CHAPTER clxvii.

An Act for vesting Great Torrington Common Castle Hill Common and other lands in the borough of Great Torrington in the county of Devon in a body of Conservators and to settle questions between the commoners of Great Torrington and the owners of the Rolle Estate; and for other purposes. [12th August 1889.]

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WHEREAS under or by virtue of the will of the Right Honourable John Lord Rolle who died on the third day of April one thousand eight hundred and forty-two and by virtue of subsequent deeds appointing new trustees certain hereditaments situate in the borough of Great Torrington in the county of Devon and forming part of the estates subject to the trusts of the said will (herein-after called "the Rolle estate") and including the hereditaments specified in the First Schedule to this Act and denoted in the deposited plan (herein-after described) by the colour pink and the hereditaments specified in the second part of the Fifth Schedule to this Act and denoted in the same plan by the colour hatched pink respectively now stand limited unto and to the use of Sir George Stucley Stucley Baronet and Sir Massey Lopes Baronet and their heirs in trust for the Honourable Mark George Kerr Rolle second son of Charles Rodolph Lord Clinton (now deceased) for his life subject to certain conditions as to residence in the Rolle Estate Act 1865 mentioned and thereby modified with remainder in trust for the first and other sons of the said Mark George Kerr Rolle severally and successively in tail male with remainder in trust for the third and every subsequently born son of the said Charles Rodolph Lord Clinton who should be born during the said testator's lifetime severally for their lives with remainder in trust for their sons in tail male and in default of such issue in trust for the Honourable Charles Henry Rolle Trefusis now the Right Honourable Charles Henry Rolle Hepburn Stuart Forbes Lord Clinton (in this Act called Lord

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Clinton) the eldest son of the said Charles Rodolph Lord Clinton deceased for his life with remainder in trust for the first and every other son of Lord Clinton severally and successively in tail male with remainders over and the Rolle estate is charged with a jointure in favour of Lady Gertrude Jane Rolle wife of the said Mark George Kerr Rolle and is subject to an equitable term determinable on his death and vested in trustees for securing payment of certain insurance premiums and of pin money to the said Lady Gertrude Jane Rolle:

And whereas the said Charles Rodolph Lord Clinton died on the tenth day of April one thousand eight hundred and sixty-six having had besides the said Lord Clinton and Mark George Kerr Rolle one son only born in the lifetime of the said testator namely his third son the Honourable Walter Rodolph Trefusis who was born on the fifth day of January one thousand eight hundred and thirty-eight and died on the third day of December one thousand eight hundred and eighty-five without having had any son:

And whereas the said Mark George Kerr Rolle has never had a son:

And whereas Lord Clinton has issue six sons of whom the eldest the Honourable Charles John Robert Hepburn Stuart Forbes Trefusis was born on the eighteenth day of January one thousand eight hundred and sixty-three and is now the first tenant in tail in remainder of the Rolle estate:

And whereas a plan herein-after called "the deposited plan" showing the area and boundaries of the hereditaments intended to be dealt with by this Act has been prepared for the purposes of this Act and has been authenticated in triplicate by the signature of the Right Honourable Albert Edmund Earl of Morley the Chairman of Committees of the House of Lords and one of such authenticated plans has been deposited in the Parliament Office of the House of Lords one other of such plans is intended to be deposited with the clerk of the peace for the county of Devon and the third of such plans is intended to be deposited with the Conservators herein-after referred to:

And whereas the hereditaments specified in the Second Schedule to this Act and coloured yellow in the deposited plan are known as Tillage Lands or Quiet Possession fields and are in this Act referred to as "the Tillage Lands" and are included in the Rolle estate but are subject to certain rights of common between harvest and seed-time:

And whereas the hereditaments specified in the Third Schedule to this Act and coloured blue and hatched blue in the deposited

