

ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

CAP. CXXIX.

An Act for veſting in His Majeſty a certain Part of the Open Commons and Waſte Lands within the Manor or Royalty of *Rialton* and *Retraighe* alias *Reterth* in the Pariſh of *Saint Columb Major*, in the County of *Cornwall*. [11th *July* 1817.]

WHEREAS the King's moſt Excellent Majeſty, in Right of His Crown, is ſeized to Himſelf, His Heirs and Succeſſors, of the Manor or Royalty of *Rialton* and *Retraighe* alias *Reterth* in the County of *Cornwall*, and of certain open Commons and Waſte Lands within and Parcel of the ſame Manor, which are computed to contain Eight hundred and fifty Acres or thereabouts, and are uſually called *Caſtle Dennis* otherwiſe *Caſtle Dinnis* otherwiſe *Caſtle an Dennis Down*, and of a certain Moor called the *Goſs Moor*, adjacent thereto; and His Majeſty, in Right of His Crown, is alſo ſeized of or entitled to certain Meſſuages, Farms, incloſed Lands and Grounds ſituate within the Pariſh of *Saint Columb Major* in the ſaid County of *Cornwall*, called *Trevithick* and *Reterth*, and the Leſſees or Occupiers of ſuch Farms are entitled to Rights of Common upon and over the ſaid Commons, Moor, and Waſte Lands: And whereas Sir *William Lemon* Baronet, *Mary Harris* Spinſter, *Richard Rowe* Eſquire, *John Peter* Doctor of Phyſic, *Richard Vivian* Eſquire, *William Drew*, *John Henwood*, and *James Hawkin*, are the Owners or Proprietors of certain ancient Meſſuages, Cottages, incloſed Lands and Grounds within the ſaid Pariſh of *Saint Columb Major* in the ſaid County of *Cornwall*, and as ſuch claim to be entitled to Rights of Common upon

and over the ſaid Commons, Moor, and Waſte Lands: And whereas the ſaid Commons, Moor, and Waſte Lands in their preſent State yield but little Profit, and are incapable of any conſiderable Improvement; but if the ſame were divided, and a ſpecific Part thereof allotted unto His Majeſty, and the Reſidue thereof was to be ſet out and remain to and for the Uſe and Benefit of the ſeveral other Perſons intereſted therein, and if the Allotment to His Majeſty was ſeparated and ſet apart from the Remainder of the ſaid Lands, great Benefit and Advantage would accrue from ſuch Diviſion and Incloſure to His Majeſty, as well as to the ſeveral Perſons having Rights of Common in and over the ſaid Lands; but ſuch beneficial Purpoſes cannot be effected without the Aid and Authority of Parliament; be it therefore 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 Martyn Bligh* of *Stone* in the County of *Cornwall*, and *John Hayward* of *Truro* in the ſame County, Surveyors, and their Succeſſors to be nominated or appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Commons and Moor, and all the ſaid Open Commonable Lands and Grounds, and for carrying into Execution the ſeveral other Purpoſes of this Act in ſuch Manner as is herein-after provided or mentioned.

Commiſſioners.

Commiſſioners to be ſworn.

II. And be it further enacted, That no Commiſſioner ſhall act in the Execution of any of the Powers by this Act granted (ſave and except the Power of ſigning and giving Notice of the Firſt Meeting of the ſaid Commiſſioners), until he ſhall have taken and ſubſcribed the following Oath; which Oath any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Cornwall* may adminiſter; (that is to ſay),

Oath.

'I *A. B.* do ſwear [*or being one of the People called Quakers*, do ſolemnly affirm] That I will faithfully, honeſtly, and impartially, according to the beſt of my Skill and Judgment, execute the Truſts repoſed in me as a Commiſſioner by virtue of an Act paſſed in the Fifty-ſeventh Year of the Reign of His Majeſty King *George* the Third, intituled [*here inſert the Title of this Act*], and that I am neither Proprietor or Occupier of, nor to the beſt of my Knowledge am I concerned as Guardian, Steward, or Agent for any Proprietor of Meſſuages, Cottages, Houſes, Lands, or Grounds, or other Perſon having or claiming any Right of Common, or any Manorial Rights, Tithes, or any other Right or Intereſt whatſoever in, over, or upon the Open Commonable Lands and Waſte Grounds to be divided, allotted, and incloſed by virtue of the ſaid Act.

