to answer the Purposes for which the same is or are hereby directed to be set out, then and so often it shall be lawful for the said Trustees for the Time being, or the major Part of them (in such of the said Parishes wherein the same shall happen), to apply and dispose of the Overplus of such Rents and Profits for the Relief and Benefit of the Poor of the said several Parishes of *Corton*, *Hopton*, and *Gorleston* respectively, in such Manner as they shall think proper: Provided always, that

it shall and may be lawful to and for the Lord or Lords, Lady or Ladies of the said several Manors, Trustees as aforesaid, and the said Vicar and perpetual Curate respectively for the Time being, to act in the Execution of the Trusts hereby reposed in them as aforesaid (except the signing and executing of any Lease to be by them made) by their Agents or Proxies respectively to be appointed in Writing under their respective Hands.

Allotment of
the Residue.

XXIV. And be it further enacted, That after all the Allotments hereinbefore mentioned shall be made, the said Commissioners shall then assign, set out, and allot all the Residue and Remainder of the said Common Heaths, Marshes, Doles, and Waste Lands unto and amongst the several Persons, and the several Body or Bodies Politick, Corporate or Collegiate, interested therein at the Time of such Division, Allotment, and Inclosure, according to their respective Rights of Common and other Rights and Interests in, to, over, and upon the said Common Heaths, Marshes, Doles, and Waste Lands so to be divided and inclosed as aforesaid (other than and except such Rights and Interests for which a Compensation is hereinbefore directed to be made as aforesaid), in such Shares and Proportions as the said Commissioners shall adjudge and determine to be proportionate to the Value of, and in full Satisfaction and Compensation to him, her, or them respectively, for his, her, or their respective Parts and Shares of such Lands and Grounds, and his, her, or their respective Rights and Interests therein, subject to the Rules, Orders, and Regulations of this Act, and the said recited Act: Provided always, that all such Owners and Proprietors of Lands and Grounds lying in the said several Parishes of *Corton*, *Hopton*, and *Gorleston*, who shall prove, to the Satisfaction of the said Commissioners, an Exercise of a Right of Common in respect of such Lands or Grounds, previous to the Year One thousand seven hundred and ninety-nine, in, over, or upon any of the said Common Heaths, Marshes, Doles, and Waste Lands so intended to be divided, allotted, or inclosed in the said several Parishes, and who shall deliver in their Accounts or Claims in Manner prescribed by the said recited Act, shall be deemed to be entitled to a Right of Common of Pasture upon the said Common Heaths, Marshes, Doles, and Waste Lands lying in the said several Parishes respectively in which such Lands or Grounds shall be respectively situated.

Disputes to
be settled by
the Commissioners.

Commissioners to exhibit
a Schedule of
the intended
Allotments.

XXV. 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 Open Fields, Common Heaths, Marshes, Doles, and Waste Lands hereby intended to be set out, divided, allotted, and inclosed, which they or any of them are entitled to, or ought to have in lieu of their Rights of Common or other Rights or Interests in, to, over, and upon the same, it shall be lawful for the said Commissioners to examine into, hear, and determine the same: Provided always, that when the said Commissioners shall have set out the several and respective Allotments to the said Owners and Proprietors respectively of the said Open Fields, Common Heaths, Marshes, Doles, and Waste Lands to be set out, divided, and allotted by virtue of this Act, they the said Commissioners shall give Notice, in such Manner as is hereinbefore 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

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 as to such Allotments shall be final, binding, and conclusive upon all Parties and all Persons interested therein.

XXVI. And be it further enacted, That in making the several Allotments aforesaid the said Commissioners shall have due Regard, as well to the Quantity and Quality of the said Lands and Grounds so to be set out, divided, allotted, and inclosed as aforesaid, as to the Situation and Contiguity of the same to the respective Habitations, Messuages, Barns, and other Property of the said Parties to or for whose Use such Lands or Grounds shall respectively be assigned and allotted.

For laying Allotments conveniently.