plan are known and are in this Act referred to as "Staple Vale" and were formerly part of the waste called Great Torrington Common but now under or by virtue of an Act made and passed in the seventeenth year of His late Majesty King George III. entitled "An Act to enable the Mayor Aldermen and Burgesses of the town "of Great Torrington in the county of Devon and other trustees to "grant part of the common or waste lands called Great Torrington "Common to William Callan pursuant to an agreement for that "purpose and other the purposes therein mentioned" and divers leases and assignments and renewals of leases made in pursuance of the said last-mentioned Act and ultimately by virtue of three several indentures dated respectively the tenth day of February one thousand eight hundred and thirty-three the second day of July one thousand eight hundred and sixty-seven and the first day of May one thousand eight hundred and eighty-five Staple Vale is now vested in the said Sir George Stucley Stucley and Sir Massey Lopes for three several terms of ninety-nine years ninety-nine years and ninety-nine years determinable respectively as follows that is to say as to the first of the said terms on the death of John Curzon Moore Steven as to the second of the said terms on the death of the said Mark George Kerr Rolle and as to the third of the said terms on the death of the said Charles John Robert Hepburn Stuart Forbes Trefusis subject to a yearly rent of fifty shillings payable to the lessors the trustees for the time being under the said Act (who are now the mayor aldermen and burgesses of Great Torrington in the county of Devon and the vicar and incumbent of Great Torrington) which rent is by the said Act directed to be applied by the said trustees to the benefit of the inhabitants of Great Torrington and their families and a further yearly sum of seven shillings and sixpence by the last-mentioned Act reserved to the Countess of Orford her heirs and assigns and the lessees have a perpetual right of renewal of a lease of the premises by adding new lives on payment of a fine of thirty pounds for every new life added provided such renewal be applied for and such fine paid within the times in the last-mentioned Act specified and the said Sir George Stucley Stucley and Sir Massey Lopes hold the same premises upon the trusts affecting the Rolle estate so far as the nature of the property will allow:

And whereas the owners of the Rolle estate claim to be entitled to the manor of Great Torrington and the soil of the common and waste lands within the same manor including the waste land specified in the Fourth Schedule hereto known and in this Act referred to as "Hatchmoor Common" and coloured purple in the

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deposited plan and the common lands specified in the first part of the said Fifth Schedule hereto and coloured green in the deposited plan and the inhabitant householders of the borough of Great Torrington or some of them claim to be entitled to rights of common in over and upon the said common and waste lands:

And whereas questions have arisen as to the respective rights of the owners of the Rolle estate on the one hand and the persons claiming to be entitled to rights of common as aforesaid on the other hand:

And whereas it would set such questions at rest and would be of local and public advantage and also for the benefit of the persons entitled or who shall become entitled to the Rolle estate that provision should be made for the following purposes namely:—

(A.) The constitution of a body of Conservators to be elected as provided by this Act;

(B.) The vesting in such body of Conservators of the hereditaments forming part of the Rolle estate and specified in the said First Schedule and in the second part of the said Fifth Schedule upon the trusts in this Act declared;

(C.) The vesting in the same body of the common and waste lands specified in the first part of the said Fifth Schedule upon the trusts in this Act declared;

(D.) The vesting of the tillage lands upon the trusts affecting the Rolle estate freed from all rights of common affecting the said lands;

(E.) The vesting of the fee-simple and reversion of Staple Vale freed from the rents reserved by the said three leases (except the annual sum of seven shillings and sixpence) and freed from all claims of the said lessors as to the hereditaments specified in the first part of the said Third Schedule in the Conservators upon the trusts in this Act declared and as to the hereditaments specified in the second part of the same Third Schedule upon the trusts affecting the Rolle estate;

(F.) The enclosing of Hatchmoor Common and the vesting of the same upon the trusts affecting the Rolle estate freed from all rights of common and other public or private rights in over or affecting the same:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

And whereas the Rolle estate is the subject of a suit now pending in the Chancery Division of the High Court of Justice commenced by Bill in Chancery before the year one thousand eight hundred

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and fifty-two in which Zachary Hammett Drake and others were the original plaintiffs and the said Mark George Kerr Rolle (then Mark George Kerr Trefusis) and others were the original defendants and by an order made in the said suit by the Honourable Mr. Justice Chitty on the tenth day of December one thousand eight hundred and eighty-eight it was ordered that the said Mark George Kerr Rolle and the said Sir George Stucley Stucley and Sir Massey Lopes should be at liberty at the expense of the Rolle estate to apply to Parliament for an Act in the session of one thousand eight hundred and eighty-nine for settling all questions between the Rolle estate and the people of Great Torrington in connexion with the Torrington commons by effecting the arrangements in the said order set forth which arrangements with certain modifications were those herein-before recited and denoted by the letters (A.) (B.) (C.) (D.) (E.) and (F.) and that a Bill for such Act should be settled by the judge in chambers:

