



ANNO SEPTIMO & OCTAVO

VICTORIÆ REGINÆ.

C A P. CV.

An Act to confirm and enfranchise the Estates of the Conventiary Tenants of the ancient Assessionable Manors of the Duchy of *Cornwall*, and to quiet Titles within the County of *Cornwall* as against the Duchy ; and for other Purposes.

[9th *August* 1844.]

WHEREAS His late Majesty King *Edward* the Third, by His Charter dated the Seventeenth Day of *March* in the Eleventh Year of His Reign, and confirmed by Parliament, granted unto His eldest Son *Edward* then Duke of *Cornwall*, and His Heirs, (among other things,) certain Lands and Tenements therein mentioned, to hold the same to Him and to the first-begotten Son of Him and of His Heirs Kings of *England* and Dukes of the same Place, so that from the same Duchy they might at no Time be in anywise separated: And whereas His Royal Highness *Albert Edward* Prince of *Wales* now stands seised of the Duchy of *Cornwall* and the Possessions thereof: And whereas the several Manors mentioned in the First and Second Schedules hereto annexed, situate in the County of *Cornwall*, and usually called "Assessionable Manors," are Part of the said Lands and Tenements granted by the said

Charter,
11 Edw. 3.

Assessionable Manors mentioned in the Schedules.

Conventionary Tenements held of such Manors by Assessional Grants.

Nature of the Estates created by such Grants.

said Charter: And whereas certain Tenements lying within the same Manors respectively, and usually called "Conventionary Tenements," have been held under Grants made and renewed at the Courts called Assession Courts, holden under Commissions for that Purpose generally once in every Seven Years for the said Manors respectively, upon Payment of divers Fines and Acknowledgments and Fees, and subject to the Payment and Render of certain Rents, Heriots, and Services; and Surrenders of and Admittances to the Estates created by such Assessional Grants have been usually made, taken, and granted at Courts held for the said Manors respectively before the Stewards or Deputy Stewards of the same: And whereas the Nature and Quantity of the Estates created by such Grants have been disputed, but the said Conventionary Tenements have by the Tenants thereof been usually considered to be held as Customary Tenements of Inheritance, with a perpetual Right of Renewal, and have by the said Tenants been conveyed and assured and dealt with accordingly: And whereas the Mines and metallic Minerals in, upon, and under the said Conventionary Tenements, and the Freehold thereof, have always belonged to the Duke of *Cornwall*; but the Right of the Duke of *Cornwall* to enter upon the said Conventionary Tenements, and work, get, and dispose of the Mines and metallic Minerals in, upon, and under the same, has been disputed: And whereas the Manors comprised in the said Second Schedule hereto annexed were some time since sold and disposed of under the Authority of a certain Act for the Redemption of Land Tax, but with the express Exception and Reservation, in the several Conveyances thereof, of all Mines and Minerals within and under the same, with full and free Liberty of Ingress, Egress, and Regress to dig, search for, take, use, and work the said Mines and Minerals; but it is apprehended that the Expression "Minerals" in such Exceptions and Reservation was intended to mean metallic Minerals only: And whereas various Disputes have lately arisen as to the said Conventionary Tenements of the said Manors comprised in the said First Schedule hereto annexed, and in consequence thereof no Assession Courts have been held for any of the same Manors since the Year One thousand eight hundred and thirty-three: And whereas the Mines, Minerals, Stone, and Substrata in, upon, under, and of divers waste and other Lands within the said Manors comprised in the said First Schedule hereto annexed, and the Mines and metallic Minerals in, upon, and under divers waste and other Lands within the said Manors comprised in the said Second Schedule hereto annexed, respectively belong, or are claimed to belong, to the Duke of *Cornwall*: And whereas the said Conventionary Tenements holden of the said Manors comprised in the said First and Second Schedules hereto annexed are very vaguely and uncertainly described in the Grants thereof, and the Boundaries, Identity, and Situation thereof, and of the waste and other Lands lying within the said Manors respectively, which, or the Mines, Minerals, Stone, and Substrata in, upon, under, and of which, belong or are claimed to belong to the Duke of *Cornwall*, as aforesaid, are in many Cases disputed, and in other Cases not clearly ascertained or distinguished, and several Purprestures and Encroachments are supposed to have been made in and upon the Lands, Mines, Minerals, and Hereditaments of the Duke of *Cornwall* within

within the said Manors respectively: And whereas the Value as well of the said Conventiary Tenements, as of the other Lands, Mines, Minerals, and Hereditaments within the said Manors comprised in the said First and Second Schedules hereto annexed, has been greatly diminished by reason of the Premises: And whereas the several Statutes for the Limitation of Actions, Suits, and Claims by Her Majesty, Her Heirs or Successors, and by others the Subjects of Her Majesty, are for the most Part inapplicable to the Lands and Possessions of the Duchy of *Cornwall*: And whereas it is expedient, for the Interest as well of the Duke of *Cornwall* as of all other Persons interested therein, or whose Lands adjoin thereto, that the Boundaries, Identity, and Situation of the said Conventiary Tenements of the said Manors respectively comprised in the said First and Second Schedules hereto annexed, and of the waste and other Lands lying within the same Manors respectively, and which, or the Mines, Minerals, Stone, or Substrata in, upon, under, or of which, belong or are claimed to belong to the Duke of *Cornwall* as aforesaid, and of all other Lands within the said Manors which belong or are claimed to belong to the Duke of *Cornwall*, and the Particulars of the Purprestures and Encroachments herein-before referred to, should be ascertained and determined in manner herein-after provided; and that the Estates of the Tenants in the said Conventiary Tenements held of the said Manors comprised in the said First Schedule hereto annexed should be established, and the Tenure thereof converted into Freehold, on the Terms and Conditions herein-after mentioned; and that the Rights and Estates of the Duke of *Cornwall* and all other Persons in respect of the Mines, Minerals, Stone, and Substrata in, upon, under, and of the Conventiary Tenements held of the said Manors comprised in the said First and Second Schedules hereunto annexed, and in, upon, under, and of all waste and other Lands within the same Manors respectively, the Mines, Minerals, Stone, or Substrata in, upon, under, or of which belong or are claimed to belong to the Duke of *Cornwall*, and the Rights, Powers, and Privileges of the Duke of *Cornwall*, as to getting, selling, and disposing of the same, should be declared, established, and regulated; and that such Provision should be made as is herein-after contained for the Limitation of Actions, Suits, and Claims by and on behalf of the Duke of *Cornwall* within the County of *Cornwall*; but the several Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and singular the Tenements which were granted and held in Convention at the last Assession Courts for the said Manors mentioned in the said First Schedule hereunto annexed respectively, and which, if the Grants thereof had been duly renewed at subsequent Assession Courts holden for the said Manors respectively in the ordinary Course, would have been held as such Conventiary Tenements by successive Grants continuously for Sixty Years or more before the First Day of *May* One thousand eight hundred and forty-four, shall, from and after the passing of this Act, and until such Award or Awards shall have been made as herein-after mentioned,

Confirmation of the Estates of the Conventiary Tenants of the unsold Manors.

mentioned, continue to be held by the Tenants thereof respectively for the same Estates and Interests, and in the same Manner, and may be assured by Surrender and Admittance, and by Will or otherwise, in the same Manner in every respect as the same Tenements respectively would have been held and might have been assured if the Grants thereof had been duly renewed as aforesaid, and this Act had not been made and passed; but subject nevertheless to the Payment and Render of all Fines for Renewal, Heriots, Rents, Payments, Fees, and Services which would have become payable if the Grants thereof had been duly renewed as aforesaid, and this Act had not been made or passed, (and which same Fines, Heriots, Rents, Payments, Fees, and Services the Duke of *Cornwall* is hereby authorized to recover and enforce by the heretofore accustomed Means, or by Distress and Entry, as in case of Rent-charge, upon the same Tenements respectively,) and subject also to all the existing Rights of the Duke of *Cornwall* and his Lessees, and other Persons claiming under him, with respect to Mines, Minerals, Stone, Substrata, and other Profits to him belonging, in, upon, under, and of the same.

Appoint-
ment of
Commis-
sioners.

II. And be it enacted, That *John Farquhar Fraser of Lincoln's Inn*, Barrister-at-Law, Esquire, *James Vetch* Esquire, Captain in the Corps of Royal Engineers, and *John Maurice Herbert of Lincoln's Inn*, Barrister-at-Law, Esquire, and their Successors (to be appointed as after mentioned), shall be and they are hereby appointed Commissioners for the Purposes herein-after mentioned.

For Appoint-
ment of new
Commis-
sioners on
Vacancies.

III. And be it enacted, That in case the said Commissioners, or any of them, or any Person to be hereafter appointed a Commissioner by virtue of this Act, shall die or refuse or neglect to act, or shall resign or be removed or become incapable of acting, then the Court of Chancery shall from Time to Time, on summary Application made to it for that Purpose by Petition, refer it to a Master of the said Court to approve of a fit Person to be appointed a Commissioner in the Stead of such Commissioner or Commissioners so dying or refusing or neglecting to act, or so resigning or being removed or becoming incapable of acting; and on such Approval being confirmed by an Order of the said Court, such Person so approved shall thereupon be deemed to be appointed, and shall be a Commissioner for the Purposes of this Act; and if the said Commissioner who shall so die, refuse or neglect to act, or resign or be removed or become incapable of acting as aforesaid, shall be the said *James Vetch*, or any Commissioner to be appointed in his Stead, then the aforesaid Application and the Proposal of a fit Person to be so appointed shall be made by the Duke of *Cornwall*; and if the Commissioner who shall so die, refuse or neglect to act, or resign or be removed or become incapable of acting, shall be the said *John Farquhar Fraser*, or any Commissioner to be appointed in his Stead, then the said Application and the Proposal of a fit Person to be so appointed shall be made by any Three or more Persons, being Conventiary Tenants of some or one of the said Manors mentioned in the said First and Second Schedules hereunto annexed, or Freehold Tenants of Lands within the Ambit of some or one of the said Manors or immediately contiguous thereto, and interested in the

Award

Award or Awards of the said Commissioners; and on the Behalf of the said Conventiary or Freehold Tenants several Persons may be proposed, so as Three or more join in the Proposal; and if the said Commissioner who shall so die, refuse or neglect to act, or resign or be removed or become incapable of acting, shall be the said *John Maurice Herbert*, or any Commissioner to be appointed in his Stead, then the said Application and the Proposal of a fit Person to be so appointed shall be made by the other Two Commissioners acting under this Act; and if they cannot agree on a Person to be so named, then each of the said Two Commissioners may name a fit Person for the Approbation of the said Court, who shall select and appoint a Commissioner accordingly: Provided always, that if the Commissioner who shall so die, or refuse or neglect to act, or resign or be removed or become incapable of acting as aforesaid, shall be the said *John Farquhar Fraser*, or any Commissioner to be appointed in his Stead, and no Person shall be appointed by the said Court to fill such Vacancy within Two Calendar Months from the same happening on an Application on behalf of the Conventiary or Freehold Tenants aforesaid, then and in such Case a Commissioner may be appointed by the said Court on the Proposal of the other Two Commissioners acting under this Act, or either of them, as in the Case of a Vacancy by the Death, Refusal, Neglect, Resignation, Removal, or Incapacity of the said *John Maurice Herbert* or any Commissioner to be appointed in his Stead: Provided always, that all the Expences attending the making any such Application by or on behalf of the Conventiary or Freehold Tenants shall be borne by the Parties, making the same, and the Expences of any Application to be made by the said Duke of *Cornwall*, or of the said Two Commissioners acting under this Act, shall be borne by the said Duke of *Cornwall*.

IV. Provided always, and be it enacted, That if any Commissioner shall at any Time wilfully absent himself from any Three successive Meetings appointed to be holden by virtue of this Act (such Commissioner not having been prevented by Sickness or other inevitable Cause, to be allowed by the Duke of *Cornwall*, from attending or continuing at such Meetings), then such Nonattendance shall be deemed and taken to be a Refusal to act within the Meaning of this Act.

Neglect of Commissioners to attend Three Meetings to be considered a Refusal to act.

V. And be it enacted, That if the said Commissioners hereby appointed, or any of them, shall be guilty of corrupt or improper Conduct in the Execution of the Duties on them imposed by this Act, or shall not use due Diligence in the Execution thereof, or shall become possessed of any Right, Title, Estate, or Interest to or in any Hereditaments or Property in the County of *Cornwall*, or shall hold any Office under the Duchy of *Cornwall*, it shall be lawful for any Three or more Conventiary Tenants, or any Three or more of such Freehold Tenants as aforesaid, or for the Duke of *Cornwall*, to apply to the Court of Chancery, by Petition, for the Removal of such Commissioners or Commissioner, such Petition being accompanied by Two or more Affidavits verifying the material Facts therein alleged; and the said Court of Chancery shall hear and determine the Matter

Commissioners may be removed in case of Misconduct or becoming interested Parties.

of the said Petition, in such Manner and subject to such Rules and Orders, and upon such Evidence and Inquiry, as it shall think fit; and the Costs incurred in the Prosecution of any Proceeding in the said Court of Chancery under this Act, in respect of the Removal of any Commissioners or Commissioner, shall be paid by such Party or Person, and be taxed in such Manner as the said Court shall direct.