XXVII. And be it further enacted, That if any Person or Persons shall or may have sold or contracted or agreed to sell, or at any Time before the Execution of the Award of the said Commissioners shall sell, or contract or agree to sell, his, her, or their Right of Common, Interest, or other Rights, or any Part thereof, in, over, or upon the said Common Heaths, Marshes, Doles, and Waste Lands to any Person or Persons whomsoever, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required (on receiving the Contract or Agreement or Memorandum thereof in Writing, signed by every such Vendor and Vendee of such Sale, at a Meeting of the said Commissioners to be appointed for that Purpose), to make the Allotment of the said Common Heaths, Marshes, Doles, and Waste Lands unto the Vendee or Purchaser under such Sale, Contract, or Agreement, or to his, her, or their Heirs or Assigns, for and in respect of the Estate under which the Vendor claims such Right of Common, Interest, and other Rights, or such Parts thereof so sold or contracted for or agreed to be sold as aforesaid; and every such Vendee or Purchaser, and his or her Heirs or Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Lands so to be allotted to him or her as aforesaid, in the same Manner, subject to the same Incumbrances, and to all Intents and Purposes as the Vendor in every such Sale, Contract, or Agreement might, could, or ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Right of Common, Interest, or other Right had still remained vested in such Vendor at the Time of making such Allotment as aforesaid.

In case any Person sells his Common Right, the Allotment to be made to the Purchaser.

XXVIII. And be it further enacted, That all such Part and Parts of the said Open Field Lands or Grounds, as shall be assigned, set out, and allotted by virtue of this Act to any Person or Persons for or in respect of any Open Field Lands or Grounds holden of any Manor or Manors by Copy of Court Roll, or for or in respect of any Leasehold Open Field Lands or Grounds, and also all such Part or Parts of the said Common Heaths, Marshes, Doles, and Waste Lands as shall be assigned, set out, or allotted for or in respect of any Right of Common, or other Right or Interest appurtenant to any Messuages, Cottages, or Tofts, Lands, Tenements, or Hereditaments which are holden by Copy of Court Roll of any Manor or Manors, or which are Leasehold, shall from and after the

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

Execution of the Award of the said Commissioners be deemed and taken to be Copyhold and Leasehold respectively, according to the Tenure of the Messuages, Cottages, or Tofts, Lands, Tenements, Open Field Lands, Grounds, and Hereditaments for or in respect of which they shall be so assigned, set out, or allotted, and shall be held accordingly by and under the same Tenure, and subject to the same Rents, Payments, Fines, Customs, and Services as the Copyhold or Leasehold Messuages, Cottages, or Tofts, Open Field Lands, Grounds, or Hereditaments respectively for or in respect whereof any such Allotment shall be made are now holden; and the said Commissioners shall in and by their said Award ascertain the Quantities of and determine, describe, and abut the said several Lands and Grounds which are so to be and remain Copyhold or Leasehold respectively as aforesaid; and all other the Lands and Grounds to be assigned, set out, or allotted by virtue of this Act (save and except such as shall be so ascertained by the said Commissioners to be Copyhold or Leasehold respectively), shall from thenceforth be deemed, taken, and enjoyed as Freehold Lands and Grounds, subject nevertheless to such Free Rents and Services as are now payable out of the respective Messuages, Lands, Tenements, or Hereditaments for or in respect whereof the same shall or may be allotted; and that all and every Person or 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 said Award, or at the First General Court Baron to be holden for each of the said several Manors next after the Expiration thereof, be admitted Tenants to the same respectively; and in case the Person or Persons to whom such Copyhold Allotment or Allotments shall be made as aforesaid, any or either of them, shall have been before admitted thereto, or to the Messuages, Cottages, or Tofts, Open Field Lands, Grounds, or Hereditaments in respect whereof the same shall have been made, no Fine or other Charge shall become payable 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, and the accustomed Fees to the respective Steward or Stewards of the said Manor or Manors); but in case any such Person or Persons as aforesaid, to whom any such Copyhold Allotment or Allotments shall be made as aforesaid, shall refuse or neglect to be admitted thereto within the Time aforesaid, or shall not have been before admitted to the same, or to the Messuages, Cottages, or Tofts, Open Field Lands, Grounds, or Hereditaments in respect whereof the said Allotment or Allotments shall have been made, or shall die without Admittance, then it shall and may be lawful to and for the said Lord or Lords, Lady or Ladies of the said 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 such Lord or Lords, Lady or Ladies are 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 Messuages, Lands, Tenements, or Hereditaments holden by Copy of Court Roll of his, her, or their said several Manors; and in such Case the same Fines, Fees, and other Payments shall be due and payable on such Admission or Admissions respectively, as such Lord or Lords, Lady or Ladies, and the Stewards of the said Manors respectively are now by Law and the Customs of the same Manors respectively entitled to take and receive upon Admissions to any Messuages, Lands, Tenements, or Hereditaments holden by Copy of

