



ANNO QUINTO & SEXTO

# GULIELMI IV. REGIS.

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## Cap. 10.

An Act for inclosing Lands in the Parishes of *Tavistock, Milton Abbot, Brentor, and Lamerton,* in the County of *Devon,* called *Heathfield.*

[3d July 1835.]

**W**HEREAS there is within the Manors of *Hurdwick, Milton-Abbot, Brentor, and Lamerton,* in the Parishes of *Tavistock, Milton-Abbot, Brentor, and Lamerton,* in the County of *Devon,* certain Common or Waste Ground commonly known by the Name of *Heathfield Common* otherwise *Brent Heathfield,* including also Parts thereof commonly called *Week Common, Kilworthy Common, and Brentor Common:* And whereas the Most Noble *John Duke of Bedford* is Lord of the said Manors of *Hurdwick, Milton-Abbot, and Brentor,* and the Right Honourable *Hugh Earl Fortescue* is Lord of the Manor of *Lamerton,* and the said Duke and the said Earl are as such respectively entitled to or interested in the Soil of the said Common or Waste Ground, and several other Persons are Owners of Lands within the said Manors, and claim Rights of Common over the said Common or Waste Ground: And whereas an Act was passed in the Forty-first Year of the Reign of His Majesty King *George the Third,* intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts:* And whereas an Act was passed in the First and Second Years of the Reign of His late Majesty King *George the Fourth,* intituled *An Act to amend the Laws* 41G.3.c.109.  
[Private.] *x x* respecting c. 23. 1 & 2 G. 4.

*respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas it would be of great Benefit and Advantage to the several Persons interested in the said Common or Waste Ground if the same was divided and inclosed, and specific Parts and Shares thereof allotted and assigned to the several Persons interested therein according to their several and respective Estates, Rights, and Interests in the said Common or Waste Ground; but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Henry Cornish* of *Tavistock* in the County of *Devon*, Gentleman, and his Successors for the Time being, to be appointed in manner herein-after mentioned, shall be and is hereby appointed the Commissioner for setting out, dividing, allotting, and inclosing the said Common or Waste Ground, and for putting this Act into execution, subject to the Rules, Orders, and Directions contained in the said recited Acts, except in such Cases where the same are by this Act varied or altered.

Commis-  
sioner.

Appoint-  
ment of  
new Com-  
missioner.

II. And be it further enacted, That in case the said *Henry Cornish*, or any Commissioner to be appointed as herein-after mentioned, shall refuse to act or qualify himself as a Commissioner for the Execution of this Act, or if he shall, before the Powers and Trusts reposed in him shall have been fully executed, die, or become incapable of acting as a Commissioner, it shall be lawful for the Majority in Value (to be ascertained by the Land Tax Assessment) of the Proprietors for the Time being of the Common or Waste Ground hereby directed to be divided or inclosed, or their respective Agents or Attornies, present at a Meeting to be holden for that Purpose, by Writing under their respective Hands to appoint One other fit Person not interested in the Premises to be a Commissioner in the Place of every Commissioner who shall die, or refuse to act or become incapable of acting as aforesaid: Provided always, that Fourteen Days Notice of the Time and Place and Purpose of such Meeting shall be given by Two or more of the said Proprietors in like Manner as is herein-after directed with respect to the Meetings of the said Commissioner, and that such Meeting shall be held within the Parish of *Tavistock* or within Two Miles thereof; or if the said *Henry Cornish*, or any Commissioner to be appointed in the Manner herein-before directed, shall neglect to attend Three successive Meetings which he shall have appointed under this Act, unless prevented by Sickness, such Neglect shall be deemed and taken to be a Refusal to act in the Execution of this Act; and if any such Vacancies as aforesaid shall not be filled up in the Manner herein-before directed within the Space of One Calendar Month after the same respectively shall happen, it shall be lawful for the Lords of the said Manors for the Time being by Writing under their Hands to appoint One other fit and proper Person not interested in the Premises to be a Commissioner for supplying such Vacancy, and so from Time to Time as often as there shall be Occasion; and every Person who shall be appointed a Commissioner in the Manner herein-before directed shall have the like Powers and Authorities in the Execution of this Act and of the said recited Acts as if he had been appointed a Commissioner in and by this Act.

III. And

III. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered to appoint some fit and proper Person to be his Clerk to assist him in carrying this Act and the said recited Acts into execution, and from Time to Time to remove such Clerk and appoint another in his Stead as to the said Commissioner shall seem meet; and such Clerk so to be appointed shall be paid or allowed, out of the Money to be raised for putting this Act in execution, such Sum or Sums of Money as herein-after mentioned for his Trouble and Expences in the Assistance to be given by him as aforesaid.