And whereas in pursuance of the said order of the tenth day of December one thousand eight hundred and eighty-eight the chief clerk of the said Mr. Justice Chitty made a certificate in the said cause on the twenty-eighth day of February one thousand eight hundred and eighty-nine and thereby certified in pursuance of the said order that the draft of a Bill to be submitted to Parliament for an Act to be entitled "An Act for vesting Great "Torrington Common Castle Hill Common and other lands in the "borough of Great Torrington in the county of Devon in a body of "Conservators and to settle questions between the commoners of "Great Torrington and the owners of the Rolle estate and for other "purposes" had been settled and approved by the judge and was identified by the signature of the said chief clerk in the margin thereof and that the several instruments facts and events recited or referred to in the preamble of such draft Bill including the statement that the provisions of the Act would be for the benefit of the persons entitled or who shall become entitled to the Rolle estate but excepting a recital of the certificate now being stated and excepting the statement that such provisions would set such questions as aforesaid at rest and would be of local and public advantage and excepting the recitals herein-after contained had been proved in the said cause and the said certificate was filed and became in due course binding:

And whereas during the progress of the said Bill through Parliament alterations were made therein by substituting for portions of the Rolle estate originally affected by the Bill other portions of the same estate and by orders in the said suit made by

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the said Mr. Justice Chitty and dated respectively the 7th and 29th days of June 1889 such alterations were sanctioned and in pursuance of the last-mentioned order the chief clerk of the said Mr. Justice Chitty made another certificate in the said suit on the 3rd day of July 1889 and thereby certified that another draft of the said Bill containing the said alterations had been settled and approved by the judge and was identified by his signature in the margin thereof and the last-mentioned certificate was filed and became in due course binding:

And whereas the said Mark George Kerr Rolle and Lady Gertrude Jane Rolle his wife and the said Sir George Stucley Stucley and Sir Massey Lopes and Lord Clinton and Charles John Robert Hepburn Stuart Forbes Trefusis have respectively consented to the provisions of this Act so far as the same affect their respective rights and interests and a like consent has been given by a majority of the inhabitant householders of the borough of Great Torrington aforesaid:

May it therefore please Your Majesty that it may be enacted and be it 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 as follows (that is to say):—

Short title.

1. This Act may be cited as the Great Torrington Commons Act 1889.

Incorporation of Commissioners Clauses Act 1847.

2. The Commissioners Clauses Act 1847 (so far as the same is applicable for the purposes of and not inconsistent with this Act) except the provisions described in the Sixth Schedule to this Act is hereby incorporated with this Act.

Interpretation of terms.

3. The following words and expressions in this Act shall have the several meanings hereby assigned to them unless there be something in the subject or context repugnant to such construction (that is to say):—

"The Rolle estate" shall mean the hereditaments for the time being subject to the uses and trusts in and by the will (in the preamble mentioned) of John Lord Rolle declared and contained of and concerning the said testator's real estate in the county of Devon thereby devised so far as such uses and trusts are now subsisting and capable of taking effect and as the same are modified by the Rolle Estate Act 1865;

"The Conservators" shall mean the body of Conservators incorporated by this Act and the word "Conservator" shall stand

for the word "Commissioner" in the Commissioners Clauses Act 1847;

"Person" shall include corporation aggregate or sole;

"The deposited plan" shall mean the plan called the deposited plan in the preamble of this Act;

"The tillage lands" shall mean the hereditaments specified in the Second Schedule hereto;

"Staple Vale" shall mean the hereditaments specified in the Third Schedule hereto;

"Hatchmoor Common" shall mean the hereditaments specified in the Fourth Schedule hereto but shall not include the public road running from north to south over the same near the west end thereof as shown on the deposited plan;

"The commons" shall mean the hereditaments specified in the first part of the Third Schedule and in the Fifth Schedule to this Act when and as the same respectively become vested in the Conservators.

Schedules to be part of Act.

4. The schedules to this Act shall be deemed part of this Act.

Incorporation of Conservators.

5. There shall be a body of Conservators for carrying into execution certain provisions of this Act the full number of whom shall be fifteen and who are hereby incorporated by the name of "The Great Torrington Commons Conservators" and by that name shall be one body corporate with perpetual succession and a common seal and with power to take and hold and to dispose of (by grant demise or otherwise) land and other property.

Conservators to be elected.

6. The Conservators shall be elected as herein-after provided.

Election of first Conservators.