Commissioners to make a Declaration before acting.

VI. Provided always, and be it enacted, That no Person shall be capable of acting as a Commissioner (save for giving Notice of the first Meeting) until he shall have made and subscribed a Declaration to the Effect following before a Justice of the Peace, which Declaration any Justice of the Peace is hereby empowered to receive; (that is to say,)

Form of Declaration.

‘ I *A.B.* do solemnly declare, That I will honestly, according to the best of my Skill, execute the Powers vested in me as a Commissioner by an Act passed in the _____ Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act* [*here set forth the Title of this Act*], according to good Conscience, without Favour to any Person; and I make this solemn Declaration under the Provisions of an Act passed in the Session holden in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to repeal an Act of the present Session of Parliament, intituled ‘ An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;’ and to make other Provisions for the Abolition of unnecessary Oaths.*’

For Appointment of a Secretary to the Commissioners.

VII. And be it enacted, That *John Douglas Cook* Esquire shall be and he is hereby appointed Secretary to the said Commissioners, and that it shall be lawful for the said Commissioners, with the Consent of the Duke of *Cornwall*, from Time to Time to remove the said *John Douglas Cook*, and any Person who shall hereafter be appointed Secretary to the said Commissioners, and also, with such Consent, from Time to Time to appoint another Person to be Secretary to the said Commissioners as Occasion shall require.

Minutes of Proceedings to be kept, and to be Evidence, and open for Inspection.

VIII. And be it enacted, That such Secretary shall keep a Book in which he shall make Minutes of the Proceedings of the said Commissioners, and shall enter the Names of the Commissioners attending as aforesaid; and the Entry of the Proceedings at each Meeting shall be signed by the Commissioners present; and it shall be lawful for any Person interested, at all seasonable Times, to inspect the said Minutes upon Payment of a Fee of One Shilling for each such Inspection; and the Secretary of the said Commissioners shall furnish Copies of or Extracts from such Minutes to any Person interested requiring the same, after the Rate and upon the Payment of Four-pence *per Folio* of every Seventy-two Words; such Fees to be carried to the general Credit of the Funds of the Commission.

IX. And

IX. And be it enacted, That each of the said Commissioners shall be paid, as a Remuneration for his Services, for each Day spent in the Execution of the Duties hereby imposed on him for the first Eighteen Calendar Months from the passing of this Act, the Sum of Four Guineas *per* Day, and after the Expiration of such Eighteen Calendar Months, for the next Twelve Calendar Months, the Sum of Three Guineas *per* Day; and the Secretary of the said Commissioners shall be paid, as a Remuneration for his Services, for each Day spent in the Execution of the Duties hereby reposed in him for the first Eighteen Calendar Months from the passing of this Act, the Sum of Three Guineas *per* Day, and after the Expiration of such Eighteen Calendar Months, for the next Twelve Calendar Months, the Sum of Two Guineas *per* Day; and the said Commissioners and their Secretary respectively shall also be paid all such travelling and other Expences as they shall actually and reasonably incur in the Execution of the Duties hereby imposed on them: Provided always, that it shall be lawful for the Duke of *Cornwall*, upon the Recommendation of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, if he shall think fit, to extend the Period for which the higher Rate of Remuneration shall be allowed to the said Commissioners and their Secretary as aforesaid.

Remuneration of the Commissioners and their Secretary.

X. And be it enacted, That the First Meeting of the said Commissioners shall be held at *Liskeard* or *Launceston* in the County of *Cornwall* within Two Calendar Months after the passing of this Act; and that the said Commissioners shall cause Notice by Advertisement to be inserted in some Newspaper or Newspapers usually circulated in the said County of *Cornwall*, of the Time and Place of their first and every future Meeting (Meetings by Adjournment alone excepted), Ten Days at least before the Time appointed for such Meetings respectively; and in case only one or no one of the said Commissioners shall attend at the Time and Place appointed, or to which any Meeting shall be adjourned, it shall be lawful for the Commissioner so attending, and for the Secretary in case no one of the said Commissioners shall attend, to adjourn the said Meeting to any future Day not exceeding One Calendar Month from the Day of Adjournment; and the said Commissioner or Secretary so making such Adjournment is hereby required to enter a Minute of such Adjournment, and to give timely Notice thereof to the absent Commissioners: Provided always, that all future Meetings of the said Commissioners, and all Adjournments of their first and every future Meeting, shall be held at some Place within or near to one of the said Manors mentioned in the said First and Second Schedules hereunto annexed.

Times and Places of Meetings of the Commissioners, and as to the Notices to be given of the same.

XI. And be it enacted, That all other public Notices requisite to be given by the said Commissioners shall be given by Advertisement, to be inserted in such of the public Newspapers usually circulated in the said County of *Cornwall* as they shall direct.

As to other Notices to be given.

XII. And be it enacted, That any Two of the said Commissioners may perform the several Acts and Matters hereby authorized to be done

Two Commissioners may act.

done by the said Commissioners, other than and except the making and Execution of the Award herein-after directed to be made; but no Act or Matter shall be done by Two Commissioners except during such Time as there shall be Three Commissioners appointed and acting under this Act.

Commissioners to inquire of and ascertain Conventi-ary Tenements, and the Boundaries, Identity, and Situation thereof, and all Lands, Mines, and Minerals belonging to the Duke of Cornwall within the Assession-able Manors.

XIII. And be it enacted, That the said Commissioners shall have full Power and Authority, and are hereby required and directed, by the Testimony of Witnesses upon Oath (which Oath each and any one of the said Commissioners is hereby empowered to administer and receive), and by the Inspection and Examination of Records, Surveys, Maps, Deeds, Books, Court Rolls, Papers, and Writings, and by all or any other lawful Ways or Means, to inquire of and ascertain what Lands or Tenements within the several Manors mentioned in the said First and Second Schedules hereunto annexed now are or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four have been held as Conventi-ary Tenements, and the Boundaries, Identity, and Situation of all such Tenements, and to inquire of and ascertain which of the said Conventi-ary Tenements of the said Manors mentioned in the said First Schedule hereunder written would, on the said First Day of *May* One thousand eight hundred and forty-four, have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Assession Courts for the Renewal of such Grants had been duly held, and such Grants had been duly renewed in ordinary Course as aforesaid; and to inquire of and ascertain the waste and other Lands lying within the same Manors respectively, which, or the Mines, Minerals, Stone, or Substrata in, upon, under, or of which, belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, and the Boundaries and Extent of the said several Manors mentioned in the said First and Second Schedules hereunto annexed, and generally to inquire of and ascertain what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, but so that the said Commissioners shall have regard to the Provisions in this Act contained for the Limitation of Actions and Suits and otherwise, and so that all Proceedings of the said Commissioners shall, with reference to the said Provisions for the Limitation of Actions and Suits, be deemed and taken to have been commenced on the said First Day of *May* One thousand eight hundred and forty-four; and also to inquire of and ascertain the several annual and other Rents, Fines, Acknowledgments, Payments, Fees, Heriots, and Services which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventi-ary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants of such Conventi-ary Tenements, or on the Surrender of or Admittance thereto or otherwise, and the Arrears thereof respectively which have become due since the holding of the last Assession Courts for the said Manors respectively,

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and

and to inquire of and ascertain all such other Matters or Things as it shall in the Judgment of the said Commissioners be expedient to inquire of and ascertain in relation to the Premises, and to enable them the better to make the Award herein-after directed to be made.

XIV. And be it enacted, That it shall be lawful for the said Commissioners and they are hereby required and directed to determine the annual Sums for which it will be just to commute all Fines, Heriots, Acknowledgments, Payments, Fees, and Services (other than annual Rents or Payments) which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventiary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants of such Conventiary Tenements, or the Surrender of or Admittance thereto, or otherwise; and in determining the Amount of the said annual Sums the said Commissioners shall assume the Rate of Four Pounds *per Centum* as the Rate of Interest upon which their Calculations are to be made.

Commissioners to determine the annual Sums for which casual Payments and Services may be justly commuted.

XV. And be it enacted, That all Persons having or claiming any Conventiary Tenement of any of the Manors mentioned in the said First and Second Schedules hereunto annexed shall, by themselves or their duly authorized Agents, deliver to the said Commissioners at some one of such Meetings as the said Commissioners shall appoint, or within such further Time (if any) as the said Commissioners shall think proper to allow, a Statement in Writing, signed by them or their respective Agents, of such their Claims, and shall therein set forth fully the Name and Description of such Tenement, as specified in the last assessional Grant thereof, and the Boundaries, Particulars, and Situation of the Lands which they shall believe to constitute such Tenement, or which they shall claim by virtue of such assessional Grant as aforesaid, or of any other the Estate or Interest which they shall claim, and of the Particulars thereof; and all such Claims and Statements, or true Copies thereof, shall at all reasonable Times, until after the Execution of the Award or Awards of the said Commissioners, be open to the Inspection of the Duke of *Cornwall*, and all other Parties claiming to be interested therein, and their respective Agents, who may take Copies thereof or Extracts therefrom; and the said Commissioners shall, as soon as conveniently may be after the Receipt of every such Statement in Writing, deliver a Copy thereof to the Duke of *Cornwall*, or to some Person authorized by him to receive the same.

All Persons claiming Interest in Conventiary Tenements to send in a Statement of their Claims to the Commissioners.

XVI. And be it enacted, That it shall be lawful for any Person, interested in the Subject Matters of the said Inquiries or Award herein-after directed to be made, to appear before the Commissioners by himself or his Agent; but no Person shall appear before the said Commissioners by Counsel, except by a special Order in that Behalf to be made by the said Commissioners.

Persons may appear by Agents, but not by Counsel.

Persons may
appoint
Agents by
Power of
Attorney.

XVII. And be it enacted, That it shall be lawful for any Person interested in the Subject Matters of the said Inquiries or Award, by a Power of Attorney given in Writing under his Hand, to appoint an Agent to act for him for all or any of the Purposes of this Act; and all Things which by this Act are directed to be done by or with relation to any such Person may be lawfully done by or with relation to the Agent so duly authorized of such Person; and every such Agent shall have full Power, in the Name and on behalf of his Principal, to sign, concur in, and execute any Application or Act arising out of the Execution of this Act; and every Person shall be bound by the Acts of any such Agent, according to the Authority committed to him, as fully as if the Principal of such Agent had so acted; and the Power of Attorney under which the Agent shall have acted, or a Copy thereof, authenticated by the Signature of a Witness or Witnesses, shall be deposited with the said Commissioners; and any such Power of Attorney may be in the Form following:

Form of
Power.

‘ I of do hereby appoint
: I of to be my Attorney for all
‘ the Purposes of an Act passed in the Years of Her
‘ present Majesty, intituled [*here set forth the Title of this Act*],
‘ [*or for the Purposes of (here specify the Purposes)*].’

Claims of
Conventionary
Tenants
to be esta-
blished,
unless ob-
jected to.

XVIII. And be it enacted, That when any Person claiming to be a Conventiary Tenant, or his duly authorized Agent, shall have delivered to the said Commissioners such Statement in Writing, as is herein-before directed to be made by such Conventiary Tenant or his duly authorized Agent, of the Claim of such Conventiary Tenant, and such Statement shall be satisfactory to the said Commissioners, he or his Agent shall not be required to attend before the said Commissioners in support of such Claim; and the said Commissioners shall award in conformity therewith, unless the same shall be objected to by the Duke of *Cornwall* or some other Person; and if the Duke of *Cornwall* or any other Person shall object to such Claim, he shall deliver to the said Commissioners a Statement in Writing of the Nature and Extent of his Objection thereto, and thereupon the said Commissioners shall deliver to the said Conventiary Tenant or his duly authorized Agent a Copy of such Statement, and shall proceed to inquire into the said Claim by the Ways and Means herein-before directed.

Parties in
possession to
be deemed to
have primâ
facie Title.