Clerk appointed.

IV. And be it further enacted, That every Commissioner and his Clerk who shall act in the Execution of this Act shall respectively be allowed and paid the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, each Day he shall actually attend and be employed as a Commissioner or Clerk in the Execution of this Act, or shall necessarily travel from Home to attend any Meeting held for the Purposes of this Act, or when returning Home after having attended such Meeting during the first Three Years next after the passing of this Act, and after the Expiration of the said Three Years until the Powers and Provisions of this Act shall be fully executed and performed the Sum of Two Pounds and Two Shillings, and no more, each Day he shall actually attend and be employed as a Commissioner or Clerk as aforesaid, in full Satisfaction for his Trouble and Expence in carrying this Act into execution; and that as well the said Commissioner as the said Clerk to the said Commissioner, and the Proprietors and others who shall attend any of the Meetings of the said Commissioner to be held in pursuance of this Act, shall in all Cases defray their own Expences.

Allowance to Commissioner and Clerk.

V. And be it further enacted, That the said Commissioner shall and he is hereby required to cause public Notice to be given in the Newspaper called the *Devonport Telegraph and Plymouth Chronicle*, or in some other Newspaper circulated in the said County of *Devon*, and to be affixed on the principal outer Door of the Parish Church of *Tavistock*, *Milton Abbot*, *Brentor*, and *Lamerton* aforesaid, of the Time and Place of the First and every other Meeting for executing this Act, at least Ten Days before such Meeting shall be holden (Meetings by Adjournment only excepted), and the said Commissioner may and he is hereby authorized to adjourn any such Meeting from Time to Time and Place to Place as he shall see Occasion; provided that all Meetings of the Commissioner shall be holden at some convenient Place within the Distance of Eight Miles from the Boundary of the said Parish of *Tavistock*.

Commissioner to give Notice of Meeting.

VI. An for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Meetings to be holden for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk in which shall be entered all Orders and Proceedings of the said Commissioner, and the several Days

For regulating the Duration of Meetings.

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on which the said Commissioner shall hold his Meetings, and in such Book shall also be entered at what Hour the said Commissioner and his Clerk were respectively present at such Meeting, and at what Hour they respectively left the same; and such Book shall be signed by such Commissioner and his Clerk at the Termination of each Meeting, and shall be open to the Inspection of any Person or Persons interested in the Inclosure, or his, her, or their Agents or Attornies, during any of the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same; and such Orders and Entries shall and may be read in Evidence in all Suits or Proceedings concerning any thing done in relation to or concerning the Execution of this Act: Provided also, that it shall not be lawful for the said Commissioner to retain or to repay himself or such Clerk, out of any Monies to be received by him or over which he may have any Control in the executing of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively, beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award herein-after directed to be made, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or of the said Clerk previous to the Execution of the Award herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due to them.

Other Notices how-to be given.

VII. And be it further enacted, That all Notices requisite or necessary to be given by the said Commissioner shall be given by Advertisement to be inserted in the said Newspaper called the *Devonport Telegraph and Plymouth Chronicle*, or other Newspaper usually circulated in the said County of *Devon*.

Former Surveys may be used with Commissioner's Approbation.

VIII. Provided always, and be it further enacted, That if any Plan or Plans, Survey or Surveys, made of the said Common or Waste Ground, or any Part or Parts thereof, shall be produced and laid before the said Commissioner, of the Authority and Correctness whereof he shall be satisfied, it shall be lawful for the said Commissioner to make use of the same without causing any new Survey to be made thereof.

For extinguishing Rights of Common.

IX. And be it further enacted, That it shall be lawful for the said Commissioner at any Time or Times before the Execution of his Award to order and direct, by Notice under his Hand to be for that Purpose given and affixed on the principal outer Door of the Parish Churches of *Tavistock, Milton-Abbot, Brentor, and Lamerton* aforesaid, all and every or any Commonable Rights and other Rights whatsoever in, over, and upon the said Common or Waste Ground, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time and Times as shall be expressed in such Notice; and all and every such Rights and Right which the said Commissioner shall order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall from the Time of affixing such Notice on the said Church

Doors

Doors cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

X. And be it further enacted, That in case any Dispute shall arise between any of the Parties interested touching their Rights or Claims, Estates or Interests, the said Commissioner is hereby authorized to determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioner to determine any Dispute that shall affect the Title to any Lands, Tenements, or Hereditaments whatsoever.

Commis-  
sioner to  
settle Dis-  
putes.

XI. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to him in pursuance of this or the said recited Acts, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, or Body or Bodies Politic, Corporate, or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Commis-  
sioner may  
award Costs.