7. The first election of Conservators shall be held at such place within the borough of Great Torrington and on such day (not later than three months after the passing of this Act) and between such hours as the mayor for the time being of the said borough shall by writing under his hand appoint for that purpose and of which he shall give notice in manner provided by section 33 of the Commissioners Clauses Act 1847 For the purposes of that section in reference to the first election of Conservators and for other purposes of that election the said mayor shall be the returning officer and he shall seven days before the day appointed for such election publish the names of the candidates.

Qualification of electors.

8. The persons for the time being rated to the poor rate in respect of property in or being inhabitant householders or occupiers within the said borough of Great Torrington shall be qualified and no other persons shall be qualified to be electors of Conservators.

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Applying provisions with modifications of Ballot Act 1872.

9. The provisions of the second third and fourth sections of the Ballot Act 1872 shall apply to elections of Conservators under this Act with the following exception namely:—

The returning officer shall return the names of elected candidates as herein-after provided and not to the Clerk of the Crown in Chancery and in the case of an equality of votes for two or more candidates to fill one vacancy the returning officer shall not have an additional vote but the election shall be determined by lots publicly drawn by the returning officer.

Time &c. of elections.

10. The place of each election other than the first election shall be appointed by the Conservators reasonable notice thereof being given The 17th and 21st sections of the Commissioners Clauses Act 1847 shall for the purposes of this Act be read and construed as if the words "second Thursday in the month of May" were therein substituted for the words "first Thursday in the month of September" wherever they occur The voting shall commence at eight o'clock in the forenoon and close at eight o'clock in the afternoon of the day appointed.

Qualification of Conservators.

11. No person other than an elector shall be eligible at any election of Conservators.

Candidates not eligible unless proposed &c.

12. No person shall be eligible at any election other than the first election unless fourteen clear days at least before the day of election he has been proposed by an elector and seconded by another elector by a joint writing under their hand delivered at or sent by registered letter to the office of the Conservators.

Names of candidates to be published.

13. Before each election other than the first election the Conservators shall publish the names of the candidates and such publication shall be completed seven clear days at least before the day appointed for the election.

Returning officer.

14. At every election other than the first election the chairman of the Conservators or in his absence another Conservator nominated by him in writing shall be the returning officer.

Voting at elections of Conservators.

15. At each election including the first election every elector shall be entitled to give a number of votes equal to the number of Conservators to be elected at that election but shall not give more than one vote to one candidate and the election shall be determined by a majority of the votes given.

Return of persons le cted.

16. The returning officer shall according to the best of his judgment and ability make under his hand a return at the first election to the town clerk of Great Torrington and at subsequent

elections to the Conservators of the persons elected and every person so returned shall be deemed duly elected. A.D. 1889.

Acts of Conservators not to be invalidated.

17. Any act or proceeding of the Conservators shall not be invalidated or be illegal by reason of there being any vacancy among the Conservators or by reason of any irregularity in the election of any Conservator or by reason of any person not qualified or ceasing to be qualified acting as a Conservator or by reason of any failure or omission on any occasion to elect any Conservator or by reason of any other irregularity failure or omission in or about any election or in or about any matter preliminary or incidental thereto.

Expenses of returning officer.

18. Expenses incurred by the returning officer or otherwise by or on behalf of the Conservators in relation to the elections shall be paid by the Conservators.

Conservators to act gratuitously.

19. No Conservator shall receive any remuneration or hold any office of profit under this Act.

Vesting in Conservators of Rolle lands in First Schedule.

20. The hereditaments specified in the First Schedule to this Act shall as from the passing of this Act be and are hereby vested in the Conservators for all the estate and interest of all persons entitled or to become entitled to the Rolle estate either as trustees or beneficially freed and discharged from all uses and trusts affecting that estate but nevertheless subject to the existing tenancies and upon the trusts herein-after declared concerning the same.

As to tillage lands in Second Schedule.

21. The tillage lands are hereby freed released and discharged as from the passing of this Act from all rights of common of whatsoever description exerciseable between harvest and seed time or at any other period to the intent that so freed released and discharged they may remain limited and settled to the uses and upon the trusts now affecting the Rolle estate but not so as to increase or multiply charges or powers of charging.

As to Staple Vale lands in Third Schedule.