Proprietors
to be admitted
to Copyhold
Allotments
within a
limited Time.

Court Roll of the said several Manors respectively; and from and after the First Admission all the said Copyhold Allotments shall for ever thereafter be held under the same Tenure, and subject to the same Services, Fines, and other Payments as the present Copyhold Messuages, Cottages, or Tofts, Open Field Lands, and Hereditaments, in respect whereof such Allotments shall be made, are now held under and subject and liable to: Provided always, that all such Allotments of the said Common Heaths, Marshes, Doles, and Waste Lands as shall be made for or in respect of any such Right of Common, or other Right or Interest appurtenant to any Copyhold Messuages, Cottages, or Tofts, Lands, Tenements, or Hereditaments as aforesaid shall be subject and liable to, and the Proprietors thereof respectively for the Time being shall pay to the Lord or Lords, or Lady or Ladies of the said several Manors respectively for ever, a yearly Quit Rent at and after the Rate of One Penny *per* Acre for every Acre of the said Lands and Grounds which shall be so allotted, and so in Proportion for any less Quantity than an Acre, at such Time or Times as the said Commissioners shall in and by their said Award appoint for the Payment of the same: Provided also, that no Allotment of the said Common Heaths, Marshes, Doles, and Waste Lands so to be made in respect of any such Right of Common, or other Right or Interest appurtenant to any such Copyhold Messuages, Cottages, or Tofts, Lands, or Hereditaments which shall contain in the Whole a smaller Quantity than One Rood (unless it be the entire Quantity which shall be allotted to any such Proprietor), shall by the said Commissioners be declared to be Copyhold.

Copyhold Allotments of Commons to be subject to a Quit Rent.

Not to be less in Quantity than One Rood.

XXIX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance out of, upon, or affecting any of the Lands or Grounds to be set out, 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 set out, assigned, and allotted to him, her, or them as aforesaid, or which shall be sold, given, or taken in Exchange in pursuance of this Act, 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, unfold, unexchanged, or no Partition thereof had been made as aforesaid.

Wills and Settlements not to be affected.

XXX. And be it further enacted, That the several Allotments of the said Open Fields, Common Heaths, Marshes, Doles, and Waste Lands which may be made to the said Dean and Chapter as Impropiators as aforesaid, and to the Vicars of the said several Parishes of *Corton* and *Gorleston* 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 Trustees for the Poor of the said several Parishes of *Corton*,

Certain Allotments to be fenced at the general Expence.