'So help me GOD.'

For appointing new Commiſſioners from Time to Time.

III. And be it further enacted, That in caſe the ſaid *John Martyn Bligh*, or any Perſon to be nominated or appointed a Commiſſioner in his Room or Stead by virtue of this Act, ſhall die, neglect, refuſe, or become incapable to act as ſuch Commiſſioner in the Execution of this Act, then and in ſuch Caſe it ſhall be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within One Calendar Month after ſuch Death, Neglect, Refuſal, or Incapacity as aforeſaid ſhall be made known to them, to nominate and appoint a proper Perſon (not intereſted

in the said intended Division, Allotment, and Inclosure) to be a Commissioner in the Room or Stead of the said *John Martyn Bligh*, or of such other Person nominated or appointed in his Room or Stead so dying, neglecting, refusing, or becoming incapable to act as aforesaid, and so from Time to Time as often as any Commissioner to be nominated and appointed by the said Commissioners of His Majesty's Woods, Forests, and Land Revenues as aforesaid, shall die, neglect, refuse, or become incapable to act as such Commissioner in the Execution of this Act; and in case the said *John Hayward*, or any Person to be nominated and appointed a Commissioner in his Room or Stead by virtue of this Act, shall die, neglect, refuse, or become incapable to act in the Execution of this Act, then and in every such Case the surviving or remaining Commissioner shall within Fourteen Days next after such Death, Neglect, Refusal, or Incapacity shall happen to be known to him, summon a Meeting (of which Meeting Twenty-one Days Notice at the least, and of the Purpose thereof, shall be given by Advertisement in the *Cornwall Gazette* Newspaper, if then published, and if not, then in some other Newspaper printed or circulated in the said County of *Cornwall*) of all and every the Owners or Proprietors claiming such Rights as aforesaid, to be holden within Thirty Days from the Date of such Notice; and the major Part in Value of such Owners or Proprietors who shall attend such Meeting in Person, or by their Agents or Proxies duly authorized for that Purpose, such Value, in case of any Difference or Dispute touching the same, to be ascertained by Reference to the Land Tax Assessments of the said Parish, shall and they are hereby required at such Meeting to nominate and appoint, by any Instrument in Writing under their Hands, or under the Hands of their Agents or Proxies, some fit and proper Person, not interested in the said intended Division, Allotment, and Inclosure, to be a Commissioner in the Room or Stead of the said *John Hayward*, or of such other Person nominated and appointed in his Room or Stead so dying, neglecting, refusing, or becoming incapable to act as aforesaid, and so from Time to Time as often as any Commissioner to be nominated and appointed by such Persons having Rights of Common or other Rights as aforesaid, or by their Agents or Proxies, shall die, neglect, refuse, or become incapable to act as such Commissioner in the Execution of this Act; and every Person to be nominated and appointed to act as a Commissioner in Manner as aforesaid shall, after taking and subscribing the Oath herein prescribed in that Behalf, have the like Powers and Authorities in every respect for carrying this Act into Execution, and shall be subject and liable to the like Rules, Regulations, and Restrictions, as if such Person or Persons had been originally nominated a Commissioner or Commissioners in and by this Act.

If the Commissioners of Woods, &c. and the Proprietors of Lands, &c. neglect to appoint new Commissioners within a limited Time, the acting Commissioner to make such Appointment.

IV. Provided always, and be it further enacted, That if the said Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, or the said Persons having such Rights of Common or other Rights as aforesaid, or their Agents or Proxies as aforesaid, or either or any of them respectively, shall make Default in nominating and appointing any new Commissioner so directed to be nominated and appointed by them respectively as aforesaid within the respective Times for that Purpose limited, and in Manner aforesaid, then and in every such Case it shall be lawful for the surviving or remaining Commissioner, and he is hereby required from Time to Time, by Writing under his Hand, within One Calendar Month next after the Expiration of such respective Times so allowed

allowed for nominating and appointing ſuch new and ſucceeding Commiſſioners as aforeſaid, to nominate and appoint a fit and proper Perſon, not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, to be a Commiſſioner in the Room or Stead of ſuch Commiſſioner ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid; and every Commiſſioner ſo nominated and appointed ſhall, after taking and ſubſcribing the Oath herein preſcribed in that Behalf, have the like Power and Authority for carrying this Act into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions as if he had been originally nominated a Commiſſioner in and by this Act.

