



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 13.

An Act for inclosing Lands in the Parishes of *Boconnoc, Braddock, and Saint Winnow*, in the County of *Cornwall*. [24th March 1809.]

WHEREAS there are within the Parishes of *Boconnoc, Braddock, and Saint Winnow*, in the County of *Cornwall*, certain uninclosed Downs, containing in the Whole by estimation Two thousand three hundred Acres, or thereabouts; whereof the Right Honourable *Anne* Baroness *Grenville*, Wife of the Right Honourable *William Wyndham* Lord *Grenville*, Baron *Grenville* of *Wotton under Berne Wood* in the County of *Bucks*, is Owner and Proprietor: And whereas the said *Anne* Baroness *Grenville* is also Lady of the Manors of *Boconnoc, Braddock, and Bawdoc*, and all other the Manor or Manors in which the said Lands are situated, and is seized of and entitled unto the Soil and Inheritance thereof, and to all Mines, Minerals, Quarries, and Royalties within and under the same: And whereas certain Leases determinable on one or more Lives have been heretofore granted to divers Persons of certain Lands and Tenements within the said Manors and Parishes, together with Commons of Pasture upon and over the said Downs, and Rights of cutting Turf thereon, to the Extent and on the Terms in the said Leases respectively specified; and such Leases are now in part subsisting: And whereas the said Downs in their present State are of little Value to the Persons interested therein; but if the same were divided and inclosed, and specific Shares thereof were assigned and allotted to the Parties interested, in proportion and according to their

[*Loc. & Per.*]

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several

Commissioner
appointed.

several Rights and Interests therein, it would be of Advantage to them and also of publick Utility; but such Division and Inclosure cannot, during the Existence of the aforesaid Leases, 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 *John Bowen* of *Bodmin*, in the said County of *Cornwall*, shall be and he is hereby appointed the sole Commissioner for surveying, dividing, and inclosing the same Downs, and allotting the same amongst the several Persons interested therein, and for otherwise carrying the several other Purposes of this Act into Execution, and also such of the Powers, Regulations, Restrictions, and Provisions contained in an Act, passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*; as are not varied, altered, or repealed, or otherwise provided for by this Act.

For appoint-
ing a new
Commissioner.

II. And be it further enacted, That if the said *John Bowen*, or any Commissioner to be nominated and appointed in Manner herein-after mentioned, shall die, or refuse to act, or become incapable of acting as Commissioner in the Execution of this Act, and of the said recited Act, then and in every such Case it shall and may be lawful to and for the said *Anne* Baroness *Grenville*, her Heirs and Assigns, by any Writing under her, his, or their Hand or Hands, to nominate and appoint, as often as there shall be Occasion, a fit and proper Person (not interested in the said Division or Inclosure) to be the Commissioner in the Place of the said *John Bowen*, or any Commissioner so dying or refusing to act, or becoming incapable of acting as aforesaid; and every Commissioner so nominated and appointed shall, after taking the Oaths prescribed in that Behalf, have the same Powers and Authorities in all respects for carrying this Act, and the said recited Act into Execution, and shall be subject and liable to the like Rules, Orders, and Regulations, as if he had been originally named and appointed a Commissioner in and by this Act.

Commissioner
to give Notice
of his Sitting.

III. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given in Writing of the Time and Place of his first and every other Attendance for the Execution of this Act, by affixing the same on the Doors of the respective Parish Churches of *Boconnoc*, *Braddoc*, and *Saint Winnow* aforesaid, on some *Sunday* immediately before Divine Service, at least Six Days before such Attendance (Attendances by Adjournment only excepted); and the said Commissioner shall and may adjourn any such Attendance from Time to Time to such Time, and from Place to Place, as he shall see Occasion, within the Parish of *Boconnoc* aforesaid, or within Eight Miles thereof.

IV. And be it further enacted, That all other Notices necessary to be given by the said Commissioner in pursuance of the said recited Act or of this Act, unless otherwise particularly directed, shall be given in Writing, by affixing the same upon the outer Doors of the said respective Parish Churches of *Boconnoc*, *Braddoc*, and *Saint Winnow* aforesaid, and also
by

by Advertisements in the Newspaper called *The Royal Cornwall Gazette*, if then published, and if not, then in some other Newspaper circulated in the said County of *Cornwall*.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who are or before the making of the Award of the said Commissioner shall be interested in the said Division and Inclosure, touching or concerning the respective Rights and Interests, Shares and Proportions, which they or any of them shall have or claim to have, of, in, or to the said Downs or any of them, or any Part or Parts thereof, or touching or concerning any other Matter or Thing relating to the Division and Inclosure hereby directed to be made, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required to examine into, hear, and determine the same respectively; provided that nothing herein contained shall extend or be construed to extend so as to enable the said Commissioner to determine any Title to any Lands, Tenements, or Hereditaments whatsoever.