Corton, Hopton, and Gorleston respectively as aforesaid, shall be inclosed and fenced in with such Ditches, Drains, Hedges, 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, Drains, and Fences when made shall for ever thereafter be maintained, supported, and kept in Repair by and at the Expence of the said Dean and Chapter and the said Vicars of the said several Parishes of *Corton* and *Gorleston* 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 and the Trustees of the Poor of the said several Parishes of *Corton, Hopton, and Gorleston* respectively; and that all the other Allotments of the said Open Fields, Common Heaths, Marshes, Doles, and Waste Lands hereby intended to be set out, divided, and allotted, shall be inclosed and fenced with proper Ditches, Drains, Hedges, or other Fences to be made and at all Times thereafter repaired by and at the Expence of the several Person or Persons, Body or Bodies Politick, Corporate or Collegiate, to or for whose Use 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 Open Fields, Common Heaths, Marshes, Doles, and Waste Lands shall be made under this Act in order to inclose the same, shall have more than an equal and proportionable Share of Boundary Fences to make and raise, it shall be lawful for the said Commissioners where they shall think 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 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 virtue 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: Provided nevertheless, that it shall and may be lawful to and for the said Commissioners, if they think fit, to raise and make, or cause to be raised and made, all and every or any of the Hedges and Banks, Ditches, Drains, and other Fences against all, every, or any of the publick or private Roads or Ways, which shall or may be by them set out and appointed, in the said several Parishes of *Corton, Hopton, and Gorleston* aforesaid, under or by virtue of the Powers, Provisions, and Directions contained in this and in the said recited Act; and all the Costs, Charges, and Expences of raising and making such Hedges and Banks, and of the Spring or Quickset, or other Fencing Stuff to be laid, placed, or set therein or thereon, and of cutting and making such Ditches or Drains shall be borne and paid by the several Persons against whose Allotments respectively the same shall be so raised and made in Manner herein after mentioned, in such Proportions as the said Commissioners shall direct; save and except by the several Persons herein-before exempted.

Expences of
Fences to be
equal.

Commission-
ers may raise
external
Fences, if
they think fit.

Expences of
new Road's,
by whom
paid, and at
what Time.

XXXI. And be it further enacted, That all the Costs, Charges, and Expences of making and forming the publick Carriage Roads, and of putting

putting the same into good and sufficient Repair, and of the Surveyor or Surveyors to be appointed as by the said recited Act is directed, shall be borne by the several Persons who are by this Act charged with or made liable to the Payment of the Costs, Charges, and Expences of obtaining and executing the same, or any Part thereof, according to the annual Value of their several Allotments, save and except the Rectors of the said several Parishes, the Surveyors of the Highways, and the Trustees of the Poor of the said Parishes in respect of the Allotments to be made to them as aforesaid; and the same, together with the Costs, Charges, and Expences of raising and making the Fences against such Roads (if any shall be raised and made by the said Commissioners under the Provisions of this Act), shall be paid by them the said Proprietors respectively, to such Person or Persons and at such Time or Times as the said Commissioners shall think proper, and by their Award appoint, for that Purpose, or to such other Person or Persons, and at such other Time or Times, previous to their making their said Award, as they the said Commissioners shall by any Rate or Rates to be made and signed by them, or by any Writing or Writings under their Hands for that Purpose direct or appoint; and in case any Person or Persons shall neglect or refuse to pay his, her, or their Share or Shares of such Charges and Expences, or any Part thereof, to the Person or Persons who shall be thereby appointed to receive the same, within the Time to be limited by the said Commissioners as aforesaid, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act.

XXXII. And be it further enacted, That the said Vicars of the said several Parishes of *Corton* and *Gorleston* aforesaid, and their Successors Vicars as aforesaid for the Time being respectively, and the said several Impropriators of the Great and Small Tythes within the said several Parishes of *Corton*, *Hopton*, and *Gorleston* aforesaid, and their several and respective Successors, Heirs, and Assigns for the Time being, shall be and they are hereby severally empowered to ask, demand, sue for, recover, and receive of and from every Occupier, Owner, or Proprietor of the several Allotments of the said Common Heaths, Marshes, Doles, and Waste Lands 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 Vicars and Impropriators respectively for the Time being shall be entitled to receive and take in Kind, all and all Manner of Great and Small Tythes arising, renewing, or increasing, or which shall arise, renew, increase, or be produced in and upon the same Allotments from which they shall be respectively entitled to receive Tythes as aforesaid, and every or any of them.

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

XXXIII. And be it further enacted, That for the Purposes of facilitating the setting out and allotting the Open Field Lands and the exchanging any Part or Parts of the old inclosed Lands within the said several

Leases to be void as to Open Fields.