Commiſſioners neglecting to attend Meetings, conſidered as a Refuſal to act.

V. Provided alſo, and be it further enacted, That if either of the ſaid Commiſſioners hereby nominated ſhall refuſe or neglect to attend at the Firſt Meeting appointed to be holden for carrying this Act into Execution, and duly qualify himſelf by taking and ſubſcribing the Oath herein preſcribed in that Behalf, or if either of the ſaid Commiſſioners ſhall at any Time after the ſaid Firſt Meeting wilfully abſent himſelf from any Three following ſucceſſive Meetings appointed to be holden by virtue of this Act, or having been abſent from Two ſucceſſive Meetings, ſhall not attend during the whole of the Third or next ſucceeding Meeting, ſuch Meetings being known to him, either by his being preſent at the Appointment thereof, or by Notice thereof in Writing having been given to him or left at his laſt or uſual Place of Abode by the Clerk or Clerks of the ſaid Commiſſioners, and ſuch Commiſſioner not having been prevented by Sickneſs or other reaſonable Excuſe, to be allowed by the other Commiſſioner, from attending or continuing at ſuch Meeting or Meetings; or if any Commiſſioner to be nominated and appointed in Manner by this Act directed ſhall not attend and qualify himſelf to act as a Commiſſioner in the Execution of this Act at the Firſt Meeting of the ſaid Commiſſioners after his Nomination or Appointment, or ſhall thereafter wilfully abſent himſelf from any Three following ſucceſſive Meetings to be holden by virtue of this Act, or having been abſent from Two ſucceſſive Meetings, ſhall not attend during the whole of the Third or next ſucceeding Meeting, ſuch Meetings being known by him, either by his being preſent at the Appointment thereof, or by Notice thereof, in Writing having been given to him or left at his laſt or uſual Place of Abode by the Clerk or Clerks to the ſaid Commiſſioners, and ſuch Commiſſioner not being prevented by Sickneſs or other reaſonable Cauſe, to be allowed by the other Commiſſioner, from attending or continuing at ſuch Meetings; then and in every of ſuch Caſes ſuch Abſence or Non-attendance ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

Umpire to be appointed.

VI. And be it further enacted, That if any Difference or Diſagreement of Opinion ſhall ariſe between the Commiſſioners for carrying this Act into Execution, touching or concerning any Matter or Thing to be done by them, by virtue or in the Execution of this Act, the ſaid Commiſſioners from Time to Time, when and ſo often as ſuch Difference or Diſagreement of Opinion ſhall ariſe between them, ſhall by Writing under their Hands appoint ſome fit and proper Perſon, not being intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, nor being the Attorney or Agent of any Perſon ſo intereſted, to be an Umpire between them; and the Matter upon which ſuch Difference or Diſagreement of Opinion ſhall or may ariſe ſhall be referred to and ſhall be ſettled and determined by

such Umpire, whose Determination shall be made in Writing, and shall be binding and conclusive upon all Parties whomsoever; and for the Purposes aforesaid, but not for any other Purpose, such Umpire shall have and he is hereby vested with the same Powers and Authorities as are by this Act given to or vested in the said Commissioners; but no Person shall be capable of acting as such Umpire as aforesaid, until he shall have taken and subscribed an Oath in the Form or to the Effect following; (that is to say),

Umpire's Oath.

'I, do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute and perform the several Powers and Authorities vested and reposed in me as an Umpire by virtue of an Act passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.'

Which Oath the said Commissioners or either of them are and is hereby empowered to administer; and such Oath, and also the Writing appointing an Umpire, shall be annexed to and enrolled with the Award of the said Commissioners.

Commissioners to appoint a Clerk or Clerks.