XII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with the Determination of the said Commissioner for the Time being touching or concerning any Claim, Right of Common, or other Right or Interest in, over, or upon the Common or Waste Ground hereby authorized to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Objection or Objections to such Claim or Claims, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to cause an Action to be brought upon a feigned Issue against the Party or Parties in whose Favour such Determination shall have been made within Three Calendar Months next after such Determination of the said Commissioner shall have been notified in Writing to the Party or Parties against whom such Determination shall have been made, or to his, her, or their known Agent or Attorney, and thereupon the Party or Parties so dissatisfied shall proceed to a Trial at Law at the next Assizes or at the Assizes immediately following such next Assizes which may be held for the said County of *Devon* after such Action shall have been commenced; and the Defendant or Defendants in such Action or Actions

Allowing  
Parties to try  
their Rights  
at Law.

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shall, and he, she, and they is and are hereby required to appoint an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, (such Issue to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties shall differ about the same,) whereby such Claim or Claims, and the Right or Rights, Interest or Interests, thereby insisted on or objected to, may be tried and determined; and the Verdict which shall be given in any such Action shall be final and conclusive upon all the Parties thereto, unless the Court in which such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, which it shall be lawful for the Court to do as in other Cases; and after such Verdict shall have been obtained, and not set aside by the said Court, the said Commissioner shall and he is hereby authorized and required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner touching any such Claim or other Right or Interest as aforesaid which shall not be objected to in due Time, or which being objected to the Party or Parties objecting shall not cause such Action at Law to be brought within the Time herein-before limited or to be proceeded with as aforesaid, shall be final, binding, and conclusive: Provided also, that no Difference, Suit, or Proceeding as aforesaid, nor any Difference or Dispute touching the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the said Commissioner in the Execution of this Act, but the Division, Allotment, and Inclosure hereby authorized to be made shall be proceeded in notwithstanding any such Difference, Dispute, Suit, or Proceeding, and the Allotment or Allotments in respect of such litigated Property shall be held and taken by the Party or Parties who, upon the Determination of such Difference, Suit, or Proceeding, shall become entitled to the same.

Proviso in case of Death of Parties before Actions brought.

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

Right of Possession of Persons not

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine

any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments made within the Period of Twenty Years as herein-after mentioned); but in case the said Commissioner shall be of opinion against the Right of the Person or Persons so in Possession, he 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.

to be determined by the Commissioner.

XV. 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.

Death of Parties not to abate Actions.

XVI. And be it further enacted, That all Encroachments which shall have been made upon or from the said Common or Waste Ground for Twenty Years or upwards before the passing of this Act shall be deemed to belong to the Person or Persons in his, her, or their own Right occupying or receiving Rent for the same, but he, she, or they shall in no Case be entitled to any Allotment or Allotments in respect thereof under this Act.

Encroachments made above Twenty Years or upwards.

XVII. Provided always, and be it further enacted, That in all Cases where Encroachments have been made on the said Common or Waste Ground within the last Twenty Years, then and in such Case the same shall be deemed Part of the said Common or Waste Land, and the said Commissioner shall and he is hereby required to allot such Encroachment or Encroachments to any of the Proprietors as Part of their several Shares of the said Common or Waste Ground.

Encroachments within Twenty Years.

XVIII. And be it further enacted, That it shall be lawful for the said Commissioner, with the Concurrence and Order of Two Justices of the Peace for the said County of *Devon*, in manner and subject to Appeal as in the said first-recited Act is mentioned, and also subject to the Rules, Orders, and Directions mentioned and contained in an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act of the Thirteenth Year of His present Majesty, for the Amendment and Preservation of the public Highways, in so far as the same relates to Notice of Appeal against turning or diverting a public Highway, and to extend the Provisions of the same Act to the stopping up of unnecessary Roads*, to stop up and discontinue any of the public or private Roads, Ways, or Footpaths in, over, upon, or leading to the said Common or Waste Ground called *Heathfield*, which shall be deemed unnecessary, and to widen, turn, or alter any of such Roads, Ways, or Footpaths as shall be deemed proper to be widened, turned, or altered; and all such public Roads or Ways as may be stopped up or discontinued shall be deemed Part of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, and shall be allotted to such of the Proprietors of the adjoining Lands as the said Commissioner shall think fit.

Power to stop up and alter Roads.

55G. 3. c. 37.

XIX. And be it further enacted, That the said Commissioner shall, in the next place, set out or allot such Part or Parts, Parcel or Parcels of the said Common or Waste Ground as he shall deem sufficient in

Lands to be sold to defray Expences.