[*Loc. & Per.*]

13 X

Parishes

Parishes of *Corton, Hopton, and Gorleston*, all and every Lease and Leases, and other Agreements for any Term or Number of Years which is or are now subsisting, of all or any Part of the Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments within the said respective Parishes, either alone or together with any other Lands, Tenements, or Hereditaments shall cease, determine, and be void, so far as any such Lease or Leases, or other Agreements, affect or concern any Open Field Lands, or old Inclosures which shall be allotted or exchanged by virtue of this Act; and every Tenant or Occupier thereof shall immediately after the signing of the Award of the said Commissioners, or at such other Time or Times as the said Commissioners shall thereby or by any Writing under their Hands for that Purpose appoint, give, and resign up the full and peaceable Possession of such allotted or exchanged Lands to the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, to or with whom the same shall be respectively allotted or exchanged; but the Tenants or Occupiers of such allotted or exchanged Lands shall instead thereof have and receive the quiet and peaceable Possession of the Lands and Grounds to be taken by such Lessor, Owner, or Proprietor, in lieu of or in Exchange for such Lands respectively, or shall receive from such Lessors, Owners, or Proprietors thereof, such Satisfaction as the said Commissioners shall ascertain, order, direct, or appoint to be paid to such Tenants respectively, as an Equivalent for the Loss or Losses they shall respectively sustain thereby; and if the Money so to be ascertained and directed to be paid as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand made thereof, it shall and may be lawful to and for the said Commissioners, and they are hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto, by such Ways and Means as the Costs, Charges, and Expences of obtaining and executing this Act can or may be raised and levied: Provided always, that the Option of retaining the Allotments or receiving Satisfaction in lieu thereof, herein-before given to such Tenants or Occupiers, shall be declared in Writing under his, her, or their Hands, and be delivered to the said Commissioners within One Month from the Time of their exhibiting the Schedule of Allotments herein-before directed to be made and exhibited: Provided always, that if there shall be any Lease of Lands, Part of which shall lie in either of the said several Parishes, and Part in any adjoining Parish, all and every such Lease and Leases upon Rack Rent now subsisting may be vacated, but where any Land shall be taken in Exchange, which Land shall be under Lease and wholly situate in any adjoining Parish, the Lease of such last-mentioned Land shall not be vacated.

Leases to be
void as to
Allotments
of Common
and Waste
Lands.

XXXIV. And be it further enacted, That all and every Lease and Leases, and other Agreements at Rack or extended Rent, which is or are now subsisting of all or any Part of the Messuages, Buildings, Lands, Grounds, Tenements, or Hereditaments within the said several Parishes of *Corton, Hopton, and Gorleston*, either alone or together with any other Lands, Tenements, or Hereditaments, shall cease, determine, and be void, so far as such Lease or Leases, or other Agreements, affect or concern any Allotment or Allotments of the Common Heaths, Marshes, Doles, and Waste Lands which shall be made to any Person or Persons whomsoever for and in respect of any Messuages, Lands, Tenements, or Hereditaments comprised in any such Lease or Leases, or other Agreements;