XIX. And be it enacted and declared, That where the Duke of *Cornwall*, or any Person claiming to be entitled, otherwise than as a Conventiary Tenant, to any Lands, Tenements, Mines, Minerals, or Hereditaments within or immediately contiguous to the said Manors mentioned in the said Schedules hereunto annexed, was on the First Day of *May* One thousand eight hundred and forty-four in the actual Possession or Receipt of the Rents, Issues, and Profits of the same Lands, Tenements, Mines, Minerals, or Hereditaments respectively, such Possession or Receipt shall in any Proceeding before the Commissioners be deemed to be presumptive Evidence of the Title to the same Lands, Tenements, Mines, Minerals, and Hereditaments respectively; and the Proof of any Claim adverse to such

such presumptive Title shall lie on the Duke of *Cornwall*, or other Person making the Claim.

XX. And be it enacted, That the said Commissioners may from Time to Time frame and cause to be printed Forms of Notices and Claims, and issue such Orders and Instructions as to Forms of Proceedings, as in their Judgment will further the Purposes of this Act; and shall supply all or any of such Forms or Instructions to the Person or Persons requiring the same, or to whom the Commissioners may think proper to supply the same for the Purposes of this Act.

Commissioners may frame and circulate Forms, &c.

XXI. And be it enacted, That it shall be lawful for the said Commissioners for any of the Purposes of this Act to employ such Surveyors, Valuers, and other Persons as to them shall seem fit, and also by Writing under their Hands to summon all such Persons as they may think fit to appear as Witnesses before them (including Officers and Lessees of the Duke of *Cornwall* and Conventiary Tenants, and other Persons interested in the Subject Matters of the said Inquiries and Award), and to examine such Persons upon Oath, and by the same or any other Writing under their Hands to order to be produced before them all Assession Books, Records, Surveys, Maps, Deeds, Books, Court Rolls, Papers, and Writings relating to any of the Matters or Things touching or concerning which the said Commissioners are hereby directed and empowered to inquire or ascertain, other than and except such Documents or Things as relate exclusively to the Title of any Person to Property not included in the Inquiries hereby authorized and directed.

Commissioners to employ Surveyors and others, and summon Witnesses, and order the Production of Documents.

XXII. And be it enacted, That the said Commissioners, in any Case where they may see fit, may order and direct such Expences of Witnesses, and of the Production of Documents, Deeds, Maps, Plans, Surveys, and other Evidence, and all such other Expences (except the Remuneration and Expences of the said Commissioners or their Secretary) attending the Inquiries and Award and Maps hereby directed to be made as the said Commissioners shall think fit, to be paid by the Persons interested in the Premises, or any of them (including the Duke of *Cornwall*), and by such of the said Persons and in such Proportions as the said Commissioners shall direct.

Commissioners to order Payment of Expences of Witnesses and other Expences.

XXIII. And be it enacted, That the Remuneration and Expences of the said Commissioners and their Secretary, and of all Surveyors, Valuers, and other Persons employed by the said Commissioners for the Purposes of this Act, and all other Expences of or incident to the Inquiries, Award, and Maps hereby directed to be made (except any Expences which the said Commissioners may order to be otherwise paid as aforesaid), shall be borne and paid as follows; one Half of such Part as shall be incurred in respect of the said Manors mentioned in the said First Schedule hereunto annexed of the said Remuneration and Expences shall be borne and paid by the Duke of *Cornwall*, and the other Half of the same Part by the Conventiary Tenants of the same Manors, and the other Persons (excepting the Duke of *Cornwall*) interested in the Subject Matters of the said Inquiries

The general Expences to be borne by the Duke of Cornwall and the other Persons interested, in certain Proportions.

quiries and Award in relation to the same Manors, in such Proportions and Manner as the said Commissioners, having regard to the Value of the Estates and Interests of such Tenants and other Persons respectively in the Subject Matters of the said Inquiries and Award, shall direct; and Seven Twelfth Shares of such Part as shall be incurred in respect of the said Manors mentioned in the said Second Schedule hereunto annexed of the said Remuneration and Expences shall be borne and paid by the Duke of *Cornwall*, and the other Five Twelfth Shares of the same Part by the Owners and Conventi- onary Tenants of the same Manors, and the other Persons (except- ing the Duke of *Cornwall*) interested in the Subject Matters of the said Inquiries and Award in relation to the same Manors, in such Proportions and Manner as the said Commissioners, having regard to the Value of the Estates and Interests of such Owners, Tenants, and other Persons respectively in the Subject Matters of the said Inquiries and Award, shall direct; and the said Commis- sioners are hereby authorized to determine what Parts of the said Remuneration and Expences shall be deemed to have been incurred in respect of the said Manors mentioned in the said First and Second Schedules hereunto annexed respectively, or in respect of any One or more of them; and in case any Part of the said Remu- neration and Expences shall appear to have been incurred in respect of all the said Manors generally, then to apportion such Part amongst the same in such Proportions and Manner as the said Com- missioners shall think fit: Provided nevertheless, that no Part of the said Remuneration or Expences shall be paid by any Lessee or Licensee of the Duke of *Cornwall*, unless such Lessee or Licensee shall become liable to pay a Share of such Remuneration and Ex- pences by reason of his being a Conventi- onary Tenant, or of being interested in the Subject Matters of the said Inquiries and Award in some other Capacity than as a mere Lessee or Licensee of the Duke of *Cornwall*.

Mode of
Payment.

XXIV. And be it enacted, That the aforesaid Remuneration and Expences shall be paid by the Duke of *Cornwall* and the Owners of Manors, Conventi- onary Tenants, and other Persons afore- said, in the Shares, Proportions, and Manner aforesaid, either alto- gether and at once, or by Instalments at different Times, as the said Commissioners shall think fit and shall direct the same to be paid.

Expences on
Neglect or
Default of
Payment to
be recovered
by Distress.

XXV. And be it enacted, That if any Person, other than the Duke of *Cornwall*, shall neglect or refuse to pay any Expences, or any Share, or the Instalment of any Share of Remuneration and Expences, which he shall be directed to pay by the said Commis- sioners as aforesaid, it shall be lawful for the said Commissioners to certify, under their Hands, the Amount to be paid by such Person; and upon the Complaint of the said Commissioners, or of the Duke of *Cornwall*, or any other Person interested in such Payment, and the Production of such Certificate before any Two Justices of the Peace for the County of *Cornwall*, such Justices, upon the Non- payment thereof, are hereby required, by Warrant under their Hands and Seals, to cause the same and the Costs of the Distress to be levied by Distress and Sale of the Goods of the Person

liable

liable to pay the same, and to render the Surplus (if any), after deducting the Charges of the Distress and Sale, to the Person distrained upon.

XXVI. And be it enacted, That every Conventiary Tenant, and other Person interested in any Hereditaments to which the aforesaid Inquiries or Award relate, for an Estate less than an immediate and absolute Estate of Inheritance, or which shall be settled upon any Uses or Trusts, and who shall be directed to pay any such Expences, or any Share of such Remuneration or Expences as aforesaid, may, with the Consent of the said Commissioners, and in such Manner as they may direct, charge so much of the said Remuneration or Expences as is to be defrayed by him, or any Part thereof, and the Interest thereon after the Rate of Four Pounds for One hundred Pounds for a Year, upon the said Hereditaments; but so nevertheless that the Charge upon such Hereditaments shall be lessened in every Year following the making of such Charge by One Twentieth Part at the least of the whole original Charge thereon.

Power for Persons having limited Estates to charge Expences on the Estate.

XXVII. Provided nevertheless, and be it enacted, That it shall be lawful for the Duke of *Cornwall*, if he shall think fit, from Time to Time or at any Time, to pay or advance out of the Revenues and Monies of the Duchy of *Cornwall* any Monies which may be required in or towards the Payment of the Remuneration or Expences of the said Commissioners or their said Secretary, or of any of the other Expences aforesaid; and if the Monies so paid and advanced by the Duke of *Cornwall* shall exceed the Sum which he shall ultimately become liable to pay as his Share of the aforesaid Remuneration and Expences, then such Excess shall be repaid to the Duke of *Cornwall* by and out of the Monies to be levied and raised towards the Discharge of such Remuneration and Expences from the other Persons herein-before made liable to the Payment of the same.

Power for the Duke to advance Money on account of the Expences of the Act, and Provision for his being repaid.

XXVIII. And be it enacted, That the said Commissioners shall cause true and regular Accounts to be entered in a Book, to be provided for that Purpose, of all Monies received and expended under or by virtue of this Act; and such Accounts shall be from Time to Time audited by the Auditor of the Duchy of *Cornwall* and the Duke of *Cornwall*; and the said Conventiary Tenants, and all other Persons interested in the Subject Matters of the said Award, may, at all seasonable Times, inspect and take Copies of the Accounts, on Payment of such reasonable Fees as the said Commissioners shall appoint, such Fees to be carried to the general Credit of the Funds of the Commission.

Commissioners to keep Accounts.

XXIX. And be it enacted, That every Summons by the said Commissioners, pursuant to this Act, to any Person to appear before them, and also every Order made by them for the Production to them of any Survey, Map, Deed, Book, Court Roll, Paper, or Writing, shall be of the same Force and Effect in every respect, and Persons shall be liable to the same Consequences for disobeying any such Summons or Order, as if such Summons or Order respectively had been issued, granted, or made by a Judge of one of Her Majesty's

Summons and Order of the Commissioners to have the same Effect, and be enforced, as if made by a Judge's Order.

Courts of Record at *Westminster* in a Matter within the Jurisdiction of such Judge; and shall, upon the Application of the said Commissioners, be made a Rule of any of the said Courts.

Power for Commissioners, Surveyors, and all other Persons employed by them, to enter on the Lands, and erect Marks.

Penalty for obstructing them, or removing such Marks.

XXX. And be it enacted, That it shall be lawful for the said Commissioners, and all Surveyors and other Persons who may be employed by them for any of the Purposes of this Act, to enter in and upon any of the Lands or Tenements situate or lying, or claimed to be situate or lying, within any of the said Manors mentioned in the said First and Second Schedules hereunto annexed, and to survey and examine the same, and to set up all such Poles, Stones, or other Marks, and do all such other Acts and Things as in the Opinion of the said Commissioners shall be necessary or expedient for making such Survey and Examination as aforesaid, or for the Purpose of permanently marking any Boundaries hereby directed to be determined or distinguished, or for any of the other Purposes of this Act; and if any Person shall obstruct the said Commissioners, or any Persons employed by them as aforesaid, in the Execution of any such Survey or Examination as aforesaid, or shall wilfully or wantonly pull up, break down, remove, or damage any Poles, Stones, or other Marks, whether set up for the Purposes of such Survey or Examination, or for the Purpose of permanently marking any such Boundaries as aforesaid, such Person so offending shall for every such Offence forfeit a Sum not exceeding Ten Pounds, to be recovered by summary Proceeding, upon a Complaint made before any One Justice of the Peace for the County of *Cornwall*; and in default of Payment thereof, and of such Costs as such Justice shall direct to be paid, shall, on the Warrant of such Justice, be committed to Gaol, there to remain without Bail for any Term not exceeding Three Calendar Months, unless such Sum and Costs shall be sooner paid; and every such Sum or Forfeiture to be recovered as aforesaid shall be paid one Half to the Informer and the other Half to the Duke of *Cornwall*.

Commissioners to make an Award as to the Matters of which they are herein-before directed to inquire.

XXXI. And be it enacted, That when and so soon as the said Commissioners shall have made and done all such Inquiries and other Things in relation to the Premises as they shall think sufficient and expedient, it shall be lawful for the said Commissioners and they are hereby required and directed to make an Award in Writing under their Hands, and to annex to such Award a Map or Maps of the Tenements, Lands, or Manors to which the same shall relate, which Map or Maps shall be taken and deemed for all Purposes to be Part of the said Award, and in and by such Award Map or Maps to distinguish, specify, and determine what Lands or Tenements within the several Manors mentioned in the said First and Second Schedules hereunto annexed now are, or at any Time within One hundred Years before the First Day of *May* One thousand eight hundred and forty-four have been held of the said several Manors respectively as Conventiary Tenements, and the Boundaries, Identity, and Situation of all such Tenements, and also to distinguish, specify, and determine which of the said Conventiary Tenements held of the said Manors comprised in the said First Schedule hereto annexed would at the passing of this Act have been held as such by successive Grants continuously
for

for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four, if the Assession Courts for the Renewal of the said Grants had been duly held, and such Grants had been duly renewed, in ordinary Course as aforesaid; and also to distinguish, specify, and determine the waste and other Lands lying within the said Manors mentioned in the said First and Second Schedules hereunto annexed respectively, which, or the Mines, Minerals, Stone, or Substrata in, upon, under, or of which, belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof, and the Boundaries and Extent of the said several Manors mentioned in the said First and Second Schedules hereunto annexed; and generally to distinguish, specify, and determine what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively; and in making such Award the said Commissioners shall have regard to and be bound by the Provisions in this Act contained for the Limitation of Actions and Suits and otherwise; and all Proceedings of the said Commissioners shall, with reference to the said Provisions for the Limitation of Actions and Suits, and for the Purposes of the said Award, be deemed and taken to have been commenced on the said First Day of *May* One thousand eight hundred and forty-four; and also to distinguish, specify, and determine the several annual and other Rents, Fines, Acknowledgments, Heriots, Fees, Payments, and Services, which now are, or at any Time within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four have been, reasonably and fairly payable or due in respect of the several Conventiary Tenements held of the said Manors mentioned in the said First Schedule hereunto annexed, either upon the Renewal of the Grants of such Conventiary Tenements or otherwise, and the Arrears of all such Rents, Fines, Acknowledgments, Fees, and Payments, and the Value of all Heriots which have become due since the holding of the last Assession Courts for the said Manors respectively, and also to fix and determine the annual Sums for which such of the same Fines, Payments, Fees, Acknowledgments, Heriots, and Services as are not annual may and ought justly in the Opinion of the said Commissioners to be commuted, and the total annual Sums which ought thereafter to be paid out of such Conventiary Tenements in lieu of all such annual and other Rents, Fines, Acknowledgments, Heriots, Payments, Fees, and Services as aforesaid; and also to distinguish, specify, and determine all such special Matters and Things, having relation to the Premises, as the said Commissioners shall think proper to be specified in such Award.