Value

Value when sold to defray the necessary Charges and Expences attending the carrying this Act and the said recited Acts into execution, and of surveying, mapping, planning, valuing, dividing, and allotting the said Common or Waste Ground, and of inclosing and fencing such Part or Parts thereof so intended to be sold in pursuance of this Act as aforesaid (if he shall deem it necessary so to do), and also of all the Costs, Charges, and Expences of first forming and making such public and private Roads as are directed to be made by the said in part recited Act, and of preparing, executing, and enrolling the Award of the said Commissioner, and all other necessary Charges and Expences arising and accruing in the course of carrying the Powers herein and in the said recited Act contained into full and complete Execution and Effect, and shall expose the said Allotments to public Sale by Auction or otherwise, in manner and subject to the Directions and Regulations mentioned in the said first-recited Act; and the said Commissioner shall, on Payment of the Purchase Money for the Allotment or Allotments so to be sold for the Purposes aforesaid, sign a Receipt for the same Purchase Money, and that thenceforth the Purchaser or Purchasers shall be absolutely seised and entitled to the Lands so by him or them respectively purchased in Fee Simple to him or them, and his or their Heirs and Assigns for ever, and the same shall be conveyed and allotted accordingly by the said Commissioner.

Allotment to the Lords of the Manors.

XX. And be it further enacted, That the said Commissioner shall assign, set out, allot, and award, out of each of the said Parishes respectively, unto the Lords of the several Manors of *Hurdwick*, *Milton-Abbot*, *Brentor*, and *Lamerton*, or unto such of them as shall appear to the said Commissioner to be interested in the Soil thereof, such Parts of the Common or Waste Ground hereby directed to be divided and inclosed as shall in the Judgment of the said Commissioner be equal to One full Sixteenth Part or Share (Quantity, Quality, and Situation considered, and exclusive of the Roads passing through the same,) of the said Common or Waste Ground, as a Compensation for their Rights and Interests of and in the Soil of all the said Common and Waste Grounds only in each and every of the said Parishes, and so as each Allotment so to be set out as aforesaid shall be set out in that Parish in which the said Common and Waste Grounds in respect of which such Allotments shall be made do lie or are situated; and after such Allotments shall be set out as aforesaid the said Commissioner shall and he is hereby authorized and required to divide, allot, and award the said Allotments so set out to such Lords as aforesaid for Right of Soil according to their respective Rights and Interests therein, so as the Allotment so to be made as last aforesaid be made in the Parishes respectively in which the several Manors belonging to the said Lords are respectively situated.

Application of Surplus Money arising by Sale of Lands.

XXI. And be it further enacted, That in case the said Part or Parts of the said Common or Waste Ground shall be sold for more Money than will be required to pay the Proportion of such Common or Waste Ground of such Charges and Expences as aforesaid, then and in such Case such Surplus Money shall be divided and apportioned between the several Proprietors of and Persons interested in such Common or Waste Ground according to their several and respective Interests therein; and the Shares of such of them as shall be Tenants in Fee Simple of their respective Allotments

Allotments shall be paid to them respectively, and the Shares of such of them as shall not be Tenants in Fee Simple shall be applied and disposed of in manner directed by this Act in Cases where any Money is to be paid for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or 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 allotted to the same Uses.

XXII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of His late Majesty or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioner out of such Sum to defray such Proportion of the Expence of passing this Act, and of carrying the same and the said recited Acts into execution, as shall, if any, be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood, shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or redeemed or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application, be laid out

Application of Compensation Money if amounting to 200*l.*

1G. 4. c. 35.

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in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

When less than 200*l.* and exceeding to 20*l.*

XXIII. And be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, and be placed to his Account as aforesaid, in order to be appropriated in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to be signified in Writing under the Hands of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

XXIV. And be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of any Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, and to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

XXV. And

XXV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot the Residue of the Common or Waste Ground intended by this Act to be divided and inclosed unto, for, and amongst the Lords of the said Manors of *Hurdwick, Milton-Abbot, Brentor, and Lamerton*, and the several other Persons and Parties who at the Time of making such Division and Inclosure shall have Property therein respectively, in proportion to the full, true, and real Value of their several Shares, Rights, and Interests in the same respectively, such Shares, Rights, and Interests to be ascertained and adjudged by such Ways and Means and in such Manner as to the Commissioner shall seem just and expedient, and under and subject and liable to such Rules and Regulations as the said Commissioner shall in and by his said Award in that Behalf order, direct, and appoint.

Allotment of the Residue.