VII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and empowered to appoint a Clerk or Clerks to assist them in the Execution of this Act, and shall and may remove such Clerk or Clerks, and appoint another or others in his or their Room or Stead, as often as to them shall seem meet; and in case of the Death, Incapacity, or declining or neglecting to act of any such Clerk or Clerks, then and in any of such Cases the said Commissioners shall and may appoint any other Person or Persons they may think proper to be their Clerk or Clerks.

Surveyors appointed.

VIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, as soon as conveniently may be after the passing of this Act, by Writing under their Hands, to nominate and appoint some fit and proper Person or Persons, not interested in the said Division, to be the Surveyor or Surveyors, for the Purpose of viewing, surveying, and measuring the said Commons and Moor, and all the said Open Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed; and such Surveyor or Surveyors is and are hereby accordingly authorized and directed, as soon as conveniently may be after he or they shall be so nominated and appointed, to view, survey, and measure the same Lands or Grounds, and to describe and lay down the same by way of Map or Plan, or to use for that Purpose any Map or Plan or Maps or Plans already made, and thereon, or in a Book of Reference to be annexed thereto, shall be set forth the Number of Statute Acres and Decimal Parts of an Acre of all the Lands and Grounds so authorized and directed to be surveyed as aforesaid; and that when and so soon as the said Surveyor or Surveyors shall have finished and completed the said Survey, Map, or Plan, he or they shall, by Notice in Writing under his or their Hand or Hands, apprize the said Commissioners thereof, and appoint a Time and Place for a Meeting with them, of which Meeting Fourteen Days previous

Notice at the leaſt ſhall be given to the ſaid Commiſſioners; at which Meeting the ſaid Surveyor or Surveyors ſhall deliver unto the ſaid Commiſſioners his or their Survey, Plan and Book of Reference, and ſhall ſubſcribe the ſame with his or their Name or Names in the Preſence of the ſaid Commiſſioners, who ſhall atteſt the ſame.

Surveyor's Oath.

IX. And be it further enacted, That no Perſon ſhall act as a Surveyor in the Execution of any of the Powers hereby given, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

'I *A. B.* do ſwear [*or, being one of the Perſons called Quakers*, do ſolemnly affirm], That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgment, execute the ſeveral Powers and Authorities veſted and repoſed in me as a Surveyor by virtue of an Act paſſed in the Fifty-ſeventh Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners or either of them to adminiſter; and the ſaid Oath when ſo taken ſhall be written on Parchment, and ſubſcribed by the ſaid Surveyor or Surveyors, and duly atteſted by the ſaid Commiſſioners under their Hands, and ſhall be enrolled with the Award to be made by the ſaid Commiſſioners.

For appointing new Surveyors from Time to Time.

X. And be it further enacted, That in caſe the ſaid Surveyor or Surveyors ſo to be appointed as aforeſaid, or any ſucceeding Surveyor or Surveyors to be nominated or appointed a Surveyor or Surveyors in his or their Room or Stead by virtue of this Act, ſhall die, neglect, refuſe, or become incapable to act as ſuch Surveyor in the Execution of this Act, then and in every ſuch Caſe it ſhall be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within Twenty-eight Days after ſuch Death, Neglect, Refuſal, or Incapacity as aforeſaid ſhall be made known to them, to nominate and appoint ſome other fit and proper Perſon, not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, to be a Surveyor in the Room or Stead of any Surveyor ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid, and ſo from Time to Time as often as any Surveyor to be nominated and appointed by virtue of this Act ſhall die, neglect, refuſe, or become incapable to act as ſuch Surveyor in the Execution of this Act, and every Perſon to be nominated and appointed to act as a Surveyor in Manner aforeſaid, ſhall, after taking and ſubſcribing the Oath herein preſcribed in that Behalf, have the like Powers and Authorities in every reſpect for carrying this Act into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if ſuch Perſon or Perſons had been originally nominated a Surveyor or Surveyors in and by this Act.