XXXII. Provided always nevertheless, and be it enacted, That nothing in this Act contained shall give the said Commissioners any Power to inquire or award as to any Claims to Mines or Minerals, under or by virtue of the Custom or supposed Custom commonly called "Bounding," or as to any Claim, Title, or Interest known by the Name of "Tin Bounds;" but every Inquiry and Award by the said Commissioners shall be made without any Regard to the said Custom or supposed Custom of Bounding, or any Estate or Interest acquired

Tin Bounds
excepted
from the
Inquiry and
Award.

acquired thereby, and without Prejudice to any such Custom or supposed Custom, Estate, or Interest.

Commissioners may use Maps made for the Purposes of the Tithe Commutation.

XXXIII. And be it enacted, That the said Commissioners may, if they think fit, use Maps which have been made for the Purposes of the Act for the Commutation of Tithes, and any other Maps which the said Commissioners shall think fit; and it shall be lawful for the said Commissioners to cause such Maps, or sufficient Portions of them, to be reduced and copied by Lithography, or otherwise as they may think necessary.

Commissioners may apportion annual Sum to be payable for each Tenement or Manor among different Parts of the Tenement or different Tenements of the Manor.

XXXIV. And be it enacted, That it shall be lawful for the said Commissioners in and by such Award as aforesaid to apportion the total annual Sum which by such Award shall be fixed and determined and be payable out of any Conventiary Tenement or Tenements between different Parts of the same Tenement, or between different Tenements, in such Sums and Manner as the said Commissioners shall think fit; and in every such Case each Part of the same Tenement shall thereafter be subject to the Payment only of such annual Sum as shall be so apportioned in respect of each Part: Provided always, that the said Commissioners may apportion the aggregate Amount which shall be fixed and determined to be payable out of all the Conventiary Tenements in any one Manor rateably amongst the several Conventiary Tenements, in such Manner as they may consider most equitable and generally convenient.

Commissioners may annex Schedules to their Award.

XXXV. And be it enacted, That it shall be lawful for the said Commissioners to make and annex any Schedule or Schedules to their said Award, and every such Schedule shall be taken and deemed for all Purposes to be Part of the said Award.

Deposit of Award, and Meeting for hearing Objections.

XXXVI. And be it enacted, That before making the Award aforesaid the said Commissioners shall make a Draft thereof, and of the Map or Maps to be annexed thereto, and may, if they think fit, cause the same to be printed or lithographed, and shall deposit a Copy of such Draft at some convenient Place within every Manor to which the said Award shall relate, for the Inspection of all Persons interested therein; and shall forthwith give Notice, in such Manner as to the Commissioners shall seem fit, where the said Copy and Map may be inspected; and shall upon the Application of any Person interested in such Award furnish him with a Copy or Extract from the said Draft thereof, on Payment of a reasonable Price, to be fixed by the Commissioners for the same; and shall in such Notice as aforesaid appoint some convenient Place and Time (the first not earlier than Twenty-one Days from the first giving of such Notice) for holding a Meeting to hear Objections to such Draft Award by the Duke of *Cornwall* or any other Person interested therein, in respect of any Matter appearing therein which shall not have been heard and determined on such Examination of Claims as herein-before directed; and the Commissioners at such Meeting as aforesaid shall hear and determine any such Objections as may be then and there made to the said Draft Award, or adjourn the further Hearing thereof,

if they shall think proper, to a future Meeting, and from Time to Time fix further Meetings for the hearing and determining of such Objections, of which further Meetings, when not holden by Adjournment, Notice shall be given in manner herein-before directed with regard to the original Meeting; and when the Commissioners shall have heard and determined all such Objections, they shall, if they shall see Occasion, amend such Draft Award accordingly.

Amendment
of Award.

XXXVII. And be it enacted, That if the Duke of *Cornwall*, or any other Person interested in such Award, shall be desirous that any Claim or Matter which shall have been previously determined by the Commissioners on the Examination of Claims as aforesaid shall be reheard as an Objection to the Draft Award, and of such his Desire shall give Notice in Writing to the Commissioners at or before or within Thirty Days after the Meeting held to hear such Objections to such Draft Award as aforesaid, the Commissioners shall forthwith give Notice, in such Manner as they shall think fit, appointing some convenient Place and Time for holding a Meeting to rehear such Claim, Matter, or Objection; and the Commissioners shall rehear and determine the said Claim, Matter, or Objection, or adjourn the further Hearing thereof, if they or he shall think proper, to a future Meeting, and may, if they or he shall see Occasion, from Time to Time fix other Meetings for such Rehearing; and when the Commissioners shall have reheard and determined such Claim, Matter, or Objection they may, if they shall see Occasion, amend the Draft Award accordingly; and the Decision of the Commissioners upon such rehearing shall be final and conclusive, and shall not be subject to be re-opened for any Cause whatever: Provided always, that no Person other than the Duke of *Cornwall* shall be entitled to a Rehearing of any Claim, Matter, or Objection, until he shall have procured some sufficient Person on his Behalf to join with him in giving Security, by Bond to the said Commissioners, in a sufficient Penalty, conditioned for the Payment of such Costs as the Commissioners shall think fit to award as the Costs of such Rehearing, to be paid to such Person as the Commissioners shall direct; and the Commissioners may award such Costs accordingly.

Rehearing.

Parties re-
quiring
Rehearing
to give Secu-
rity for Costs.

XXXVIII. And be it enacted, That when all such Objections (if any) as aforesaid to the said Draft Award shall have been heard and determined by the said Commissioners as aforesaid, and all such Amendments (if any) as the said Commissioners shall think fit shall have been made in the said Draft Award, the said Commissioners shall make and sign the said Award.

Award to be
signed after
final Re-
hearing.

XXXIX. And be it enacted, That the Award to be made in pursuance of this Act as aforesaid shall be signed in Triplicate by the said Commissioners, and within One Calendar Month from the Date thereof one Part thereof shall be lodged with the Keeper of the Records of the Duchy of *Cornwall*, another Part with the Clerk of the Peace for the County of *Cornwall*, and a Third Part among the Records of the Court of the Vice Warden of the Stannaries of *Cornwall*; and that the said Keeper of the Records, Clerk of the Peace, and the Registrar of the Court of the said Vice Warden shall furnish

Award to be
in Triplicate,
and to be
deposited in
certain Of-
fices, and
Copies and
Extracts
thereof to be
furnished.

Copies or Extracts thereof at the Rate of Four-pence *per Folio* of Seventy-two Words, and a reasonable Remuneration for any Copy of or Extract from a Map, and shall for a Fee of Five Shillings permit the same to be examined and compared with the Originals at all seasonable Times; and the said Keeper of the Records, Clerk of the Peace, and the said Registrar shall also at all seasonable Times permit any Person interested therein to inspect the said Award, upon Payment of a Fee of Five Shillings for each such Inspection.

Award to be conclusive in all future Questions as to the Subject Matters thereof.

XL. And be it enacted, That after such Award shall have been made and executed by the said Commissioners the same shall for all Purposes be binding and conclusive as to the Subject Matters thereof on the Duke of *Cornwall* and all other Persons whomsoever; and if at any Time afterwards any Question or Dispute shall arise between the Duke of *Cornwall* and any other Person as to whether any Lands or Tenements within the said Manors mentioned in the said First and Second Schedules hereunto annexed were, on the said First Day of *May* One thousand eight hundred and forty-four, or at any Time within One hundred Years before, held of the same Manors respectively as Conventiary Tenements, or for what previous Time within such Period the same were so held, or as to the Boundaries, Identity, or Situation thereof, or as to what waste or other Lands, Mines, Minerals, Stone, Substrata, or Hereditaments lying within the same Manors respectively belong to the Duke of *Cornwall*, or the Boundaries, Identity, or Situation thereof, or as to the Boundaries or Extent of any of the said Manors, or as to what Lands, Mines, Minerals, Stone, Substrata, and Hereditaments within the said Manors respectively belong to the Duke of *Cornwall*, and the Boundaries, Identity, and Situation thereof respectively, or as to any annual Sum by the said Award directed to be payable, or the Lands, Tenements, or Hereditaments out of which the same shall be payable, or as to any other Matter or Thing which shall, in pursuance of the Directions of this Act, be distinguished, specified, or determined in or by such Award, or any Map thereto, then every such Question and Dispute shall (so far as possible) be decided exclusively and absolutely by such Award or Map; and a Copy thereof, or of so much thereof as relates to the Subject in dispute, certified to be a true Copy under the Hand of any Officer in whose Custody any Part of such Award or Map shall be in pursuance of this Act as aforesaid, shall be admitted and received in all Actions, Suits, and Proceedings in any Court of Law or Equity, or before any Justice of the Peace or other Jurisdiction, as primary Evidence of so much of the said Award as the said Copy purports to certify.

After the Execution of the Award, all Conventiary Tenements held of the unsold Manors, to become Freehold of the Manors of which

XLI. And be it enacted, That when and so soon as the said Award shall have been made and executed by the said Commissioners all and singular the Tenements therein determined to be Conventiary Tenements of any of the Manors mentioned in the said First Schedule hereunto annexed, and of which in and by such Award it shall be determined that they would upon the said First Day of *May* One thousand eight hundred and forty-four have been held as such by successive Grants continuously for Sixty Years or more before the said First Day of *May* One thousand eight hundred and forty-four,

if the Grants thereof have been duly renewed in ordinary Course as aforesaid, and the Boundaries, Identity, and Situation of which shall have been distinguished and determined by such Award, or by any Map or Maps thereto annexed, shall (but subject and without Prejudice to the Provisions herein-after contained with respect to the Mines and metallic Minerals under and of the same) become and be to all Intents and Purposes of Freehold Tenure, and be for ever thenceforth held of the Duke of *Cornwall* in Free and Common Socage as of the Manor of which the same Tenements respectively have been heretofore held as aforesaid, and the same several Tenements or the different Parts thereof shall be charged and chargeable with the Payment to the Duke of *Cornwall*, as Lord of the same Manors respectively, of all such Arrears of the said annual and other Rents, Fines, Acknowledgments, Heriots, Fees, Payments, or Services, and of such annual Sum or apportioned annual Sums as in the said Award shall be determined or directed to be payable thereout respectively; and the Duke of *Cornwall* shall have and exercise all such Powers, Authorities, Rights, and Remedies for the Recovery and obtaining Payment of all such Sums for Arrears, and of every such annual Sum or apportioned annual Sum as aforesaid, as he might have and exercise if such annual Sum or apportioned annual Sum were a Rent reserved on a Demise or Lease made by the Duke of *Cornwall* of the Tenement or Part of a Tenement out of which the same annual Sum or apportioned annual Sum shall by the said Award be determined or directed to be payable.

they have been held, subject to the Payment of the annual Sums fixed by the Award.

XLII. Provided always nevertheless, and be it declared and enacted, That nothing in this Act contained shall give or confirm to any Person whomsoever, other than the Duke of *Cornwall*, any Estate, Right, Title, or Interest whatsoever in any Conventiary Tenement which was first granted at an Assession Court of any of the said Manors mentioned in the said First Schedule hereunto annexed held within Sixty Years before the said First Day of *May* One thousand eight hundred and forty-four, but that from and after the passing of this Act all such Tenements shall become and be to all Intents and Purposes Part and Parcel of the Demesne Lands of the Manor within which the same are situate.