XXVI. And be it further enacted, That the several Allotments to be made by virtue of this Act shall be inclosed, and fenced, by and at the Expence of such Persons, within such Term, and in such Manner, and subject to such Regulations and Restrictions as the said Commissioner shall by Writing under his Hand or in and by his said Award order, direct, or appoint, and the Hedges, Ditches, and Fences which shall be made pursuant thereto shall at all Times thereafter be maintained, cleansed, and kept in repair by such Persons as the said Commissioner shall by Writing under his Hand or by his said Award order, direct, or appoint; and in case any Person who shall be made subject or liable by such other Direction or Appointment of the said Commissioner to raise or make any such Inclosure or Fence shall neglect or refuse to make and raise the same according to the Direction of the said Commissioner, it shall be lawful for the Person or Persons interested in the Lands next adjoining the Lands allotted to the Person so neglecting or refusing, to make and raise such Inclosure or Fence, and to recover the Costs and Charges of doing thereof from the Persons so neglecting or refusing by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

For fencing Allotments.

XXVII. And be it further enacted, That the Residue of the Lands and Grounds which shall be allotted under or by virtue of this and the said recited Acts shall be held by and under the same Tenures, Customs, Rents, and Services as the Property in respect of which such Allotments shall be made and respectively held and enjoyed.

Allotments to enure to the same Tenures.

XXVIII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment to be made by virtue of this Act to sell, mortgage, demise, and dispose of all his, her, or their Estate and Interest therein at any Time before the Execution of the Award of the said Commissioner; and it shall be lawful for any Person or Persons interested in the said Allotment, Division, and Inclosure, at any Time before the Execution of the Award, to sell and dispose of any Estate, Right, Title, Interest, and Property which he, she, or they shall then have in or to the said Common or Waste Ground, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate from the Estate in right of which he, she, or they shall be so entitled; and it shall be lawful for the said Commissioner, and he is hereby authorized and required, to allot the same to the Purchaser or Purchasers thereof respectively.

Allotments may be sold before the Execution of the Award.

XXIX. Pro-

Allotments and Fences may be altered by the Commissioner before the Award is executed.

XXIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner at any Time before the Execution of his Award to make such Alterations in the Allotments and Fences which he shall think right and expedient; and in case any Person or Persons shall happen to be injured by such Alteration on account of any Expence he, she, or they may have been at, the said Commissioner shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made.

Map or Plan of the Allotments to be made.

XXX. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Shares, Rights, and Interests of the several Proprietors and Persons interested in the said Common or Waste Ground, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors and Persons interested respectively in lieu thereof, the said Commissioner shall give Notice in manner aforesaid of some convenient Time and Place when and where all Proprietors and Persons interested may inspect a Map or Plan of such intended Allotments wherein the same shall be set out and delineated, and may have and receive a Copy of such Map or Plan, so far as the same relates to such Proprietors and Persons respectively.

Leases at Rack Rent to be void.

XXXI. And be it further enacted, That all Leases and Agreements for Occupation at Rack Rent of any Messuages, Lands, or Hereditaments in the said Parishes of *Tavistock*, *Milton-Abbot*, *Brentor*, and *Lamerton*, which shall be exchanged by virtue or under the Authority of the said recited Act, or of any Right of Common or other Right in or over the Common or Waste Ground hereby directed to be divided, allotted, and inclosed, either alone or together with any other Lands, Tenements, or Hereditaments, shall, as to such Messuages, Lands, Tenements, and Hereditaments so exchanged, and as to such Rights of Common or other Rights only, and the Allotments to be made in respect thereof, but no further or otherwise, cease, determine, and be void immediately upon the Execution of the said Award, or at such other Time as the said Commissioner shall appoint, the Owners paying to the Lessees such Sums of Money as the said Commissioner shall ascertain to be a reasonable Compensation to such Lessees for their Terms and Interests in such exchanged Lands and Right of Common or other Rights respectively.

Wills and Settlements not to be affected.

XXXII. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to 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 the Lands or Grounds to be divided, allotted, inclosed, or exchanged in pursuance of this or the said recited Acts, or any Part or Parts thereof respectively; but the respective Persons to whom any Lands or Hereditaments shall be allotted, or given in exchange by virtue of this or the said recited Acts shall be seised thereof for such and the same Estate, and subject to such and the same Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Lands, Grounds, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioner, or for which or in respect whereof such Allotments or Exchanges shall be

be made, would have been subject to, charged with, or affected by in case this Act had not been passed.