May determine disputed Claims.

VI. And be it further enacted, That all Inclosures and Incroachments which at any Time within Thirty Years last past have been taken from or made upon the said Downs, other than such Inclosures as shall have been made by the said *Anne Baroness Grenville*, or the Lord or Lady of the said Manors for the Time being, or shall have been made or held by any Person or Persons under or by virtue of any Grant, Lease, or Covenant from the said *Anne Baroness Grenville*, or the Lord or Lords, Lady or Ladies of the Manors aforesaid for the Time being, or any of them, being Proprietors of the Soil of the said Downs, shall be deemed Part and Parcel of the said Downs to be divided, allotted, and inclosed by virtue of this Act; and in case any Difference or Dispute shall arise touching any such Inclosures or Incroachments being deemed Part or Parcel of the said Downs, or respecting the Date or the Extent thereof, such Difference or Dispute shall be examined into, settled, and determined by the said Commissioner, whose Determination shall be final and conclusive between the said Parties.

Incroachments.

VII. 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 Act or the said recited Act, or upon the Hearing and Determination of any Dispute or Difference as aforesaid, 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, or Body or Bodies Politick, Corporate or Collegiate, whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled, or against whom the said Commissioner shall have determined as aforesaid; and in case the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in every such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person

Commissioner may assess Costs.

or

or Persons, or Body or Bodies Politick, Corporate or Collegiate, so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Persons, or Body or Bodies Politick, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to try
disputed
Claims.

VIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, interested or claiming to be interested in the said Division and Allotment, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of any Right or Interest in, over, or upon the Lands and Grounds hereby directed to be divided and allotted, 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 proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the following Assizes to be holden for the County of *Cornwall*; 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 Commissioner, shall, within Three Calendar Months next after such Determination shall be made and declared, cause an Action to be brought upon a feigned Issue in any of His Majesty's Courts of Record at *Westminster* against the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, in whose Favour such Determination shall have been made; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall file Common Bail or appear thereto, and accept one or more Issue or Issues whereby all such Claim or Claims, Rights and Interests may be properly tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be brought, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive upon all and every Person or Persons, Body and Bodies Politick, Corporate and 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, if the said Court shall think proper; and after a Verdict or Verdicts shall have been obtained, and not set aside by the Court, the said Commissioner shall, and he is hereby authorized and required to conform thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn to put off the Trial of such Action, and also to award a new Trial therein, although the Time herein-before limited of Trial of such Action may be thereby exceeded: Provided always, that the Determination of the said Commissioner touching or concerning such Claim or Claims of any Rights of Common or other Rights or Interests in, over, or upon the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to in due Time, or being objected to, the Party or Parties objecting shall not cause such Action or Actions at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Court may
put off Trial
or award a
new Trial,
upon Cause
shewn.

IX. Provided

IX. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination 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 Commissioner with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall therein also 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, 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.

In cases of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

X. 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 Thirty Years, as herein-before mentioned); but in case the said Commissioner shall be of Opinion against the Rights of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by, or recovered from such Person or Persons by Ejectment or other due Course of Law: Provided also, 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.

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

Action not to abate by Death of Parties.

XI. And be it further enacted, That the said Commissioner, after setting out the Roads and Ways in Manner directed by the said recited Act, shall set out, assign, and allot so much and such Part and Parts of the said Downs unto and amongst the several Persons interested in the said Downs, according to their several and respective Rights and Interests therein under or by virtue of any Lease or Leases thereof as aforesaid, as he the said Commissioner shall think necessary, in such Quantities, Shares, and Proportions, as he shall judge and determine to be just and adequate to and for such their respective Rights and Interests therein, having a due Regard as well to the Quality and Quantity as to the Situation of the said Downs to be divided; and the same Allotments shall be had and taken by the several Persons entitled thereto in lieu and full Bar, Satisfaction, and Compensation of and for such their several and respective Rights and Interests of, in, and to the said Downs hereby directed to be divided; and the said Commissioner shall also with all convenient Speed, after such setting out and allotting is completed, deliver or cause to be delivered to each of the several Persons interested in the said Division and Inclosure, or to each of their respective Agents, a Notice in Writing signed with his Name, specifying the Quantity in Statute Measure, and the Situation of the Allotment or Allotments set out and allotted to or for the Person or Persons whose Allotment or Allotments shall be described in such Notice in Writing; and the

Allotment to the Persons interested in the Lands to be inclosed.