22. The reversion in trust of the mayor aldermen and burgesses of Great Torrington in the county of Devon and of the vicar and incumbent of Great Torrington expectant on the determination of the three leases of the tenth day of February one thousand eight hundred and thirty-three the second day of July one thousand eight hundred and sixty-seven and the first day of May one thousand eight hundred and eighty-five in the preamble mentioned in Staple Vale shall as from the passing of this Act stand and be limited and settled to the uses and upon the trusts herein-after declared concerning the same to the intent that the said three leases may

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respectively be merged and extinguished and the same premises be freed from all rents and covenants in and by the same leases respectively reserved and contained and from all claims of the lessors under the said leases or any or either of them and from all the provisions of the Act of Parliament of the seventeenth year of King George III. in the preamble mentioned (except so far as relates to the annual sum of seven shillings and sixpence therein mentioned) (that is to say) the hereditaments comprised in the first part of the Third Schedule to this Act shall as from the passing thereof or from the determination of all existing tenancies affecting the same lands or the lands comprised in the second part of the Fifth Schedule hereto or any part thereof respectively whichever shall last happen be vested in the Conservators as well for all the estate and interest therein of all persons entitled to the Rolle estate either as trustees or beneficially as for the said estate in reversion therein but nevertheless upon the trusts and for the purposes and subject to the provisions in this Act declared and contained concerning the commons and the said reversion in the hereditaments comprised in the second part of the said Third Schedule shall as from the passing of this Act stand and be limited and settled to the uses and upon the trusts affecting the Rolle estate but not so as to increase or multiply charges or powers of charging.

As to main commons and lands in Fifth Schedule.

23. The hereditaments specified in the Fifth Schedule to this Act shall be vested in the Conservators as to the hereditaments specified in the first part of the said Fifth Schedule as from the passing of this Act freed and absolutely discharged from all manorial rights of the owner or trustees of the Rolle estate and as to the hereditaments specified in the second part of the same Fifth Schedule from the passing of this Act or from the determination of all existing tenancies affecting the same lands or the lands comprised in the first part of the Third Schedule or any part thereof respectively whichever shall last happen for all the estate and interest of all persons entitled to the Rolle estate either as trustees or beneficially but nevertheless as to all the hereditaments specified in the said Fifth Schedule upon the trusts and for the purposes and subject to the provisions in this Act declared and contained concerning the commons.

As to Hatchmoor Common.

24. Hatchmoor Common shall as from the passing of this Act or from the determination of all existing tenancies affecting the lands specified in the first part of the Third Schedule hereto and second part of the Fifth Schedule hereto or any part thereof respectively whichever shall last happen stand and be limited and settled to the

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uses and upon the trusts affecting the Rolle estate for all the estate and interest of the persons entitled or to become entitled to that estate either as trustees or beneficially freed and discharged from all rights of common and public rights and from the rights of all other persons other than those claiming through or under the said will of the said John Lord Rolle except in respect of rates taxes and tithe rentcharges and may be enclosed accordingly.

Stamp duty.

25. The said Mark George Kerr Rolle shall within one month after the passing of this Act produce to the Commissioners of Inland Revenue a copy of this Act and the same shall be stamped with such a stamp as is required by law upon an instrument effecting an exchange of hereditaments where no consideration is given by either party for equality.

Trusts affecting the lands in First Schedule:

26. The Conservators shall hold the hereditaments specified in the said First Schedule upon the following trusts (that is to say):—

Upon such trusts if any for the benefit of the poor inhabitants of Great Torrington as may have been subsisting immediately before the passing of this Act in respect of the tillage lands specified in the Second Schedule and subject thereto;

Upon such trusts and for such purposes for the benefit of the inhabitants of the borough of Great Torrington as shall from time to time be determined by the Conservators including any or all of the purposes following (that is to say):—

The letting of the same or any part thereof upon agricultural leases;

The letting or laying out of part thereof as public gardens or recreation grounds or for garden allotments:

Provided always that the Conservators shall always reserve to the inhabitants of the borough of Great Torrington the right of fishing in the River Torridge over the hereditaments specified in the said First Schedule.

Rents therefrom to go in aid of purposes of Act.

27. The Conservators may apply the rents and profits of the hereditaments comprised in the said First Schedule in aid of any of the purposes aforesaid and in discharge of any payments which they are liable to make under this Act.

Commons to remain open spaces.

28. The Conservators shall keep the commons open uninclosed and unbuilt upon and shall by all lawful means prevent resist and abate all encroachments and attempted encroachments on the commons and protect the same and preserve them as open spaces and resist all proceedings tending to the inclosure or appropriation for any purpose of any part thereof.