XXXIII. And be it further enacted, That it shall be lawful for any Proprietor or Proprietors of any Allotment or Allotments to be made by virtue of this Act, being Tenant or Tenants for Life or Lives, or in Tail, and also for any Husbands, Guardians, Trustees, Committees, or Attornies of any of the said Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and for any Lessee or Lessees for Life or Lives, and for any Mortgagees, Trustees, or other Persons in Possession of any of them, by and with the Consent and Approbation of the said Commissioner, to be testified under his Hand and Seal, from Time to Time after such Allotment and Division shall be made, and either before or after the Execution of his said Award, to charge the Lands or Grounds which shall be allotted to such Proprietors respectively by virtue of this Act with any Sum or Sums of Money, not exceeding Five Pounds for each and every Acre thereof, as in the Judgment of the said Commissioner shall amount to his or their respective Portions of the Expence of inclosing, dividing, and fencing off their respective Allotments; and for securing the Repayment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise the said allotted Lands or Grounds unto or in Trust for such Person or Persons as shall advance any such Sum or Sums of Money respectively for any Term or Number of Years; and every such Grant, Mortgage, Lease, and Demise shall be good, valid, and effectual in the Law for the Purposes thereby intended.

Empowering Tenants for Life to borrow Money.

XXXIV. And be it further enacted, That every such Tenant or Tenants for Life or Lives or in Tail, and every other Person or Persons who shall be entitled to the said mortgaged Premises, shall pay and keep down the Interest of the Principal Money so to be borrowed as aforesaid, so that no Person or Persons afterwards becoming entitled to the said mortgaged Premises shall be liable, upon his, her, or their becoming possessed thereof, to Payment of any larger Interest than for Six Calendar Months preceding the Time when his, her, or their Title to the Possession of such mortgaged Premises shall have commenced.

Interest of Money to be kept down.

XXXV. And be it further enacted, That it shall be lawful for the said Commissioner, either before or within One Year after the Execution of the said Award, on Application being made to him by any of the Owners or Proprietors whatsoever for the Time being seised of or entitled in Possession to any Allotment or Allotments to be made by virtue of this Act, or the actual Receipt of the Rents and Profits thereof, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple, or for Life or Lives in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or upon like Application being made to him by the Guardians, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who at the Time of such Application shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Application to be

Power to the Commissioner, on Application by Proprietors having limited Interests, to sell Lands for defraying Expences.

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made

made to the said Commissioner in Writing under the Common Seal of any such Body Politic, Corporate, or Collegiate, or under the respective Hands of the other applying Parties respectively, to sell any Part or Parts of the Allotment or Allotments which by virtue of this Act shall have been set or marked out for or actually awarded to the Owner or Owners, Proprietor or Proprietors, who by himself, herself, or themselves, or such other Person or Persons on his, her, or their Behalf as aforesaid, shall make such Application as herein-before mentioned, for the Purpose of raising a Sum of Money sufficient to defray the Whole or Part of the Costs, Charges, and Expences which such Owner or Owners, Proprietor or Proprietors as aforesaid shall by virtue of this Act or of the said recited Acts be subject or liable to, and such Sale or Sales shall be made by the said Commissioner in manner herein-after directed; and the said Commissioner shall, with and out of the Residue of the said Monies, defray the Costs, Charges, and Expences for the defraying of which such Sale or Sales was or were respectively made: Provided always, that it shall not be lawful for the said Commissioner by virtue of this Act to raise by such Sales respectively any further or greater Sum of Money, for the Purpose of defraying such Costs, Charges, and Expences as aforesaid, than the respective Owners or Proprietors or other Person or Persons making such Application as aforesaid are or is by the said firstly-recited Act empowered or authorized to borrow and charge for the Purpose of defraying his, her, or their respective Share or Shares of Charges and Expences, reckoning after the Rate of Five Pounds for each and every Acre of such Allotment or Allotments: Provided also, that if the Money so to be raised by the Sale of such Allotment or Allotments shall not be equal to the Sum of Money that may be borrowed and charged by virtue of the said firstly-recited Act and this Act on the Lands and Grounds to be allotted by virtue of this Act to such Owner or Owners, Proprietor or Proprietors, reckoning Three Pounds for each and every Acre thereof, then and in every such Case it shall be lawful for such Owner or Owners, Proprietor or Proprietors, to borrow and charge upon his, her, or their Allotment or Allotments any Sum or Sums of Money not exceeding the Excess or Difference: Provided also, that nothing in this Act contained shall extend or be deemed or construed to extend to prevent or hinder any Owner or Proprietor, or other Person or Persons, from exercising, in preference to the said Power of selling, the Power of borrowing and charging given by this Act and the said firstly-recited Act.

Manner in which Sales are to be made by the Commissioner.