[*Loc. & Per.*]

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said

said Commissioner shall also specify in such Notice which Part of the Hedges or Fences such Persons shall respectively be required to make and repair, in order that all Persons interested in the said Division may have an Opportunity of considering the Justice and Equity of such Division before the said Commissioner shall make and publish his final Award.

Planting
young Trees.

XII. And whereas the promoting the Planting and Growth of Timber Trees in the said Hedges and Fences may be of material Benefit to all the Parties interested in this Inclosure; be it therefore enacted, That the said Commissioner shall have Power in such Notice in Writing, and also in his final Award, to direct and require that such Proportion of young Timber Trees as he shall judge reasonable, shall at the Time of making the said Hedges and Fences be planted thereon, and that the same shall be preserved and maintained, and in case of Damage by Neglect replaced at the Charge of the Person or Persons who shall be required to make such Hedge or Fence respectively: Provided always, that the young Trees for the aforesaid Purpose shall be found and provided by the said *Anne Baroness Grenville*, her Heirs and Assigns, or other the Person or Persons entitled for the Time being to the Soil, Reversion, and Inheritance in, upon, and to the said Downs hereby intended to be inclosed.

Allotment of
the Residue.

XIII. And be it further enacted, That the said Commissioner (after setting out Roads and making the several Allotments aforesaid) shall set out, allot, and award the Residue of the said Downs hereby intended to be divided and inclosed unto the said *Anne Baroness Grenville*, her Heirs and Assigns for ever, or other the Person or Persons entitled for the Time being to the Soil, Reversion, and Inheritance in, upon, and to the said Downs hereby intended to be inclosed, as a full Satisfaction and Compensation for all his, her, and their Estate, Right, and Interest therein.

Allotments to
be of the same
Tenure as
Property for
which allotted.

XIV. And be it further enacted, That all and every the Allotment and Allotments to be made by virtue of this Act in or upon the said Downs, in Satisfaction of any Right of Common of Pasture, or of cutting Turf, so granted as aforesaid, shall from and after the making the said Award be held under and subject to the same Tenures, Services, Rents, Chief Rents, Quit Rents, Covenants, Charges, Clauses, and Provisoos, as the Lands or other Estate in respect of which they were so respectively allotted are held and enjoyed, and the same shall be held by the Parties to whom the same shall be so allotted, for and during the Continuance of the Leases by which such Rights were so granted, and no longer; and from and after the Expiration of such Leases respectively the Property and Possession of the Allotments made in respect thereof shall revert to and be vested in the said *Anne Baroness Grenville*, and her Heirs and Assigns for ever, or other the Person or Persons entitled for the Time being to the Soil, Reversion, and Inheritance in or upon and to the said Downs hereby intended to be inclosed.

For extin-
guishing or
suspending
Rights of
Commons
before the
Award.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby authorized at any Time or Times before the Execution of his Award, by Writing under his Hand to be affixed upon the principal Doors of the said respective Parish Churches of *Boconnoc*, *Braddoc*, and *Saint Winnow*, to order and direct all or any Rights of Common, or other Commonable Rights whatsoever, in, over, or upon the said Downs hereby directed to be divided and allotted, or
any

any Part thereof, to be extinguished, or the Exercise thereof to be suspended for and during such Time or Times as shall be expressed in such Writing; and that all such Rights as the said Commissioner shall by such Writing order and direct to be extinguished, or the Exercise thereof to be suspended as aforesaid, shall, from the Time of affixing such Writing on the said Church Doors, cease, determine, and be extinguished, or the Exercise thereof shall be suspended accordingly; any Law, Custom, or Usage to the contrary notwithstanding.

XVI. And be it further enacted, That it shall not be lawful for any Person or Persons whomsoever, until the Execution of the Award of the said Commissioner, to cut, dig, pare or carry away any Turf, Sod, Furze, or Gravel, in, upon, or from the said Downs, or any Part thereof, without the Licence of the said Commissioner under his Hand first had and obtained.

Not to cut Furze or Turf without Leave of the Commissioner.

XVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and empowered in case he shall think proper, to alter, turn, stop up, destroy or divert any publick Road or Roads, Way or Ways, leading through or over any Part of the said Downs, and also such Parts of any other Road or Roads, Way or Ways within the aforesaid Parishes, as lead directly to or from the same; subject nevertheless to such Provisions and under such Directions as are contained in the said recited Act, respecting the stopping up of any old or accustomed Roads or Ways.

Old Roads may be diverted.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said respective Parishes of *Boconnoc*, *Braddoc*, and *Saint Winnow*, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatsoever within the said respective Parishes, or within any adjoining Parish, Hamlet, 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, 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 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 any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Purposes, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself (such Consent to be testified in Writing under the common Seal of the Body or Bodies 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, Chapel, or other Ecclesiastical

Exchanges.

Benefice,

Benefice, without the Consent (testified as aforesaid) of the Patron thereof, and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged, shall lie and be situate.

Award to be deposited.

XIX. And be it further enacted, That as soon as conveniently may be after the Division and Allotment of the said Downs shall have been made and completed, and other the Provisions and Directions of this Act be carried into Execution, the said Commissioner shall form and draw up an Award in Writing, with one or more proper Plan or Plans thereto annexed, in the Manner prescribed by the said recited Act, which said Award shall be fairly ingrossed on Parchment, and be signed by the said Commissioner, and shall within Six Calendar Months next after the same shall have been signed as aforesaid, be deposited with the Clerk of the Peace of the said County of *Cornwall*, who is hereby required to receive, keep, and deposit the same amongst the Records of the said County (for the depositing of which the Sum of Three Guineas and no more shall be demanded and paid), to the End that Recourse may be had thereto by all Persons interested in the said Division or Inclosure; for the Inspection of which said Award One Shilling shall be paid and no more; and a true Copy thereof, or of any Part thereof, when and as often as the same shall be required, shall be delivered to any Person or Persons, signed by the Clerk of the Peace or his Deputy for the Time being, purporting the same to be a true Copy, for which no more than Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, shall be paid, which said Copy, as also the original Award to be written on Parchment and signed by the said Commissioner, shall at all Times hereafter be admitted as legal Evidence thereof in all Cases whatsoever.

Expences of the Act.

XX. And be it further enacted, That as well the Fees and Payments of the said Commissioner, as also the Charges and Expences attending the soliciting, obtaining, and passing of this Act, and the surveying, planning and measuring, dividing and allotting the said Downs, and of preparing, making, executing, and depositing the said Award of the said Commissioner, and also the Charges and Expences attending the setting out the Highways or Roads, and of making any new Highways or Roads, which shall be set out and appointed or directed to be made by the said Commissioner, shall be borne and defrayed by the said *Anne* Baroness *Grenville*, her Heirs and Assigns; or other the Person or Persons entitled for the Time being to the Soil, Reversion, and Inheritance in, upon, and to the said Downs hereby intended to be inclosed; but the Charges and Expences of keeping such Roads in Repair shall thenceforth be borne and defrayed in the same Manner as the Charge for repairing the other Roads in the same Parishes respectively are now borne and defrayed.

In case of Proprietors selling Rights before the Award, Commissioner may allot to the Purchaser.

XXI. And whereas several of the Rights before-mentioned are of very small Value, and the Expence of separating, inclosing, and fencing such Parcels of Land as might be allotted in respect thereof might even exceed the Value thereof, and in certain other Cases the Owners of such Rights might prefer to receive a Compensation in Money for the Value thereof rather than to incur the Expence of inclosing the same; be it therefore enacted, That if any Person or Persons owning any such Rights as aforesaid shall signify such his, her, or their Desire to the said Commissioner in Writing at the First Meeting to be held for the Execution of this Act,

or

or at any such other Meeting as he shall thereafter appoint for this special Purpose, such Commissioner shall thereupon proceed to assess the Value of such Rights in Money, and shall give to such Owner or Owners a Ticket, specifying the same; which Sum or Sums the said *Anne* Baroness *Grenville*, her Heirs or Assigns, or other the Person or Persons entitled for the Time being to the Soil, Reversion, and Inheritance in, upon, and to the said Downs hereby intended to be inclosed, shall pay to such Party within One Calendar Month from and after the Date of the making the final Award under this Act; and the Allotments of Land which would have been made in respect of such Right so compensated shall be added to the Residue of the said Downs, and allotted to the said *Anne* Baroness *Grenville*, her Heirs or Assigns, or other the Person or Persons for the Time being so entitled as aforesaid, in such and the same Manner to all Intents and Purposes as the Person or Persons selling such Right might, could, or ought to have had, held, and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Person or Persons at the Time of making such Allotment as aforesaid.