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Commons not to be sold &c.: Natural aspect thereof to be preserved.

29. The Conservators shall not sell lease or grant or in any manner dispose of any part of the commons.

30. The Conservators shall subject to the provisions of this Act at all times preserve as far as may be the natural aspect of the commons and to that end shall protect the turf furze or gorse heather timber and other trees shrubs and brushwood thereon.

General powers to Conservators in connexion with the commons.

31. The Conservators shall by virtue of this Act have the following powers namely:—

(A.) To appoint and dismiss officers and servants for the purposes of this Act and pay them salaries and wages;

(B.) To drain level and improve the commons as far only as may be in their judgment from time to time requisite for the use thereof for purposes of health and unrestricted exercise and recreation and to make temporary inclosures for the protection of the turf or the better attainment of the objects aforesaid;

(C.) To plant trees and shrubs on the commons for purposes of shelter or ornament and to make thereon temporary enclosures for the protection of trees and shrubs;

(D.) To cut turf or dig gravel clay mould or soil or cut or fell gorse heather timber or other trees shrubs or brushwood on the commons for profit provided that in so doing they do not interfere with the rights of the commoners and the public enjoyment and to apply the proceeds for any payments which the Conservators are liable or authorised to make under this Act;

(E.) To make and maintain such roads and ways on the commons as may be in their judgment necessary or proper and to maintain any existing roads and ways thereon as far as the same may be obligatory on them or in their judgment expedient or to dedicate any such roads to the public;

(F.) To make and maintain on the commons ornamental ponds.

Power to make byelaws.

32. In addition to the powers of making byelaws given by the Commissioners Clauses Act 1847 the Conservators may from time to time subject to the provisions of this Act make vary and rescind byelaws for all or any of the following purposes namely:—

(A.) For the prevention of fires and nuisances and the preservation of order on the commons;

(B.) For the exclusion and removal therefrom of gipsies hawkers beggars rogues and vagabonds;

(C.) For the prevention of bird-catching bird-trapping taking of birds eggs or nests and the prevention or regulation of fishing and the killing taking injuring shooting or disturbing of game

or other animals and the prevention or regulation of the setting of traps nets snares or other engines for any of those purposes;

(D.) For the prevention of persons having no right of common from turning out or knowingly permitting cattle sheep poultry or other animals to graze or feed or remain thereon;

(E.) For the removal from the commons of cattle sheep or other animals suffering from any disease;

(F.) For the prevention of the digging or taking thereon or therefrom of turf sods bog earth gravel clay or other substances;

(G.) For the prevention of the cutting felling or injuring thereon of furze or gorse heather timber or other trees shrubs brushwood or other plants except in the exercise of some right of common reserved by this Act;

(H.) For the prevention of injury to or the defacing or removing of fences or barriers or notice boards or other things of a like nature put up by the Conservators thereon;

(I.) For the prevention of injury to or disfigurement of fences or trees thereon by the posting of bills placards or notices;

(J.) For the prevention or regulation of the placing or suffering to remain thereon of any rubbish manure or other substance;

(K.) For the prevention of unauthorised persons from passing over the commons or any specified part thereof with vehicles bicycles tricycles or other carriages propelled by the feet and for the regulation of the use of the commons for such purposes;

(L.) Generally for the prevention or restraint of any act or thing tending to the injury or disfigurement of the commons or to interference with the use thereof by the public for purposes of exercise and recreation or with the rights of persons having rights of common thereon and for carrying into effect the powers of the Conservators and the provisions of this Act:

Provided that no byelaw made under this section shall take effect unless and until it shall have been submitted to and confirmed by the Local Government Board in accordance with section 184 of the Public Health Act 1875.

Application of certain provisions of the Public Health Act 1875.

33. The provisions of sections 182, 183, 184, 185, 186, 251, 254, 255, 258, 259, 260, 263, 264 and 265 of the Public Health Act 1875 shall apply to byelaws to be made under this Act and to proceedings by and against the Conservators under this Act and for this purpose the expression "this Act" in the 184th section of the Public Health Act 1875 shall be read as referring to this Act and not to

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the Public Health Act 1875 and section 255 of the Public Health Act 1875 shall apply to any offence under this Act as if the same were a nuisance within the meaning of that Act.

Copies or abstracts of the byelaws for the time being in force shall be put up by the Conservators on the commons at such places and in such conspicuous manner as they think best calculated to give information to the persons using the commons.

Officers may be sworn as constables.