XXXVI. And be it further enacted, That all the Sales to be made by the said Commissioner in pursuance of this Act shall be made in the same Manner as Sales of Land for the Payment of and Discharge of Expences attending Acts of Inclosures are by the said firstly-recited Act directed to be made, and the Receipts of the said Commissioner for the Monies to arise from such Sale or Sales shall be a sufficient Discharge or Discharges to the Person or Persons paying the same; and such Person or Persons, his, her, or their Heirs, Executors, Administrators, or Assigns, shall not be liable or obliged to see to the Application of such Monies, or be answerable or accountable for the Misapplication or Nonapplication thereof respectively; and the Allotments or Lands which shall be respectively sold by virtue of this Act shall, on Payment to the Commissioner of the full Purchase Money for the same respectively, be appointed and conveyed by the said Commissioner by any Deed or Deeds, Instrument or Instruments

in Writing, to be by him sealed and delivered in the Presence of and attested by Two or more credible Witnesses, to or in Trust for the Purchaser or Purchasers thereof respectively, his or their Heirs or Assigns, or to such Uses and in such Manner as such Purchaser or Purchasers shall direct or require; and all the Allotments and Lands which shall be so respectively appointed and conveyed shall immediately after the Appointment and Conveyance thereof respectively be absolutely discharged from all Right of Common in and upon the same respectively, and be subject and liable to such Orders, Directions, and Restrictions with respect to fencing, ditching, and inclosing the same, and such other Orders, Directions, and Restrictions as shall be laid down and appointed in respect thereof by the said Commissioner in and by the said Award, or by any Writing or Writings under his Hand.

XXXVII. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purpose of defraying the Expences of applying for and obtaining this Act, and for carrying the same into execution, shall be repaid, with lawful Interest, to the Person or Persons advancing the same, his or their Executors, Administrators, or Assigns, out of the first Monies to be raised by virtue of this Act.

Money advanced to be paid with Interest.

XXXVIII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parishes of *Tavistock*, *Milton-Abbot*, *Brentor*, and *Lamerton* in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Parishes, or within any adjoining Parish, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners, Lessor or Lessors, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, but not otherwise, whether such Owner or Owners, Lessor or Lessors, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on a Life or Lives, by and with the Consent of the Lessor or Lessors, but not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchanges and Exchange so to be made shall be good, valid, and effectual in 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 lie and be situate.

Power to exchange Lands, &c.

XXXIX. And

Expences of  
Exchanges  
by whom to  
be paid.

XXXIX. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Exchanges or Partitions to be made by virtue of the said recited Act or this Act shall be paid, borne, and defrayed by the several Persons proposing or consenting to the making any such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioner shall by his Award, or any other Writing under his Hand, order and direct; and such Costs, Charges, and Expences, in case of Nonpayment thereof, may be recovered in the same Manner as the Costs, Charges, and Expences of inclosing and fencing Allotments can or may be recovered under and by virtue of the said recited Acts.

Award.

XL. And be it further enacted, That the Award to be made by the said Commissioner in pursuance of the said first-recited Act or of this Act shall be made, executed, and published within Three Years from the passing of this Act; and, together with a proper Map or Maps, Plan or Plans annexed thereto, shall be deemed and taken to be well and effectually enrolled according to the Directions of the said first-recited Act; if the same, together with a Map or Maps, Plan or Plans annexed thereto, shall, within the Time mentioned by the same Act for such Enrolment, be deposited with the Clerk of the Peace for the said County of *Devon*; and such Clerk shall be paid on the Delivery thereof the Sum of One Pound One Shilling, and no more; and such Clerk shall and he is hereby required to keep such Award so deposited with him with the Records of the said County of *Devon*, to the end that Recourse may be had thereto by any Person or Persons interested therein, for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and a true Copy of the said original Award, with the Map or Maps, Plan or Plans annexed thereto, shall be deposited and kept in the Parish Church of *Tavistock* aforesaid, or in such other Place or Places as the said Commissioner shall in and by his said Award direct and appoint.

Commis-  
sioner to lay  
his Accounts  
before a  
Justice of  
the Peace.

XLI. And be it further enacted, That at least once in every Year during the Execution of this Act, to be computed from the Day of passing thereof, the said Commissioner shall and he is hereby required, by himself or his Clerk, to make a true and just Statement and Account of all Sums of Money by him received or expended, or due to him and any Person or Persons to be employed by him in carrying this Act into execution for his Trouble and Expence in the Execution of this Act; and such Statement and Account when so made, together with the Vouchers relating thereto, shall be by him laid before One or more of His Majesty's Justices of the Peace for the said County of *Devon* (not interested in the Premises), to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Book of Accounts to be kept in the Office of the Clerk or Clerks of the said Commissioner; and an Abstract of such Account so examined and balanced shall be from Time to Time published in the said *Devonport Telegraph and Plymouth Chronicle*, or some other Newspaper published in the County of *Devon*; 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 Justice or Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper

paper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

XLII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any thing done in pursuance of the said recited Acts or this Act, (other than and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where by any of the Provisions of the said recited Acts or of this Act the Determinations, Acts, or Proceedings of the said Commissioner are directed to be final or conclusive,) he, she, or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said County of *Devon* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal and the Matter thereof, except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Date of the said Award, on giving to the said Commissioner such Notice as last aforesaid; and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress or 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 Warrant of Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by Certiorari, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices frivolous, vexatious, and without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable.