The Act not to confirm Conventiary Tenements first granted within Sixty Years.

XLIII. Provided always, and be it enacted, That if it shall appear to the Duke of *Cornwall* that the Circumstances under which any Estate, Right, Title, or Interest in any Conventiary Tenement which may have been first granted at an Assession Court held within Sixty Years from the said First Day of *May* One thousand eight hundred and forty-four are such as would reasonably and fairly entitle the Person in possession by virtue of such Grant to Compensation for the Loss of his beneficial Interest in respect thereof, then and in every such Case it shall be lawful for the said Duke of *Cornwall* to grant or demise such Conventiary Tenement to such Person for such Term, Estate, or Interest, and subject to such Rent, Reservations, Conditions, and Agreements, as to the said Duke of *Cornwall* shall seem to be just and reasonable, in reference to such Circumstances as aforesaid; but so nevertheless that all Tenements so granted or demised shall continue to be Part and Parcel of the Demesne

Special Grants may be made by the Duke of *Cornwall* in Compensation for Lands first granted within Sixty Years.

Demesne Lands of the Manor within which the same are situate, and shall be held of the same Manor accordingly.

The Act not to confirm Profits à prendre let in Convention.

XLIV. Provided also, and be it enacted, That nothing in this Act contained shall give or confirm to any Person whomsoever other than the Duke of *Cornwall* any Estate, Right, Title, or Interest whatsoever in any Herbage or Pasture or Common of any Description, or in any Right of Herbage or Pasture or Common of any Description, or in any other Profit or Benefit to be taken and enjoyed from or upon any of the Lands or Possessions of the Duchy of *Cornwall*, and which Herbage, Pasture, or Common Right, Profit or Benefit, has at any Time heretofore been let in Convention or granted by Assession, to be held in gross, and not as appendant or appurtenant to any specific Tenement or Tenements; and that from and after the passing of this Act all Lands in or upon which any such Herbage, Pasture, or Common, or Right of Herbage, Pasture, or Common, or any such other Profit or Benefit as aforesaid, shall have been let or enjoyed, shall be absolutely and altogether freed and discharged therefrom.

Power for the Commissioners to award Lands in Compensation of Common of Pasture or Turbary.

XLV. Provided always nevertheless, and be it enacted, That it shall be lawful for the said Commissioners, if they shall see fit so to do, to award to such of the same Conventiary Tenants as shall satisfactorily prove that they have held and enjoyed, or been entitled to hold and enjoy, any Common of Pasture or Common of Turbary heretofore let in Convention or granted by Assession as aforesaid, such Portion or Portions of the Common Lands in or upon which the same shall have been let or enjoyed as the said Commissioners shall think fit; and the Lands so awarded shall thenceforth be held, go, and devolve as if they had been theretofore Conventiary Tenements, subject to the Estates and Interest to which such Common of Pasture was subject, and shall be free and discharged from all Rights of Common of all Persons whomsoever over or upon the same, but shall be subject to all the Provisions of this Act in respect of Conventiary Tenements, and the Mines and metallic Minerals in, upon, and under the same, in the same Manner, and as fully and effectually, to all Intents and Purposes, as if the said Lands to be so awarded had been Conventiary Tenements respectively at the passing of this Act.

The Freehold Tenements to be subject to the same Estates as the Conventiary Tenements.

XLVI. And be it enacted, That from and immediately after the said Award shall have been made and executed by the said Commissioners as aforesaid every Conventiary Tenement which shall thereupon become holden in Free and Common Socage as aforesaid shall (except nevertheless and charged as herein-before is mentioned) stand limited and settled to such Uses, upon such Trusts, and with, under, and subject to such Powers, Provisoos, and Agreements, as shall and may most nearly correspond with the Estates and Interests, Uses, Trusts, Powers, Provisoos, and Agreements which, before the making and Execution of such Award, were, according to the Custom of the Manor and ordinary Course of Dealing, subsisting, or capable of taking effect in such Conventiary Tenement; but so nevertheless that (subject and without Prejudice to such Estates, Interests, Uses, Powers, Provisoos, and Agreements as shall be then subsisting,

or

or capable of taking effect as aforesaid,) every such Tenement, and every Estate and Interest therein, shall, at all Times after the making and Execution of the said Award, descend, devolve, be conveyed and assured according to, and be in every respect subject to, the Laws according and to which other Tenements holden in Free and Common Socage descend, devolve, are conveyed and assured, and subject; and every such Freehold Tenement, and every Estate and Interest therein, shall be subject and liable to all Claims and Demands (if any) to which the Conventiary Tenement out of which the same was converted was subject or liable immediately before such Conversion, other than Claims and Demands by the Duke of *Cornwall* as Lord of the Manor of which the same is held.

XLVII. And be it enacted, That at any Time or Times after the said Award shall have been made and executed by the said Commissioners it shall be lawful for the Duke of *Cornwall*, and his Lessees, and all other Persons claiming under him, to enter upon all Lands, Mines, Minerals, Stone, Substrata, Tenements, and Hereditaments which shall in and by such Award be determined to belong to the Duke of *Cornwall*, and to abate every Purpresture and Encroachment which shall have been made or shall be made thereon, and to hold the Lands, Mines, Minerals, Stone, Substrata, and Hereditaments upon which such Purpresture or Encroachment shall have been made, freed from the Claims of all Persons whomsoever; and every Person in possession of any such Land, Mines, Minerals, Stone, Substrata, Tenements, or Hereditaments may be evicted therefrom by such and the same Process as if the Duke of *Cornwall* had recovered the same by a Judgment upon an Information of Intrusion brought in due Course of Law in Her Majesty's Court of Exchequer.

After the Award, Purprestures and Encroachments may be abated.

XLVIII. And be it enacted, That if within Twelve Calendar Months from the making and Execution of the said Award by the said Commissioners any Person shall think himself aggrieved by such Award, it shall be lawful for him to prefer any Petition of Appeal to Her Majesty in Council against any such Award, or any Part thereof, as to any Matters of Law, or Matters apparent on the Face of the Award; and it shall be lawful for Her Majesty in Council, or for any Committee of Privy Council as Her Majesty shall direct, to hear such Appeal; and Notice thereof shall be served by the Party making such Appeal upon the Duke of *Cornwall*, by leaving the same at the Office of the Duchy of *Cornwall* One Calendar Month before the hearing of such Appeal; and the Duke of *Cornwall* shall thereupon, if he think fit, undertake the Defence of such Award; and upon hearing any such Appeal it shall be lawful for Her Majesty in Council to confirm, alter, or vary the Whole or any Part of such Award in such Manner as to Her Majesty may seem meet; and the Costs attending any such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council.

Award may be appealed against by any Person to Her Majesty in Council;

XLIX. And be it enacted, That it shall be lawful for the Duke of *Cornwall*, if it shall seem to him fit so to do, within the Time hereinbefore limited, in like Manner to present a similar Petition of Appeal and may be appealed against by the Duke of *Cornwall*.

against such Award or any Part thereof; and thereupon it shall be lawful for Her Majesty in Council to confirm, alter, or vary all or any Part of such Award in such Manner as to Her Majesty may seem meet; and on any such Petition being presented as last aforesaid Notice thereof for at least One Calendar Month before the same shall be heard shall be published in One or more of the public Journals circulated in the said County of *Cornwall*; and it shall be lawful for any Person interested in the Premises to appear and defend the said Award; and the Costs attending such Appeal shall be ascertained in such Manner, and shall be paid by all or any of the Parties to or in such Appeal, as shall be directed by any Order in Council.

After Appeal, the Award may be altered.

L. And be it enacted, That upon or after the Hearing of any such Appeal, or such Rehearing as aforesaid, the Three Parts of the said Award may be altered in such Manner as may be signified by an Order to be made by Her Majesty in Council for that Purpose; and such Award so altered shall have the same Force as if the same had been made and signed by the said Commissioners in pursuance of this Act, and had not been appealed against.

Commissioners may make several Awards.

LI. And be it enacted, That it shall be lawful for the said Commissioners, according as they shall see fit, to make their said Award, either as one entire Award, and in respect of all the Matters aforesaid, or from Time to Time or at any Time to make separate Awards, either as to separate Matters, or as to the Tenements and Matters lying within and connected with different Manors; and every such separate Award (if any) shall take effect from the Time of its being made and executed; and all the Provisions of this Act shall apply, so far as the same respectively shall be applicable, to every such separate Award and the Subject Matters thereof, as fully and in every respect as the same are hereby made to apply to one general Award herein-before mentioned and referred to, and the Subject Matters thereof.

Final Apportionment of Expences to be made and deposited in the same Manner as the Award.

LII. And be it enacted, That when the said Award shall have been made and executed as aforesaid, and the said Commissioners shall have ascertained the Amount of all Expences to be incurred by virtue of this Act, they shall make a final and general Apportionment of such Expences amongst all the Parties liable to pay the same, in the Manner herein-before mentioned; and the Draft of such final Apportionment shall be deposited in the same Places and Manner, and be subject to the same Provisions respecting Objections thereto, and a Rehearing of Parties in respect thereof, as is herein-before provided as to the said Award.

All Mines and metallic Minerals under Conventiory Lands, and all Mines, Minerals,

LIII. And be it declared and enacted, That all Mines and metallic Minerals in and under all and singular the Tenements now or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four held as Conventiory Tenements of the said Manors mentioned in the said First Schedule hereunto annexed respectively, and all Mines, Minerals,

Stone, Substrata, and all other Profits whatsoever in, upon, under, and of all Waste and other Demesne Lands of the same Manors respectively, and all Mines, Minerals, Stone, and Substrata in, upon, under, and of all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines, Minerals, Stones, or Substrata shall by such Award be determined to belong to the Duke of *Cornwall*, do and shall belong absolutely to the Duke of *Cornwall* as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of *Cornwall* as aforesaid, but without Prejudice to the Estates or Rights (if any) of any of the present Lessees of the Duke of *Cornwall* therein.

Stone, and Substrata and other Profits under and of other Lands in the unsold Manors, to belong to the Duke of Cornwall.

LIV. And be it declared and enacted, That all Mines and metallic Minerals in, upon, under, and of all and singular the Tenements now, or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four, held as Conventi-
 onary Tenements of any of the said Manors mentioned in the said Second Schedule hereunto annexed respectively, and all Mines and metallic Minerals whatsoever in, upon, under, and of all Lands lying within the same Manors respectively, and which at the Times of the aforesaid Sales of such Manors respectively were Waste or Demesne Lands thereof respectively, and all Mines and metallic Minerals in, upon, and under all other Lands lying within or Parcel of the same Manors respectively, and which said last-mentioned Mines and metallic Minerals shall by such Award be determined to belong to the Duke of *Cornwall*, do and shall belong absolutely to the Duke of *Cornwall* as Possessions by the herein-before recited Charter granted, and thereby annexed to the Duchy of *Cornwall* as aforesaid, but without Prejudice to the Estates or Rights (if any) of any of the present Lessees of the Duke of *Cornwall* therein.

Similar Provision as to the Mines and metallic Minerals within the sold Manors.

LV. And be it declared and enacted, That it shall be lawful for the Duke of *Cornwall*, his Agents and Workmen, and his Lessees and their Agents and Workmen, and all Persons whom the Duke of *Cornwall* shall in that Behalf authorize, and their Agents and Workmen, to enter into and upon all Lands or Tenements of any Tenure situate or being within or held of any of the said Manors mentioned in the said First and Second Schedules hereunto annexed, all or any the Mines, Minerals, Stone, or Substrata in, upon, under, or of which do or shall belong to the Duke of *Cornwall* as herein-before is declared and provided, and to search, dig for, open, and work the same Mines, and get, carry away, and dispose of the same Minerals, Stone, or Substrata, and to erect all such Buildings, Steam and other Engines, and Machinery and Things, and sink and make all such Pits, Shafts, Levels, Adits, Air-holes, Tram and other Roads, and other Works, and to take from the said Lands and Tenements sufficient Stone, Lime, and Slate for such Buildings and other Works, and take and use and divert all such Water, and take and use all such Room for Ore and Rubbish and other Things, and do all such other Acts and Things upon, under, in, and about the aforesaid Lands and Tenements, as shall be necessary or convenient for working the same Mines, and getting, washing, dressing, rendering merchantable, carrying away, and disposing of the same Minerals, Stone, or Substrata,

Right of the Duke of Cornwall and his Lessees to enter and work Mines, Minerals, Stone, and Substrata, making Compensation for Damage to the Surface, and for Use of Stone and Water.

strata, he the said Duke of *Cornwall*, or his Lessees, or the Persons authorized by him as aforesaid (as the Case may be), making to the Persons entitled to the Surface of such Lands or Tenements, or to such Water, adequate Compensation for the Damage which shall have been done or occasioned by the Exercise of the Rights, Privileges, and Easements aforesaid, and making to the Persons entitled to the same adequate Compensation for the Materials so taken as aforesaid. Provided nevertheless, that no Person shall be entitled to claim any Compensation for Damage to be done by the Exercise of any of the Rights, Privileges, or Easements aforesaid, unless such Claim be made in Writing before the Expiration of Six Calendar Months after such Damage shall have been done, or where the Entry or other Act by which such Damage shall be done shall be of a continuing Nature, then before the Expiration of Six Calendar Months from the Time when such Entry or other Act shall determine or cease: Provided also, that a Notice in Writing, claiming Compensation as aforesaid, given by or on behalf of the Person entitled to receive the same, to the Duke of *Cornwall*, or other Person by whom such Damage shall be done, or to any Agent or Workman who shall be employed by the Duke of *Cornwall*, or such other Person, in the Entry or other Act by which such Damage shall be done, shall be a sufficient Claim for the Purposes of this Act.