If the Commiſſioners of Woods make Default in appointing a Surveyor, then the Commiſſioners for

XI. And be it further enacted, That if the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues ſhall make Default in nominating and appointing any Surveyor or Surveyors ſo directed to be nominated and appointed by them as aforeſaid, within the Time for that Purpoſe limited, and in Manner aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners acting in the Execu-

tion of this Act, and they are hereby required from Time to Time by Writing under their Hands, within One Calendar Month next after the Expiration of the Time ſo allowed for nominating and appointing any new and ſucceeding Surveyor or Surveyors as aforeſaid, to nominate and appoint a proper Perſon, not intereſted in the ſaid Diviſion and Incloſure, to be a Surveyor in the Room or Stead of any ſuch Surveyor ſo dying, refuſing, or becoming incapable of acting as aforeſaid; and every Surveyor ſo nominated and appointed ſhall, after taken and ſubſcribing the Oath preſcribed in that Behalf, have the like Powers and Authorities, and ſhall be ſubject to the like Rules, Regulations, and Reſtrictions, as if he had been originally appointed a Surveyor under and by virtue of this Act. executing the Act ſhall appoint.

XII. And be it further enacted, That after the ſaid Surveyor ſhall have made and delivered his Survey of the ſaid Open Commonable Lands, Moor and Waſte Ground, to the ſaid Commiſſioners, in Manner herein directed, the ſaid Commiſſioners ſhall proceed in the Execution of this Act with all poſſible Diſpatch, and make their Award within Two Years after they ſhall have received the ſaid Survey from the ſaid Surveyor, unleſs the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, ſhall by any Writing under their Hands think fit to extend or enlarge the Time for making the ſame, in which Caſe ſuch Award ſhall be made within ſuch extended or enlarged Time or Times. Award to be made within Two Years.

XIII. And be it further enacted, That the ſaid Commiſſioners ſhall be paid the Sum of Three Guineas each, and no more, for each Day they ſhall be actually attending in and about the Execution of this Act, and in travelling to and from the Meetings neceſſary for that Purpoſe, the ſame to include and be in Satisfaction of all Coſts and Expences in travelling and otherwiſe, which they ſhall be put to in executing the ſame; and that the Surveyors and the Clerk or Clerks ſhall be paid and allowed for their Pains and Trouble ſuch Sum or Sums of Money as the ſaid Commiſſioners ſhall think juſt and reaſonable; and that every Proprietor, Attorney, and Agent, who ſhall attend the ſaid Commiſſioners at any of their Meetings to be held in purſuance of this Act, ſhall pay his own Expences at all ſuch Meetings; and in ſuch Caſes as the Objection or Approbation of the Proprietors of any Act, Matter, or Thing to be done or propoſed to be done in purſuance of this Act, is directed to be made and teſtified at any Meeting or Meetings, it ſhall be lawful for the Proprietors to attend ſuch Meeting or Meetings by their reſpective Agents or Proxies, duly authorized by Writing under his, her, or their Hand or Hands, whoſe Acts or Votes ſhall be as effectual as if ſuch Proprietors were preſent in Perſon. Allowance to the Commiſſioners, Clerks, and Surveyors.

XIV. And be it further enacted, That the Firſt Meeting of the Commiſſioners for putting this Act into Execution ſhall be held at the Houſe known by the Sign of *The Red Lion* in the Town of *Saint Columb* in the County of *Cornwall* aforeſaid, or at ſome other convenient Houſe or Place in the Town aforeſaid, within Two Calendar Months after the paſſing of this Act, or as ſoon after as Circumſtances will admit; and that the ſaid Commiſſioners ſhall cauſe Notice in Writing to be affixed upon each of the principal outer Doors of the Church of the ſaid Pariſh of *Saint Columb Major*, and alſo a like Notice to be given by Advertiſement Firſt and other Meetings of Commiſſioners.

ment to be inserted in the *Cornwall Gazette* Newspaper, if then published, and if not, then in some other Newspaper usually circulated in the said County of *Cornwall*, of the Time and Place of their First and every future Meeting (Meetings by Adjournment only excepted) for the Execution of the Powers hereby vested in them, Fourteen Days at least before the Times appointed for such respective Meetings; and in case only One of the said Commissioners shall attend at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for the said Commissioner, and to and for the Clerk or Clerks to the said Commissioners in case neither of the said Commissioners shall attend, to adjourn the said Meeting to be holden on any future Day not exceeding Twenty-one Days from the Day of Adjournment, at the same or some other convenient Place within Eight Miles of the said Parish; and the Commissioner or Clerk or Clerks making such Adjournment is and are hereby required to give timely Notice thereof to the absent Commissioner or Commissioners.