Persons aggrieved may appeal to the Quarter Sessions.

XLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to defeat, lessen, or prejudice the Right, Title, and Interest of the Lord of the said Manors of *Hurdwick, Milton-Abbot, Brentor, and Lamerton*, their Heirs or Assigns, or any of them, of, in, and to any Mines, Ores, Metals, Minerals, Quarries of Lime, Slate, or Stone, or any other Matter or Thing whatsoever in or under the said Common or Waste Ground; but that it shall be lawful for the Lord of the said Manors for the Time being or either of them, and his or their Lessee or Lessees, Grantee or Grantees, Agents, Servants, Miners, and Workmen, from Time to Time and at all Times hereafter to have, hold, enjoy, search for, work, bring to grass, and pull, break, and take all such Mines, Ores, Metals, Minerals, Slate, Lime, and Stone, and other Matters and Things, and to enter into and upon any of the Allotments to be made in pursuance of this Act for the Purposes aforesaid; and also that the Lord of the said Manors for the Time being, or either of them, shall and may enjoy all Reliefs, Duties, Customs,

Saving certain Rights of the Lord of the Manor.

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Services,

Services, Forfeitures, Hunting, Hawking, Fowling, Shooting, Royalties, Jurisdictions, Franchises, Matters, and Things whatsoever to the said Manors incident, belonging, or appertaining, other than and except such Common Right as could or might be claimed by him or them as Owners of the Soil and Inheritance of the said Common or Waste Ground, in as full and beneficial a Manner to all Intents and Purposes as he or they might have held or enjoyed the same if this Act had not been made.

Satisfaction  
to be made  
for Damage  
done by  
working  
Mines.

XLIV. Provided always, and be it further enacted, That in case the Lord of the said Manors for the Time being, or any Person or Persons claiming under him, shall, after such Inclosure, Division, or Allotment made as aforesaid, search for, win, or work any Mine or Mines, Minerals, or Quarries lying and being within or under any of the Allotments or Inclosures to be made as aforesaid, or lead or carry away the Produce of or from any such Mines, Minerals, or Quarries, then and in such Case the Lord of the said Manors for the Time being, or such Person or Persons so claiming under him, shall make a reasonable Satisfaction for the Damage and Spoil of Ground occasioned thereby, or by the erecting or building any Houses, Erections, Buildings, or Engines, or by the altering, changing, repairing, amending, rebuilding, pulling down, or carrying away the same, or any of the Materials thereof, to the Person or Persons who shall be in Possession of such Ground at the Time or Times of such Damage or Spoil; and the Amount of such Satisfaction where the Parties differ about the same shall from Time to Time be ascertained, settled, or determined by Two or more Justices of the Peace for the said County of *Devon* (not being interested in the Premises nor in the Assessment of such Damage), who are hereby empowered and required, upon Complaint thereof in Writing made to them by the Person or Persons so damnified, to examine and inquire into such Complaint or Complaints in a summary Way, either by Examination of Witnesses upon Oath (which Oath the said Justices are hereby empowered and required to administer), or by such other Evidence or Proof, Ways and Means, as to them shall seem requisite and expedient in that Behalf, and to assess, settle, and determine the Amount or Value of the Damages sustained by such Person or Persons as aforesaid; which Amount or Value shall be paid and borne by the Lord of the said Manors for the Time being, or the Person or Persons claiming under him as aforesaid, as the said Justices shall direct or appoint; so as there be Fourteen Days previous Notice at least given of such Complaint or Complaints to the Lord of the said Manors for the Time being, or his Agent or Agents for the Time being, or the Person or Persons claiming under him as aforesaid; and in case the Person or Persons who may be directed to pay the Amount or Value of such Damages as aforesaid shall neglect or refuse to pay the same, within a Time (not exceeding Six nor less than Two Calendar Months) to be limited by such Justices, to the Person or Persons so injured or damnified as aforesaid, then and in such Case the said Justices by Warrant under their Hands and Seals shall and they are hereby required to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons who may be directed to pay the same, rendering the Overplus (if any be), after deducting the reasonable Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels, upon Demand; and the Determination of the said Justices in the Premises shall be final, binding, and conclusive to and upon all Parties whomsoever.

XLV. Saving

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

General  
Saving.

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

Act to be  
printed by  
the King's  
Printers.

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LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1835.