Compensation in case of Dispute to be settled by Two Justices or by the Vice Warden, at the Option of the Party liable.

Justices or Vice Warden to take the Assistance of Surveyor, &c.

No Compensation to become payable for 12 Calendar Months after Entry, except under certain Circumstances.

LVI. And be it enacted, That if any Dispute shall arise between the Duke of *Cornwall* or his Lessees, or any Persons authorized by him to enter upon any Lands or Tenements as aforesaid, and any Person claiming Compensation for Damage done to such Lands or Tenements, or to such Water as aforesaid, by the Exercise of any of the Rights, Privileges, or Easements aforesaid, or claiming Compensation for Materials so taken as aforesaid, either touching the Matters in respect of which Compensation ought to be made in pursuance of this Act, or the Amount of such Compensation, such Dispute shall be decided either by Two Justices of the Peace for the County of *Cornwall*, or (at the Option of the Person from whom such Compensation is claimed) by the Vice Warden of the Stannaries of *Cornwall*, upon the Petition of any or either of the Parties so disputing or otherwise; and it shall be lawful for the said Justices or Vice Warden, at the Expence of the Parties disputing, or any or either one of them, in their or his Discretion, to require the Aid, and take the Opinion or Advice of any Surveyor, Mining Agent, or other Person, and to adopt such other Measures, and give such Directions, as shall appear to the said Justices or Vice Warden expedient for enabling them or him to determine concerning the Matters in dispute as aforesaid: Provided always nevertheless, that no Application, except by Consent, shall be made to the said Justices or to the said Vice Warden to award Compensation for Damage done upon any Entry, under the Authority of this Act, for the Purpose of searching for or working Mines and Minerals, until the End of Twelve Calendar Months next after such Entry, unless such Search or Working shall have been sooner abandoned or discontinued, or unless the Persons entitled to such Compensation shall prove, to the Satisfaction of the said Justices or of the said Vice Warden, that the Amount of Compensation for Damage theretofore done is larger than the Sum

or

or Sums of Money theretofore deposited or secured as a Security for such Compensation as herein-after provided.

LVII. And be it enacted, That for the Purposes of this Act the Person entitled to claim and receive and agree upon the Amount of all Compensation for Damage done to such Lands or Tenements or Water as aforesaid, shall be the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands or Tenements or Water in or to which such Damage shall be done; and all such Compensation shall be received and held by such Person for the Benefit of himself and of the other Person (if any) having any Estates or Interests in the said Lands or Tenements or Water, according to their respective Estates and Interests therein; and the Receipt of such Person shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound to see to the Title of the Person receiving the same, or to the Application thereof: Provided always nevertheless, that where the Lands or Tenements or Water to which Damage shall be done as aforesaid shall be in the Possession of any Lessee or Occupier at Rack Rent, or of any Lessee or Occupier not having a greater Estate or Interest therein than a Term of Twenty-one Years, such Lessee or Occupier shall not be deemed to be the Person in possession of such Lands or Tenements or Water, for the Purpose of receiving all Compensation as aforesaid, but shall be entitled to claim and receive Compensation for the Damage done to his Interest in such Lands or Tenements or Water, separately from the Compensation to be paid as herein-before is provided to the Person for the Time being in the Receipt of the Rents and Profits of the same Lands and Tenements or Water; and the Person who shall be in receipt of such Rack Rent or the other Rent payable by such Lessee or Occupier, or (if there be no Rent, then) the Person entitled to such Lands and Tenements in reversion or remainder immediately expectant on the Determination of the Term or Interest of such Lessee or Occupier, shall be deemed the Person for the Time being in possession or in receipt of the Rents and Profits for the Purposes of this Act.

Compensation to be paid to the Person in possession or receipt of the Rents and Profits;

LVIII. Provided always nevertheless, and be it enacted, That every Person receiving any such Compensation as aforesaid, who may not be entitled to an absolute and unqualified Estate of Inheritance in Fee Simple or Fee Tail, or be enabled to appoint or dispose of an absolute or unqualified Estate of Inheritance in Fee Simple in the Lands or Tenements or Water in respect of which such Compensation may have become payable shall, as between himself and the other Persons having Estates or Interests in the same Lands or Tenements or Water, have and be entitled only to such Estate or Interest in the same Compensation as will correspond with his Estate or Interest in the same Lands or Tenements or Water; and the Rights, Estates, and Interests of all or any of the Persons interested in such Compensation shall and may be established at the Suit of all or any of such Persons in the Court of the Vice Warden of the Stannaries of *Cornwall*, or in any other Court of Equity: Provided always nevertheless, that if in any Case the Amount of such Compensation shall not exceed in the whole the Sum of Twenty Pounds, the same shall

for the Benefit of himself and others (if any) interested.

be retained wholly for his own Benefit by the Person entitled to receive the same aforesaid, although he may have only a limited or qualified Estate or Interest in the Lands or Tenements or Water in respect of which such Compensation may have become payable; but no Person having such limited or qualified Interest shall, under any Circumstances, be entitled so to retain any Compensation, if the Sums paid for such Compensation shall exceed in the whole the Sum of Twenty Pounds.

When the Person in possession, &c. is under Disability or unknown, Compensation to be paid into the Court of the Vice Warden of the Stannaries.

LIX. Provided always nevertheless, and be it enacted, That when the Person for the Time being in possession or in the receipt of the Rents and Profits of the Lands and Tenements or Water to which Damage shall be done as aforesaid shall be a married Woman, or an Infant, or a Lunatic or Idiot, or shall be under any other Disability, or shall be unknown or uncertain, or where Notice shall be given in Writing by or on behalf of any Person claiming any Estate or Interest in such Lands or Tenements or Water to the Person liable to pay any Money for Compensation for Damages done to such Lands or Tenements or Water, requiring that such Money be not paid to the Person in possession or in the receipt of the Rents and Profits of the same Lands or Tenements or Water, then and in any of such Cases, or in any other Case in which the same shall seem expedient, it shall be lawful for the Person liable to pay such Compensation to pay the same into the Hands of the Registrar of the Court of the Vice Warden of the Stannaries, for the Benefit of the Persons interested therein, according to their several Estates and Interests, as the said Vice Warden shall direct; and the Receipt of the said Registrar shall be a sufficient Discharge for the Compensation aforesaid, and shall exonerate the Person paying the same from being bound to see to the Application thereof; and the Rights, Estates, and Interests of all or any the Persons interested in such Compensation shall be determined by the said Vice Warden upon the Application of such Persons, or any of them, by Petition or otherwise.

Notice to be given before Entry to search or work Mines except in WasteLands;

LX. And be it enacted, That before the Duke of *Cornwall*, or any Lessee of the Duke of *Cornwall*, or any other Person, shall, under the Authority of this Act, enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or Minerals, he shall give One Calendar Month's previous Notice in Writing of such intended Entry to the Occupier of the Surface of such Lands or Tenements, or (if such Occupier, or the Place of Abode of such Occupier, be unknown or uncertain) affix such Notice in or upon some conspicuous Part of such Lands or Tenements; and such Notice shall specify and describe the Lands and Tenements upon which such Entry is intended to be made, and shall state the Name and Place of Abode of the Lessee or other Person by whom or on whose Behalf such Entry is intended to be made.

and Security for Damage.

LXI. And be it enacted, That every Lessee or other Person (other than the Duke of *Cornwall*) who shall intend under the Authority of this Act to enter upon any Lands or Tenements (other than Waste Lands), to search, dig for, open, work, or get any Mines or

or Minerals, shall before making such Entry, if required so to do by any Person interested in the Surface of such Lands or Tenements, deposit the Sum of Twenty Pounds, or any larger Sum which the Lessee or Person so entering shall think fit, with the Registrar of the Court of the Vice Warden of the Stannaries of *Cornwall*, or give to such Registrar a joint and several Bond, under the Hands and Seals of such Lessee or other Person, and of One or Two sufficient Sureties, (such Surety or Sureties, in case of Dispute, to be approved of by the said Registrar, or by any Two Justices of the Peace for the County of *Cornwall*,) conditioned for securing the Payment to such Registrar, or to the Registrar for the Time being of the said County, on Demand by him, of the Sum of Twenty Pounds, or any larger Sum which the said Lessee or other Person making such Entry shall think fit; and the Sum so to be deposited or secured by such Bond, as the Case may be, shall be held by the said Registrar as a Security for the Payment of the Compensation to become payable for the Damage to be caused by such Entry as aforesaid, and of the Costs to be incurred in any Proceeding for determining the Amount of such Compensation, or otherwise in relation thereto; and such Deposit, or the Money to be recovered upon such Bond, shall be paid and applied by such Registrar accordingly, either upon satisfactory Proof being made to him of the same having become payable, and of the Person entitled under the Provisions of this Act to receive the same, or any Part thereof, or according to the Direction of the said Vice Warden; and if in the Prosecution of such Search the Amount of Damage (to be decided as herein-before is provided), and of such Costs, if any, shall be equal to or exceed the Sum so deposited or secured as aforesaid, then and in such Case, and so often as the same shall happen, it shall be lawful for the said Vice Warden and he is hereby required, upon the Application of any Person interested in such Lands or Tenements, to issue his Injunction to stop the further Prosecution of such Search until the Amount of such previous Damage, and such Costs (if any), shall have been paid by the Person liable to pay the same, or until a further Deposit of not less than Twenty Pounds, or a further Bond for not less than Twenty Pounds, and with One or Two Sureties to be approved of as aforesaid, shall have been made with or given to the said Registrar as a Security for the Payment of the Compensation to become payable for the further Damage to be caused by such Search as aforesaid, and to be paid and applied by such Registrar as herein-before is provided.

LXII. And be it enacted, That upon the Determination of the Possession upon such Entry as aforesaid, and after Compensation shall have been made for all Damage done, or during the Continuance of such Possession, if Compensation shall have been made for all Damage theretofore done, and the Mines shall either be in due and regular Course of working, or shall have ceased to be worked, any Monies which may remain in the Hands of the said Registrar out of the Deposit or Deposits which may have been made with him as aforesaid, or out of any Monies which may be recovered upon any such Bond as aforesaid, shall be repaid by him to the Person by whom the same shall have been deposited or paid, or his lawful Representatives; and any Bond which may have been given to the said Registrar

After Determination of Entry, and in other Events, Security to be given up.

Registrar as a Security as aforesaid, and which shall remain in force, shall be given up by him to the Obligors, or any of the Obligors thereof, to be cancelled; and if any Difference shall arise between the Parties whether the Possession upon any such Entry as aforesaid has determined, or whether Compensation has been made for all Damage done, or whether any Mines shall be in due and regular Course of working or shall have ceased to be worked, the same shall be determined by the Vice Warden of the Stannaries of *Cornwall*, upon the Application of any of the Parties by Petition or otherwise.

Provision in case of the Change of the Registrar of the Court of the Vice Warden.

LXIII. And be it enacted, That when any Registrar shall resign or be removed from his Office, or die, he, his Executors or Administrators, shall pay over all Monies, if any, which shall for the Time being be in their or his Hands on account of such Deposits or Bonds as aforesaid to the succeeding Registrar; and all Bonds which shall be given to any Registrar in obedience to the Provision herein-before contained may be sued upon by the Registrar for the Time being in his own Name, as if the same had been given to him; and the Registrar for the Time being shall hold all such Monies and Bonds for the Intents and Purposes herein-before mentioned.

Vice Warden to make Orders as to Monies for the Time being in the Hands of the Registrar.