Other Notices how to be given.

XV. And be it further enacted, That all other public Notices requisite or necessary to be given by the said Commissioners, shall be given by Advertisement to be inserted in the said *Cornwall Gazette* Newspaper, if then published, and if not, then in some other Newspaper usually circulated in the said County of *Cornwall*.

No Turf to be taken away after passing of the Act, under the Penalty of 5*l*.

XVI. And be it further enacted, That if any Person or Persons shall, after the passing of this Act, dig, cut, or take away any of the Turf, Bushes, Underwood, or Soil of the Lands or Grounds to be divided, allotted, and inclosed by virtue of this Act, for any Use or Purpose whatsoever, under any Right, Privilege, or Claim, or Pretence of Right, Privilege, or Claim whatsoever, then and in every such Case, on due Proof made before the said Commissioners on Oath (which Oath the said Commissioners are hereby empowered to administer), the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause any Sum or Sums of Money not exceeding Five Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so offending in the Premises, rendering the Overplus (if any) on Demand to the Person or Persons whose Goods and Chattels shall be so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and the Money so to be levied as aforesaid shall be applied towards the Payment of the Costs, Charges, and Expences of obtaining and executing this Act.

Encroachments to be allottable.

XVII. And be it further enacted, That all Intakes or Encroachments made on the said Commons, Moor, or Waste Lands, and which have been made within the Space of Thirty Years now last past, and for which no Licence or Grant shall have been obtained from the Crown, shall be deemed and considered Part and Parcel of the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, as if the same were actually lying open and uninclosed.

Commissioners empowered to set out new and additional Roads,

XVIII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, before they proceed to make any Division or Allotment directed by this Act, to set out and appoint any new and additional public Roads or Highways, or any new Tracts or Ways for

for such public Roads or Highways, in and over the said Commons, Moor, or Waste Lands, and to make such Order or Orders as to them shall seem proper in relation thereto, subject to the Restrictions, Provisions, and Directions of this Act; and that the said Commissioners shall and may turn or abate and stop up, or cause or order to be turned, or abated, and stopped up, any ancient Carriage Road or Way, Roads or Ways, or any ancient Footway or Path, Footways or Paths, in, through, upon, or over any of the Lands and Grounds hereby authorized and directed to be divided and inclosed, where they shall judge it requisite or expedient, and to make such Order or Orders as to them shall seem proper for that Purpose, subject nevertheless to the Provisions, Restrictions, and Directions of this Act: Provided always, that no Turnpike Road shall be altered or diverted without the Consent of the Trustees having the Care and Management thereof, or any Five or more of them, at a public Meeting of such Trustees, to be convened by due Notice and held for that Purpose, nor any public Highway or Road be shut up or discontinued, until the Road or Roads so marked out as intended to be and remain public Highways shall be set out and made, according to the Directions of this Act, and until the same shall be properly formed and made convenient, and safe for Horses, Cattle, and Carriages: Provided also, that all private Roads, Ways, and Footpaths which shall be set out and appointed by the said Commissioners, shall be made and for ever maintained and kept in Repair by such Person or Persons, and in such Manner as the said Commissioners shall by their Award, or by any other Writing under their Hands, order, direct, or appoint.

and to turn and stop Roads.

XIX. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be, after setting out such public Roads and Highways as by this Act are directed, to set out and allot unto and for the Formation and Repairs of the Highways made or to be made within the Limits of the said Commons, Moor, or Waste Lands, so much and such Part and Parts of the Open and Commonable Lands and Grounds within the same, and in such Places, as the said Commissioners shall think proper, for getting Stone, Gravel, or other Materials for the Formation or for the Repairs from Time to Time for ever, of the public and private Roads and Highways made or to be made within the Limits of the said Commons, Moor, or Waste Lands, and the Grass and Herbage arising therefrom shall be vested in such Person as the said Commissioners shall allot the same unto; and the said Commissioners shall and they are hereby also authorized and required to set out Watering Places on the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, for Cattle and Beasts, for the common Use and Benefit of all Persons who are or shall be entitled to Rights of Common in or over the said Lands or Grounds.