ments; and it shall and may be lawful for the respective Lessor or Lessors, Landlord or Landlords of any such Messuages, Lands, Tenements, or Hereditaments, to enter into and upon such Allotment or Allotments, and to hold and enjoy the same for and during all such Time and Term as the said Lessee or Lessees, Tenant or Tenants, shall or may have to come and unexpired of such Leases or Agreements respectively, making such yearly Deduction or Allowance out of the Rent or Rents in and by such Leases or Agreements reserved or agreed to be paid by such Lessees or Tenants respectively, for and during all the Residue of such Term or Terms therein as the said Commissioners shall, in and by some Instrument or Instruments in Writing under their Hands for that Purpose, ascertain and determine to be a reasonable Compensation for the Loss of the Right or Rights of Common which hath or have been accustomed to be used and exercised by such Lessee or Lessees, Tenant or Tenants in virtue of the said Messuages, Lands, Tenements, and Hereditaments so leased to or agreed to be held by him, her, or them respectively, unless in Cases where by any such Lease or Agreement the Right of Common is excepted and reserved to the Landlord; but in case any such Lessors or Landlords shall not within One Calendar Month next after the said Commissioners shall have made such Allotment or Allotments, and exhibited a Schedule thereof as herein-before directed, give Notice in Writing of his, her, or their Intention of taking and holding the Allotment or Allotments so to be made of the said Common Heaths, Marshes, Doles, and Waste Lands to the Lessee or Lessees, Tenant or Tenants thereof respectively, such Notice to be left at his, her, or their last or most usual Place or Places of Abode, then and in every such Case it shall be lawful for such Lessee or Lessees, Tenant or Tenants respectively, to enter upon the said Allotment or Allotments so to be made to such Lessor or Lessors, Landlord or Landlords as aforesaid, and to hold and enjoy the same for and during all such Time and Term as he, she, or they shall have to come and unexpired in such Messuages, Lands, Tenements, and Hereditaments by virtue of such Lease or Leases, or other Agreements, 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 joint Expence of such Lessors and 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; but if such Lessee or Lessees, Tenant or Tenants 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 such Allotment or Allotments, and thereby agree to pay for the same such Rent or Rents as the said Commissioners shall have so appointed to be paid to the Lessor or Lessors, Landlord or Landlords thereof (such Notice to be left at his, her, or their last or most usual Place of Abode), that then and in such Case the Allotment or Allotments so to be made in Right of the said Messuages, Lands, Tenements, or Hereditaments respectively leased or agreed to be held by such Lessee or Lessees so neglecting

Lessors may hold such Allotments if they see fit, making Allowance to the Lessees; or if Lessors choose Lessees may hold the same, paying additional Rent.

If Lessees refuse, Lessors may hold the same without Allowance.

or

Not to extend
to Leases
granted by the
Dean and
Chapter, or
President and
Scholars.

or refusing to give Notice as aforesaid, shall go to, 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 in such respective Leases: Provided always, that nothing in this Act contained shall extend or be construed to extend so as to render null and void any Lease or Leases granted by the Dean and Chapter of *Norwich*, or by the President of the College of *Saint Mary Magdalen* in the University of *Oxford*, and the Scholars of the said College, of any Messuages, Lands, Tenements, or Hereditaments within the said Parishes of *Corton*, *Hopton*, and *Gorleston* aforesaid, or any of them, or any Part or Parts of any such Lease or Leases.

Power to
make Ex-
changes.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parishes of *Corton*, *Hopton*, and *Gorleston*, in lieu of or in Exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Parishes, or within any adjoining Parish, Hamlet, or Place; provided that all such Exchanges be ascertained, specified, and declared in and by the Award of the said Commissioners, 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 Politick, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life or Lives, 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 and 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 every such Body Politick, 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 or 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 be situate: Provided always, that all Costs, Charges, and Expences attending the making of any Exchanges and Partitions shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their Award order and direct.

Vicar of *Corton*
not to
Lease with-
out the King's
Consent.

XXXVI. Provided always, and be it enacted, That no Lease or Leases to be made by virtue of the said recited Act, of any Lands or Grounds to be allotted to the said Vicar of *Corton*, or his Successors for the Time being, shall be good, valid, or effectual, unless the Consent of the King's most Excellent Majesty, His Heirs or Successors, as Patron of the said Vicarage of *Corton*, shall be had and obtained thereto previous to the Execution of such Lease or Leases.

XXXVII. 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 and the said recited Act, over and beside 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 Open Fields, Common Heaths, Marshes, Doles, 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 of this Act, and of valuing, dividing, and allotting the said Open Fields, Common Heaths, Marshes, Doles, and Waste Lands, and also of opening, cutting, and making any Ditches or Drains necessary for preserving and improving the said Lands and Grounds, and the Costs, Charges, and Expences of inclosing and fencing the said several Allotments herein-before directed to be inclosed and fenced at the general Expence, 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 and the said recited Act into Execution, shall be borne and defrayed by the several Persons, and Body or Bodies Politick, Corporate or Collegiate, to whom Allotments shall be made by virtue of this Act, 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; and in case any of the Persons afore said shall neglect or refuse to pay his, her, or their Share or Shares of such Charges and Expences, or any Part thereof, to the Person or Persons who shall be appointed to receive the same, within the Time to be limited by the said Commissioners as afore said, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act: Provided always, that nothing herein contained shall extend or be construed to extend to the charging or making liable the said Dean and Chapter (as Impropiators as afore said) and the Vicars afore said, for any Allotment or Allotments to be made to them respectively of any Open Fields, Common Heaths, Marshes, Doles, or Waste Lands, but in respect only of any Messuages or Glebe Lands belonging to the said Dean and Chapter and to the Churches of the said several Parishes for and in respect of the Allotments to be made to them, or the Surveyors of the Highways of the said several Parishes, for and in respect of the Allotments to be made to them, or the several Persons to whom the said Allotments for the Benefit of the said poor Persons shall be made as afore said, to the Payment of the Costs, Charges, and Expences, or any Part thereof, herein-before directed to be paid, but the same shall be charged upon and borne and defrayed by the Rest of the said Proprietors.