34. The Conservators may from time to time procure any officers appointed by them for securing the execution of this Act and byelaws made thereunder to be sworn in as constables.

Penalty for assaulting constable.

35. If any person assaults or resists or aids or incites any person to assault or resist any constable or officer of the Conservators or any other person in the execution of his duty or in the lawful exercise of any authority under this Act or any byelaw made in pursuance thereof he shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds without prejudice to any other proceeding or remedy against him.

Police authority over commons.

36. For the purposes of the Towns Police Clauses Act 1847 and of all other enactments empowering the police of the county of Devon the commons shall be deemed a public place and place of public resort and the powers and duties of the police of that county in relation to public safety and preservation of order and protection of property shall extend to the commons But nothing in this Act shall extend the power of levying police rates to any person or property to which the same would not have extended if this Act had not passed.

Powers and duties of constables.

37. Where a person is seen or found committing or is reasonably suspected of being engaged in committing an offence against this Act or any byelaw made in pursuance thereof any constable may without warrant stop and detain him and if his name and address are not known to the constable and he fails to satisfy the constable respecting them the constable may without warrant apprehend him and the constable may whether so stopping or detaining or apprehending a person or not stop detain and examine any animal vehicle or thing to which the offence or suspected offence relates.

A person apprehended under this section if not bailed at a police-station shall be taken as soon as practicable before a justice of the peace and shall not be detained without a warrant longer than is necessary for that purpose.

The foregoing provisions of this section respecting a constable extend and apply to any person called by a constable to his assistance.

A constable shall forthwith make a report in writing to his superior officer of every case in which he stops any person animal vehicle or thing under this section and of his proceedings consequent thereon.

Nothing in this section shall take away or abridge any power or authority that a constable or any other person would have had if this section had not been enacted.

Saving certain rights over commons.

38. Nothing in this Act or any byelaw of the Conservators shall take away abridge or prejudicially affect any right of common commonable or other like right or any right of way right of sporting or other right in over or affecting the commons other than the manorial rights of or claimed by the owners of the Rolle estate affecting the same and the inhabitants of the said borough of Great Torrington shall at all times have the same right of fishing as is now vested in or is exerciseable by the owners of the Rolle estate in that half of the River Torridge or other waters which will adjoin the hereditaments specified in the First and Fifth Schedules to this Act.

Saving for Rolle estate.

39. Save as in this Act expressly provided nothing in this Act or any byelaw of the Conservators shall take away abridge or prejudicially affect any estate or right belonging to the owners of the Rolle estate.

Audit of accounts.

40. The accounts of the Conservators and their officers shall be audited by the district auditors appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the District Auditors Act 1879 and the enactments imposing penalties and providing for the recovery of sums shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of such authority they were herein re-enacted with the necessary modifications and accordingly all ratepayers and owners of property in the said borough of Great Torrington shall have the like rights and there shall be the same appeal as in the case of such audit.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

THE ROLLE LANDS BY THIS ACT VESTED IN THE CONSERVATORS.

DISTINGUISHED IN THE DEPOSITED PLAN BY THE COLOUR PINK.

Numbers in Deposited Plan.	Description.	Cultivation	Quantity.
			Acres.
48	Tucking Mill meadow - -	Pasture -	0·810
43	Part Bale's Marsh - -	do. -	4·375
Part of 44	Sheppard's Ham - -	do. -	0·062
72			0·165
73			4·123
34	Fryer's Ham - - -	do. -	2·004
35			0·805
36	Bridge Ham - - -	do. -	1·296
304	Common field or Barber's Piece -	do. -	0·869
Part of 293	Orchard (Brent Bridge) - -	Arable -	0·059
		Total -	14·568

THE SECOND SCHEDULE.

The Tillage Lands.

Distinguished in the deposited Plan by the colour Yellow.