Allotments for Repairs of Roads.

XX. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, after making and setting out the several Allotments herein-before mentioned, to divide, set out, and allot, one full Moiety or Half Part of all the Rest, Residue, and Remainder of the said Commons, Moor, and other Commonable Lands hereby directed to be divided, allotted, and inclosed, due Regard being had to the Quality and Situation thereof, unto the King's most Excellent Majesty, His Heirs and Successors, in lieu and Compensation as well of His Majesty's Right

Allotment to the King's most Excellent Majest

of Soil as Lord of the ſaid Manor or Royalty, as alſo in lieu and compenſation of and for the Rights of Common and other Rights of His Majeſty's Tenants, Leſſees, or Occupiers of the ſaid Meſſuages, Farms, incloſed Lands and Grounds called *Trevithick* and *Reterth*, upon and over the other Moiety of the ſaid Commons, Moor, and Waſte Lands; and which Allotment as ſoon as the ſame ſhall be made and ſevered from the Lands adjoining thereto, ſhall become and remain the excluſive and abſolute Property of The King's Majeſty, His Heirs and Succeſſors for ever, freed, exonerated, and diſcharged of and from all Rights of Common, Common of Paſture, and Turbary, Eſtovers, and all other Rights of what Nature or Kind ſoever.

Allotment of the Reſidue.

XXI. And be it further enacted, That all the Reſt, Reſidue, and Remainder of the ſaid Commons, Moor, and other Commonable Lands, ſhall be and remain for the Benefit of the ſeveral other Owners or Proprietors of ancient Meſſuages, Cottages, incloſed Lands and Grounds, entitled to Rights of Common in, over, and upon the ſaid Commons, Moor, and other Commonable Lands or Grounds, according to their ſeveral and reſpective Rights and Intereſts therein, freed and diſcharged from all Claims of His Majeſty, His Heirs or Succeſſors, as Lord or Lords of the ſaid Manor or Royalty, or as Proprietor or Proprietors of the ſaid Meſſuages, Farms, incloſed Lands and Grounds called *Trevithick* and *Reterth*, and of His Majeſty's Leſſees or Tenants as Occupiers of the ſaid Farms, or either of them, in, upon, or over the ſame, ſave ſuch Rights and Intereſts as are herein-after expreſsly excepted and reſerved to His Majeſty, His Heirs and Succeſſors.

Commiſſioners to ſet out Roads to give convenient Acceſs to His Majeſty's Allotment.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out ſuch and ſo many private Roads and Ways as ſhall be neceſſary for giving convenient Acceſs to ſuch Allotment as ſhall be ſo as aforeſaid made to or for His Majeſty, His Heirs or Succeſſors.

Award to be enrolled in the Exchequer at Weſtminſter, and the Office of the Auditor of the Land Revenue.

XXIII. And be it further enacted, That when and as ſoon as the ſaid Commiſſioners ſhall have ſet out the Allotment herein-before directed to be made and ſet out to His ſaid Majeſty, His Heirs and Succeſſors, they ſhall prepare an Award, with a Map or Plan of ſuch Allotment annexed thereto, whereof there ſhall be Three Originals, One to be enrolled in the Court of Exchequer at *Weſtminſter*, another in the Office of the Auditor of the Land Revenue for the ſaid County of *Cornwall*, there to remain on Record, and which ſhall afterwards be filed and preſerved amongſt the Muniments of the Office of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, and the ſaid Award or the Enrolment thereof ſhall or may be produced, read, and received in Evidence on all Occaſions where any Queſtion, Doubt, or Controverſy may ariſe relating to or affecting the Rights and Intereſts of His Majeſty, His Heirs and Succeſſors, in reſpect of the Allotment to be veſted in the King's Majeſty, His Heirs and Succeſſors, by virtue of this Act; and the Third of the ſaid Awards ſhall be depoſited with the Clerk of the Peace for the ſaid County of *Cornwall*.

Right to Tithes not to be affected.

XXIV. Provided always, and be it enacted, That nothing in this Act contained ſhall extend or be conſtrued to extend to prejudice, leſſen, or