LXIV. And be it enacted, That the Vice Warden of the Stannaries of *Cornwall*, with the Approbation of the Lord Chancellor or Keeper of the Great Seal of *England* for the Time being, shall from Time to Time make and give such Orders and Directions for the Custody, Investment, Payment, and Application of the Monies which shall come to the Hands of the Registrar of the said Court, under any of the Provisions of this Act or otherwise, or which now are in the Hands of the said Registrar, as to the said Vice Warden, with such Approbation as aforesaid, shall seem meet; and that the Costs of all Applications, Suits, or Proceedings under or by virtue of this Act shall be in the Discretion of the said Vice Warden, and shall, if he shall so think fit, be taxed by the Registrar of his said Court, and shall be paid by such Person or out of such Fund, and to such Person and in such Manner, as the said Vice Warden shall direct.

Remedies for the Recovery of Compensation by Action and otherwise.

LXV. And be it enacted, That every Person who shall become entitled, either by Agreement or voluntary Arbitration, or by the Decision of the said Justices or Vice Warden, as is herein-before provided, to any Compensation for Damage done to the Surface of any Lands or Tenements or Water, under the Authority of this Act, or to any Costs as aforesaid, and who shall not receive the same from the Registrar aforesaid, out of the Monies herein-before directed to be deposited or secured for that Purpose, or otherwise, may recover such Compensation or Costs from the Person liable to pay the same by Action in any of Her Majesty's Courts at *Westminster*, or in the Court of the Vice Warden of the Stannaries of *Cornwall*; and every Person who shall so become entitled to any Compensation or Costs as aforesaid shall also, in respect thereof, be deemed to be a Mining Creditor, in respect of the Mines in the searching for or working whereof such Damage shall have been done, and shall have the

the same Rights of Lien or Hypothecation upon the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the same Remedies, upon Petition or otherwise, by Injunction, Sale, and otherwise, in the Court of the Vice Warden of the Stannaries of *Cornwall*, upon and in respect of the Buildings, Machinery, Plant, and Materials belonging to such Mines, and the Ores gotten therefrom, as any other Mining Creditor has or may have: Provided nevertheless, that no Person shall be entitled to bring any Action or Suit, or take any Proceeding for the Recovery of or obtaining any Compensation for Damage to be done under the Authority of this Act, or for any Costs other than such Compensation or Costs as shall be agreed upon between the Parties or shall be ordered by the said Vice Warden.

LXVI. And be it enacted, That any Compensation to become payable under this Act, whether by Agreement or otherwise, may, by the Agreement of the Parties, or at the Discretion of the said Justices or Vice Warden respectively, be made by the Payment of an annual or other periodical Sum, to continue payable during the Continuance of the Possession under such Entry as aforesaid, or for any less Period, and to be determinable either upon the Restoration of the Land entered upon to a State fit for Cultivation, or at any earlier Period, and may be made to cover and include as well past as continuing Damage.

LXVII. And be it enacted and declared, That the Duke of *Cornwall* shall not be liable to the Payment of Compensation for Damage to be done by any Lessee or other Person in or about any such searching or working for Mines or Minerals under the Authority of this Act as aforesaid.

LXVIII. Provided always nevertheless, and be it enacted, That the Provisions herein-before contained with respect to the Duke of *Cornwall* and his Lessees, and other Persons authorized by him, making Compensation for the Damage done to the Surface of Lands and Tenements, shall not apply to any Lands or Tenements which by the said Award shall be determined to be Waste or Demesne Lands of the Manors mentioned in the said First Schedule hereunto annexed respectively, or to any Lands or Tenements which at the respective Dates of the Conveyances of the Manors mentioned in the said Second Schedule hereunto annexed were Waste or Demesne Lands of the same Manors respectively.

LXIX. And be it enacted, That (subject and without Prejudice to the Liens, Rights, and Remedies herein-before given to the Persons who may become entitled to Compensation for Damage as aforesaid) it shall be lawful for the Duke of *Cornwall* and his Lessees, and other the Persons authorized by him as aforesaid, and his and their Agents and Workmen, either to pull down, remove, and take away or fill up all Buildings, Steam and other Engines, Machinery, and Things, Pits, Mines, Dams, Sluices, and Works which may be erected or fixed or opened or worked upon any Lands and Tenements in pursuance of the Provisions herein-before contained, and which shall be no

longer used for the Purposes aforesaid, or to allow the same to remain for any Time which the Duke of *Cornwall* or his Lessees, or other the Persons authorized by him, shall think fit, after the same shall have ceased to be used for the Purposes aforesaid; and no Buildings, Mines, Pits, Works, or other Things shall, by Non-user or otherwise, be deemed to be abandoned, so as to vest any Right or Title therein in the Owner of the Land, or to give any fresh Right of Compensation, on the same being resumed or again entered upon and used.

No Damage to be done to any House, Building, Park, Garden, or Pleasure Ground.

LXX. Provided also, and be it enacted, That nothing in this Act contained shall authorize or empower the Duke of *Cornwall*, or any Lessee or other Person claiming under him, to erect any Building, or Steam or other Engine, Machinery, or Thing, or sink or make any Pit, Shaft, Air-hole, Tram or other Road, or lay any Ore, Rubbish, or other Thing, or to enter into or upon the Surface of any Land which the said Commissioners by their Award shall certify to have been on the First Day of *May* One thousand eight hundred and forty-four appropriated as a Garden, Park, or Pleasure Ground, or as a Dwelling House, or a Yard or Curtilage to any Dwelling House (and which they are hereby authorized and required in and by such Award to certify accordingly), and which shall afterwards continue to be so appropriated, or in or upon any Land which may at any Time hereafter at the Time of Entry be actually and *bonâ fide* appropriated and used as a Dwelling House, or as a Yard, Curtilage, or Garden attached to a Dwelling House, so long as the same shall continue to be so appropriated and used, and so as no such Yard, Curtilage, or Garden shall extend more than Fifty Feet from such Dwelling House,

The Claims of the Duke of *Cornwall* generally to be barred by the Lapse of Sixty Years.

LXXI. And be it enacted, That the Duke of *Cornwall* shall not at any Time hereafter sue, impeach, question, or implead any Person for or in anywise concerning any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments whatsoever situate, issuing, or arising in the County of *Cornwall* (other than Liberties or Franchises, and other than Mines, Minerals, Stone, or Substrata), or for or in anywise concerning the Revenues, Issues, and Profits thereof, or make any Title, Claim, Challenge, or Demand of, on, or to the same or any of them (except as aforesaid), by reason of any Right or Title which hath not first accrued or grown, or which shall not have first accrued or grown, within the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding, as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, unless the Duke of *Cornwall*, or some other Person under whom the Duke of *Cornwall* any thing hath or lawfully claimeth, or shall hereafter have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, by force of any Right or Title, hath or shall have been answered by force and virtue of any such Right or Title to the same, the Rents, Revenues, Issues, or Profits thereof, within the said Space of Sixty Years, or that the same have or shall have been duly in charge to the Duke of *Cornwall*, or have or shall have stood insuper of Record within the said Space of Sixty Years; and that all Persons, for and according to their and every of their several Estates and

and Interests which they have or claim to have, or shall or may have or claim to have in the same respectively, shall at all Times hereafter quietly and freely have, hold, and enjoy, against the Duke of *Cornwall* claiming any Title which hath not first accrued or grown within the said Space of Sixty Years, all and singular Manors, Lands, Tenements, Rents, Tithes, and Hereditaments whatsoever situate, issuing, or arising in the County of *Cornwall* (except as aforesaid), which they, or their or any of their Ancestors or Predecessors, or those from whom, by or under whom, they do or shall claim, have or shall have held or enjoyed or taken the Rents, Revenues, Issues, or Profits thereof, by the Space of Sixty Years next before the filing, issuing, or commencing of every such Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, unless the Duke of *Cornwall*, or some other Person under whom the Duke of *Cornwall* any thing hath or lawfully claimeth, or shall have or lawfully claim, in the said Manors, Lands, Tenements, Rents, Tithes, or Hereditaments, by force of any Right or Title, hath been or shall have been answered by virtue of any such Right or Title, the Rents, Revenues, Issues, or Profits thereof, within the said Space of Sixty Years, or that the same have or shall have been duly in charge, or stood insuper of Record as aforesaid, within the said Space of Sixty Years.

LXXII. Provided always, and be it enacted, That the Duke of *Cornwall*, or any Person under whom the Duke of *Cornwall* hath or lawfully claimeth, or shall hereafter have or lawfully claim as aforesaid, shall not be deemed, for the Purposes of this Act, to have been answered by force or virtue of any such Right or Title, the Rents, Revenues, Issues, or Profits of any Lands, Manors, Tenements, Rents, Tithes, or Hereditaments which shall have been held or enjoyed, or of which the Rents, Revenues, Issues, or Profits shall have been taken, by any other Person by the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Suit, Bill, Plaint, Information, Commission, or other Suit or Proceeding for recovering the same, or in respect thereof, by reason of the same having been Part or Parcel of any Honour or Manor or other Hereditament of which the Rents, Revenues, Issues, or Profits shall have been answered to the Duke of *Cornwall*, or any other Person under whom the Duke of *Cornwall* hath or lawfully claimeth, or shall hereafter have or lawfully claim as aforesaid, or which Honour or Manor or other Hereditament shall have been duly in charge to the Duke of *Cornwall*, or to or with any Officer of the Duchy of *Cornwall*, or stood insuper of Record as aforesaid.

The Claims of the Duke not to be kept alive by putting a Manor in charge of which the Land shall be Part.

LXXIII. And be it enacted, That the Duke of *Cornwall* shall not sue, impeach, question, or implead any Person for or in anywise concerning any Mines, Minerals, Stone, or Substrata in, upon, under, or of any Lands, Manors, Tenements, or Hereditaments whatsoever situate in the County of *Cornwall*, where such Lands, Manors, Tenements, or Hereditaments shall have been held or enjoyed by such Person, or any Person by, through, or under whom he claims, or any Person whomsoever other than the Duke of *Cornwall*, or any Person

Claims of the Duke of Cornwall to Mines to be barred by the Possession of the Land and exclusively working the Mines for Sixty Years.

Person claiming under him, for a Period of Sixty Years or more before the filing, issuing, or commencing any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding in respect of such Mines, Minerals, Stone, or Substrata, without Interruption or Disturbance by the Duke of *Cornwall*, or any Person claiming under him, and where such Mines, Minerals, Stone, or Substrata have been substantially worked and gotten at any Time during the said Period by the Person who has so held and enjoyed the said Lands, Manors, Tenements, or Hereditaments, and such Mines, Minerals, Stone, or Substrata have not been at any Time during the said Period of Sixty Years worked and gotten, or the Tolls, Dues, Royalties, and other Profits thereof received or enjoyed, by the Duke of *Cornwall* or some Person claiming under him.

Or by the Possession of the Land for One hundred Years.

LXXIV. And be it enacted, That the Duke of *Cornwall* shall not sue, impeach, question, or implead any Person for or in anywise concerning any Mines, Minerals, Stone, or Substrata in, upon, under, or of any Lands, Manors, Tenements, or Hereditaments whatsoever situate in the County of *Cornwall*, where such Lands, Manors, Tenements, or Hereditaments shall have been held or enjoyed by such Person, or any Person by, through, or under whom he claims, or any Person whomsoever other than the Duke of *Cornwall*, or any Person claiming under him, for a Period of One hundred Years before the filing, issuing, or commencing any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding in respect of such Mines, Minerals, Stones, or Substrata, without Interruption or Disturbance by the Duke of *Cornwall*, or any Person claiming under him, and where such Mines, Minerals, Stones, or Substrata shall not have been at any Time during the said Period of One hundred Years worked and gotten, or the Tolls, Dues, Royalties, or other Profits thereof received or enjoyed, by the Duke of *Cornwall* or some Person claiming under Him.

Rents, &c. in charge with the proper Officer to be deemed in charge.

LXXV. Provided always, and be it enacted, That where the Rents, Revenues, Issues, or Profits of any Manors, Lands, Tenements, Tithes, or Hereditaments are or shall be duly in charge by, to, or with any proper Officer of the Duchy of *Cornwall*, such Rents, Revenues, Issues, and Profits shall be held, deemed, and taken to be duly in charge within the Meaning and Intent of this Act, any Usage or Custom to the contrary notwithstanding.

Time as to Reversions not to begin to run till they fall into possession ;

LXXVI. Provided always, and be it enacted, That this Act, or any thing herein contained, shall not extend to bar, impeach, or hinder the Duke of *Cornwall* of, for, or from any Manors, Tenements, Rents, Tithes, or Hereditaments whereof any Reversion or Remainder now is in His Royal Highness *Albert Edward* now Duke of *Cornwall*, for or concerning the said Reversion or Remainder, nor of, for, or from any Reversion or Remainder, or Possibility of Reversion or Remainder, in any of His said Royal Highness's Progenitors, Predecessors, or Ancestors for the Time being entitled to the Revenues of the said Duchy, which by the Expiration, End, or other Determination of any limited Estate has or ought to have fallen or become in possession, or which shall or may or ought hereafter first to fall or come in possession,

session, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, nor of, for, or from any Right or Title first accrued or grown to the Duke of *Cornwall*, or which shall first accrue or grow to the Duke of *Cornwall*, of, in, or to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments at any Time or Times within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, and not before.