Expences of
the Act, how
to be paid.

XXXVIII. Provided always, and be it further enacted, That the Lessees of the said Dean and Chapter, and of the said President and Scholars, shall respectively bear and defray the several Proportions of the Costs, Charges, and Expences of obtaining this Act, and of carrying the same and the said recited Act into Execution, which shall be payable

Lessees of
Dean and
Chapter, and
of the Presi-
dent and
Scholars, to
pay the Pro-
portion of
Expences.

[Loc. & Per.]

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in respect of any Allotment or Allotments of the said Open Fields, or of any Allotment or Allotments of any Part or Parts of the said Common Heaths, Marshes, Doles, and Waste Lands for or in respect of any Right of Common, or other Right appurtenant to the Messuages, Lands, Tenements; or Hereditaments demised to them respectively by the said Dean and Chapter, or by the said President and Scholars of the said College.

Power to charge Copyhold Lands with Expences.

XXXIX. And be it further enacted, That when and so often as it may be necessary to charge any Lands, Tenements, or Hereditaments which shall be allotted or exchanged by virtue of this Act, and which are or shall be or become Copyhold, with any Sum or Sums of Money by Way of Mortgage, for paying and defraying any Share or Shares of the Costs, Charges, or Expences of obtaining and executing this Act and the said recited Act, then and in such Case such Copyhold Premises shall be surrendered to the Use of the Person or Persons who shall advance or lend such Sum or Sums of Money, and his, her, or their Heirs and Assigns, according to the Custom or Customs of the Manor or Manors whereof the same shall be holden, by Way of Mortgage for securing such Sum or Sums of Money and Interest for the same, instead of being mortgaged and surrendered to such Person or Persons, his, her, or their Executors, Administrators, and Assigns, for a Term of Years as mentioned in the said recited Act.

Commissioners may borrow Money to defray Expences.

Money advanced to be repaid with Interest.

XL. 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 of carrying the same and the said recited Act 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.

XLI. 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 and Expences in the Execution of this and the said recited 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 Account 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.

XLII. And be it further enacted, That if any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said recited Act or this Act (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act directed to be final, binding, and conclusive, and except in such Cases.

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*, 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 Fourteen Days Notice of such Appeal, and of the Matter thereof; and the Justices in their said General Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein and award such Costs and Damages as to them in their Discretion shall seem reasonable; and in case of Non-payment thereof before the then next General Quarter Sessions, to levy by their Order or Warrant the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the Justices to be frivolous or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them the said Justices in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

XLIII. And be it further enacted, That the Award to be made by the said Commissioners under the Directions of the said recited Act, together with such Maps or Plans as shall be annexed thereto, when inrolled in Manner directed by the same Act, shall be delivered to and kept by the Lord or Lords, Lady or Ladies of such of the several Manors herein-before mentioned as the said Commissioners shall therein and thereby direct or appoint; and so much and such Part thereof as relates to each of the said several Parishes of *Corton*, *Hopton*, and *Gorleston* respectively, shall be deposited and kept in the several Churches of the said Parishes of *Corton*, *Hopton*, and *Gorleston* respectively. Award.

XLIV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politick, Corporate or Collegiate, 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. General Saving.

XLV. 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. For printing this Act by the King's Printer.