XXII. 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 on which this Act shall receive the Royal Assent), the said Commissioner shall, and he is hereby required to make a true and just Statement and Account of all Sums of Money by him received or expended, or due to him for his own Trouble or Expences in the Execution of this Act, and such Statement and Account when so made, together with the Vouchers relating thereto, shall be audited and examined by *Watson Sharman* of *Boconnoc* aforesaid, Surveyor, who is hereby appointed Auditor for that Purpose, and in case of his Death, or refusal to act, by such other Person as shall be appointed Auditor for that Purpose, such Appointment shall be made in like Manner as is herein-before provided for the Appointment of a new Commissioner in the Room or Stead of the said *John Bowen*; and the Balance shall be by the said Auditor stated in the Book of Accounts to be kept in the Office of the said Commissioner or of his Clerk; and no Charge or Item in the said Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by the said *Watson Sharman*, or such other Auditor as aforesaid.

Commis-
sioner's Ac-
counts to be
audited.

XXIII. 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 Deed, Will, or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts or Incumbrances out of, upon, or affecting any of the Lands, Grounds, Tenements, or Hereditaments which shall be respectively allotted or appointed by virtue of this Act, or any Part or Parts thereof respectively, but that the Lands or Grounds, Tenements or Hereditaments, which shall be respectively allotted or appointed by virtue of this Act, and the Person or Persons to whom the same shall be allotted, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Limitations, Estates, Conditions, Settlements, Provisions, Remainders, and Reversions, as the several Lands, Grounds, or other Property, in respect of which such Allotments shall

Act not to
affect Settle-
ments.

[Loc. & Per.]

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be

be respectively allotted, set out, and made, were and stood limited, settled, vested, to, for, or upon, or were severally subject and liable to, at or immediately before the said Award shall be made.

Appeal to
the Quarter
Sessions.

XXIV. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Matter or Thing whatsoever to be done in pursuance of the said Act of the Forty-first Year of His present Majesty, or of this Act (other than and except in Cases whereby any of the Provisions of the said recited Act or this Act, or the Determinations, Acts, or Proceedings of the said Commissioner are directed to be final and conclusive, and except as to such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, and determined by the Verdict of a Jury); 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 County of *Cornwall* or Hundred of *West*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, One Calendar Month's Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) in their General Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable; and by their Order or Warrant to levy the Costs and 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 Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive to all Parties concerned, and shall not be removed nor removable by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Saving to the
Lord.

XXV. And be it further enacted, That nothing in this Act contained shall be taken or construed to defeat, lessen, or prejudice the Right or Interest of the said *Anne* Baroness *Grenville*, as Lady of the Manors aforesaid, or of the Lord or Lords, Lady or Ladies of the said Manors for the Time being, of, in, and to all Mines, Minerals, Fossils, and Quarries, in or under the said Downs; but that the said *Anne* Baroness *Grenville*, her Heirs and Assigns, and other the Person or Persons entitled for the Time being to the Soil, Reversion, and Inheritance in, upon, and to the said Downs hereby intended to be inclosed, at all Times hereafter shall and may hold and enjoy these and all other Rights, Royalties, and Privileges to them belonging in respect of the said Manors, in and over the said Downs, in as full, complete, and beneficial a Manner, to all Intents and Purposes, as if this Act had not been made, making due Satisfaction to the Owner or Owners of any Allotment or Allotments, for any Damage which shall or may be done by searching for or working such Mines or Quarries, in all Cases where by the Laws and Customs of the Stannaries such Satisfaction is demandable.

XXVI. Saving always to the King's most Excellent Majesty, His Heirs: ^{General} and Successors, and to all other Person and Persons, Bodies Politick, ^{Saving.} Corporate and Collegiate, his, her, and their respective Heirs, Successors, Executors, and Administrators (except the several Persons to whom any Allotment or Allotments or other Compensation shall be made by virtue of this Act, and except such other Rights and Interests as are by this Act intended to be barred, destroyed, or extinguished), all such Estates, Rights, Titles, Interests, Claims, and Demands, of, in, and to the said Downs; as they had and enjoyed before the passing of this Act, or could or might have had and enjoyed in case this Act had not been made.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1809.