LXXVII. Provided also, and be it enacted, That this Act or any thing herein contained shall not extend to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments mentioned to be granted or conveyed by the Duke of *Cornwall*, or by any other under whom the Duke of *Cornwall* claimeth, to any Person or Persons for any limited Estate in Fee Simple or any Estate in Tail or other particular Estate, which several Estates (if the same had been good and effectual in Law) have or ought to have first fallen or become in possession, or will or ought first to fall or come in possession, within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof as aforesaid, nor to any Manors, Lands, Tenements, Rents, Tithes, or Hereditaments mentioned to be granted or conveyed by any of the Predecessors, Progenitors, or Ancestors of His said Royal Highness *Albert Edward* Duke of *Cornwall* for the Time being entitled to the Revenues of the said Duchy of *Cornwall*, or by any other under whom His said Royal Highness claimeth, to any Person or Persons in Fee Tail or other particular Estate, whereof the Reversion or Inheritance (if such Estate Tail or other particular Estate had been good and effectual in Law) should have been and continued in His said Royal Highness, or should or ought hereafter to be and continue in the Duke of *Cornwall*, at any Time within the Space of Sixty Years next before the filing, issuing, or commencing of any such Action, Bill, Complaint, Information, Commission, or other Suit or Proceeding as shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same or in respect thereof as aforesaid.

nor to Hereditaments which have been granted for limited Estates till such Estates fail.

LXXVIII. Provided also, and be it enacted, That all and singular the Manors, Lands, Tenements, and Hereditaments herein-before referred to, shall at all Times hereafter (except in Cases which are otherwise expressly provided for by this Act) be holden of the Duke of *Cornwall*, and all other Persons respectively, by the same Tenures, Services, Fee Farms, Chief Rents, Heriots, and other Duties, to all Intents and Purposes as the same should or ought of Right to be holden if the Estates, Rights, and Interests established and made sure by this present Act had been before the making of this Act firm, good, and effectual in Law.

Estates to remain subject to all Rents and Duties.

Proviso as to
Rents.

LXXIX. Provided also, and be it enacted, That where any Fee-farm Rent or other Rent (not otherwise expressly provided for by this Act) hath been or shall be answered and actually paid to the Duke of *Cornwall* within the Space of Sixty Years next before any Action, Bill, Plaint, Information, Commission, or other Suit or Proceeding shall at any Time or Times hereafter be filed, issued, or commenced for recovering the same, or in respect thereof, out of any Manors, Lands, Tenements, or Hereditaments situate in the County of *Cornwall*, of which Manors, Lands, Tenements, or Hereditaments, the Estates, Rights, or Interests being defective, are established and made good by this present Act, the Duke of *Cornwall* shall from henceforth for ever (except in Cases otherwise expressly provided for by this Act) have, hold, and enjoy the said Rents and the Arrearages thereof, in such Manner and Form, and as fully and amply, as the same are or were enjoyed at any Time within the said Space of Sixty Years.

Act not to
bar any
Claim of the
Duke as to
Property
comprised in
the Award;

LXXX. Provided always nevertheless, and be it enacted, That this Act or any thing herein contained shall not extend to bar, impeach, or hinder the Duke of *Cornwall* of or from any Lands, Mines, Minerals, Stones, Substrata, Tenements, or Hereditaments which shall in or by such Award as aforesaid be determined to belong to the Duke of *Cornwall*.

nor to pre-
judice the
Rights of
existing
Lessees or
Grantees, if
Claims be
prosecuted
within One
Year.

LXXXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be prejudicial to the Right, Title, or Claim of any Person in or to any Manors, Lands, Tenements, Tithes, Mines, Minerals, Stones, Substrata, or Hereditaments by virtue of or under any Grant, Letters Patent, or Lease from the Duke of *Cornwall*, made or passed before the First Day of *May* One thousand eight hundred and forty-four, so as such Right, Title, or Claim be prosecuted with Effect in a Court of competent Jurisdiction by some Action, Suit, or Proceeding commenced or instituted before or within the Space of One Year after the passing of this Act.

In case of
Claims being
prosecuted
by such Les-
sees, Act not
to prejudice
the Rights of
Parties
against
whom the
Claims are
made.

LXXXII. Provided always nevertheless, That in case any Person interested under any such Grant, Letters Patent, or Lease as aforesaid, shall make any Entry, or prosecute any Right, Title, or Claim, within the Period of One Year after the passing of this Act, which Entry, Right, Title, or Claim shall be in anywise inconsistent with the Provisions in this Act contained for the Limitations of Actions and Suits, or which could not have been rightfully made or sustained in case such Person had been bound by such Provisions, then and in every such Case no Recital, Declaration, or Enactment in this Act shall be held or construed to prejudice the Right, Title, or Claim of any Person whomsoever against whom any such Action or Suit may be commenced or prosecuted.

Rights esta-
blished by
Lessees to
determine
with the
Grant or
Lease.

LXXXIII. Provided also, and be it enacted, That if any such Entry, Action, or Suit shall be made or prosecuted as last aforesaid, and any such Possession, Right, Title, or Claim shall be established by such Entry, or in Action or Suit, which shall be inconsistent with the said Provisions for the Limitation of Actions and Suits as aforesaid,

said, or which could not have been established if such Person or Persons as aforesaid had been bound by such Provisions, then and in such Case such Possession, Right, Title, or Claim shall be absolutely determined and of none Effect from and immediately after the Determination, by Lapse of Time, Surrender, Forfeiture, or otherwise, of the Grant, Letters Patent, or Lease by virtue whereof the Person making such Entry, or commencing such Action or Suit, shall have claimed or been entitled.

LXXXIV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine concerning, or shall in anywise prejudice, affect, or extend to any lawful Right, Profit, Privilege, or Easement to which the Tinnors of the County of *Cornwall* are or claim to be entitled, as such Tinnors, under or by force of any Statute, Custom, Prescription, or Royal Charter; but the same shall be and remain in full Force and Vigour as if this Act had never passed.

Act not to affect the Privileges of the Tinnors;

LXXXV. Provided always, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine concerning, or shall in anywise affect or extend to any Royalty, Liberty, Office, or Franchise which has at any Time heretofore been let in Convention, or granted by Assession, or any Estate, Right, Title, or Interest therein.

nor extend to Royalties, Liberties, Offices, or Franchises let in Convention;

LXXXVI. Provided also, and be it enacted, That nothing in this Act contained shall authorize the aforesaid Commissioners to inquire into or determine the Property or Right of or to any navigable River, Estuary, Port, or Branch of the Sea, or the Fundus or Soil of any navigable River, Estuary, Port, or Branch of the Sea, or the Shores between High and Low Water Mark thereof respectively, or any Franchise, Royalty, or Jurisdiction in or over such navigable River, Estuary, Port, or Branch of the Sea or Shores respectively, or any Boundary Question, Claim, or Right whatsoever, in anywise relating to the Matters aforesaid, or any of them; and that nothing in this Act contained shall in anywise conclude, prejudice, affect, or extend to any Property, Right, Claim, or Question whatsoever of, to, or concerning the Matters aforesaid, or any of them.

nor to navigable Rivers, Estuaries, Branches of the Sea, or Sea Shore.

LXXXVII. Provided always, and be it enacted, That this Act or any thing herein contained shall in nowise alter or affect the Operation, Extent, or Construction of an Act made and passed in the Session holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for shortening the Time required in Claims of Modus decimandi, or Exemption from or Discharge of Tithes*, or any thing therein contained.

Act not to affect the Act of 2 & 3 W. 4. c. 100.

LXXXVIII. Provided always, and be it enacted and declared, That the Provisions herein-before contained for the Limitation of Actions and Suits, and the several other Provisions, Matters, and Things herein contained, shall apply only to Lands, Manors, Tenements, Rents, Tithes, Mines, Minerals, Stone, Substrata, Hereditaments, and

Provisions for Limitations of Actions, &c. to apply only to Lands, &c. in Cornwall.

and other Things situate, issuing, arising, or being in the County of *Cornwall*.

Actions for any thing done under the Act to be commenced within Three Months.

LXXXIX. And be it enacted, That if any Action, Suit, or Proceeding shall be brought or commenced against the Commissioners hereby appointed, or their Secretary, or any Person acting under their Authority, for any thing by them or him purported to be done in pursuance of this Act, such Action, Suit, or Proceeding shall be commenced within Three Calendar Months next after the Thing done.

Orders, &c. not to be void for Want of Form.

XC. And be it enacted, That no Order, Adjudication, Award, Apportionment, or other Proceeding made or had by or before the said Commissioners under the Authority of this Act, or any Proceeding to be had touching any Offender against this Act, shall be quashed, or void or voidable, for Want of Form, or be removed or removable by Certiorari, or any other Writ or Process, into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Power of Attorney, &c. free of Stamp Duty.

XCI. And be it enacted, That no Power of Attorney, Award, or Bond, to be given or made in pursuance of the Provisions of this Act, shall be chargeable with any Stamp Duty.

Interpretation of Act.

XCII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, over and above their several ordinary Meanings, unless there shall be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number :

Words importing the Masculine Gender shall include Females :

The Word " Person " shall include a Body Politic or Corporate :

The Word " Oath " shall include Affirmation, or other Declaration or Solemnity lawfully substituted for an Oath in the Case of Quakers or other Persons exempted by Law from the Necessity of taking an Oath :

The Expression " the Duke of *Cornwall* " shall include as well His Royal Highness *Albert Edward* now Duke of *Cornwall*, and also His Predecessors and Successors Dukes of *Cornwall*, and also the Queen's most Excellent Majesty, and Her Predecessors and Successors Kings and Queens of *England*, for the Time being, entitled to the Manors, Lands, and Possessions of the Duchy of *Cornwall*, or the Revenues thereof, during a Vacancy of the Duchy of *Cornwall* :

The Expression " Conventional Tenement " shall mean and include all Lands, Tenements, and Hereditaments now, or at any Time within One hundred Years before the said First Day of *May* One thousand eight hundred and forty-four, held as Conventional Tenements of the Manors mentioned in the First and Second Schedules hereunto annexed, whether the Tenure thereof has been changed before or shall be changed after the passing of this Act or not, and shall include undivided Parts and Shares,

and divided Parts and Shares, of and in such Conventi-
 onary Tenements :

The Expression " Conventi-
 onary Tenant " shall include every
 Person having any Right, Title, Estate, or Interest in any Con-
 ventionary Tenement, or any undivided or divided Part or Share
 thereof, whether the Tenure of such Tenement has been or shall
 be changed as aforesaid or not :

The Expressions " Waste " and " Waste Lands " shall include all
 Commons, Downs, Moors, and uninclosed Lands.

XCIII. And be it enacted, That during the Minority of His said
 Royal Highness *Albert Edward* now Duke of *Cornwall* all Rights,
 Powers, Privileges, and Authorities, Acts, Matters, and Things, to be
 exercised, made, or done by the Duke of *Cornwall* in pursuance or
 under the Authority of this Act, shall and may be exercised, made,
 and done by the Queen's most Excellent Majesty, or by the Council
 of His said Royal Highness for the Time being, or by other the
 Guardian or Guardians for the Time being of His said Royal High-
 ness, as fully and effectually to all Intents and Purposes as if His said
 Royal Highness were of full Age, and such Rights, Powers, Privileges,
 and Authorities, Acts, Matters, and Things, were exercised, made, or
 done by His said Royal Highness.

Provision
 during the
 Minority of
 His Royal
 Highness
 Albert
 Edward now
 Duke of
 Cornwall.

XCIV. And be it enacted, That this Act may be amended or
 repealed by any Act to be passed in this present Session of Par-
 liament.

Act may be
 amended,&c.

SCHEDULES to which the foregoing Act refers.

FIRST SCHEDULE referred to by the above Act.

HELSTON-IN-TRIGG.	TALSKEDY.
PENMAYNE.	LISKEARD.
TINTAGEL.	RILLATON.
RESTORMEL.	STOKE CLIMSLAND.
PENLYNE.	TREMATON.
PENKNETH.	

SECOND SCHEDULE referred to by the above Act.

TEWINGTON.	TYWARNHAILE.
TYBESTA.	HELSTON-IN-KERRIER.
MORESK.	CALSTOCK.

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