Numbers in Deposited Plan.	Description.	Rolle Farm of which Lands form part.	Occupier.	Quantity.
				Acres.
107	Common field - -	Beam farm -	Samuel Davies -	10·775
91	Ditto - -	Ditto - -	Ditto - -	13·307
417	Ditto - -	Norwood farm -	William Stanbury -	7·313
412	Higher Fishers common -	Ditto - -	Ditto - -	9·387
452	Coombe Cross - -	Ditto - -	Ditto - -	9·577
453	Cottage and garden -	- - -	- - -	0·406
454				0·506
455				0·268
456				0·259
385	Lower Fishers Down -	Ditto -	Ditto -	10·301
416	Higher Common field -	Week farm -	Edmund Pettle -	9·292
414	Higher Moor -	Ditto - -	Ditto - -	4·164
413	Lower Moor - -	Ditto - -	Ditto - -	7·173
388	Common meadow -	Ditto - -	Ditto - -	1·808
394	Lower Common field -	Ditto - -	Ditto - -	13·892
386	- - - -	- - -	- - -	0·250
387	Crowbear - -	Ditto - -	Ditto - -	0·665
786	Hatchmoor field or Little Silver meadow.	- - -	W. G. Burnett -	3·511
787	Little Hatchmoor -	Allen's Week Farm	John Alford -	1·032
789	Ditto - -	Ditto - -	Ditto - -	4·125
790	Great Hatchmoor -	Ditto - -	Ditto - -	4·391
791	Hatchmoor field - -	Plantation -	Ditto - -	3·484
			Total -	115·946

THE THIRD SCHEDULE.

Staple Vale.

Part I.

Lands distinguished in the deposited Plan by the colour hatched Blue by this Act made Part of the Commons and vested in the Conservators.

Numbers in Deposited Plan.	Description.	Cultivation.	Quantity.
			Acres.
93	Common field - - -	Arable	11·281
94	Ditto - - - -	Do.	3·880
98	Ditto - - - -	Do.	1·794
99	Ditto - - - -	Do.	4·875
100	Ditto - - - -	Do.	0·659
		Total -	22·489

A.D. 1889.

PART II.

LANDS DISTINGUISHED IN THE DEPOSITED PLAN BY THE COLOUR BLUE TO FORM PART OF THE ROLLE ESTATE.

Numbers in Deposited Plan.	Description.	Cultivation.	Quantity.
			Acres.
86	Part Rough Ham - - -	Pasture	0·910
86A	Meadow - - - -	Do.	0·837
87	Part Long Ham - - -	Arable	1·038
88	Part Rough Ham - - -	Pasture	2·638
89	House garden and field - -	—	2·402
90	Buildings and waste - - -	—	0·724
96	Homer field - - - -	Arable	5·884
	Rack Park - - - -		
97	Ham, &c. - - - -	Arable	11·640
	Total Part II. -	- -	26·073

And (to be included in Part II.) all other (if any) the hereditaments comprised in and expressed to be demised by the three indentures of lease dated respectively the 10th day of February 1833 the 2nd day of July 1867 and the 4th day of May 1885 in the preamble of this Act mentioned or any or either of them except such parts thereof as have been sold to the London and South-western Railway Company and now form part of their railway.

THE FOURTH SCHEDULE.

HATCHMOOR COMMON.

DISTINGUISHED IN THE DEPOSITED PLAN BY THE COLOUR PURPLE.

Numbers in Deposited Plan.	Description.	Quantity.
		Acres.
788	Common - -	12·368
792		5·370
793		0·531
794		1·063
795		3·319
800		7·344
	Total - -	29·995

THE FIFTH SCHEDULE.

Part I.

Great Torrington and Castle Hill Commons.

The Common and Waste Lands known as Great Torrington Common and Castle Hill Common respectively as distinguished in the deposited Plan by the colour Green.

Numbers in Deposited Plan.	Description.	Quantity.
		Acres.
77	Great Torrington common	23·889
80		3·490
81		1·523
82		1·483
83		51·868
84		0·638
92		0·923
101		7·864
102		3·611
103		16·977
108		4·261
109		0·649
130		38·745
135		0·936
138		13·277
190		2·558
208		4·598
306		1·017
308		3·148
310		0·566
311		8·975
359		9·810
361		4·842
373		1·237
379		2·169
411		33·896
	Total	242·950
10	Castle Hill common	1·337
31	Ditto	1·907
33	Ditto	4·797
51	Ditto	28·972
52		
	Total	37·013

A.D 1889.

PART II.

LANDS FORMING PART OF THE ROLLE ESTATE DISTINGUISHED IN THE DEPOSITED PLAN BY THE COLOUR HATCHED PINK AND BY THIS ACT MADE PART OF THE COMMONS AND VESTED IN THE CONSERVATORS.

Numbers in Deposited Plan.	Description.	Quantity.
		Acres.
Part of No. 295	Clarke's field - - -	1·350
298	Three Corner field - - -	3·238
301	Clarke's meadow - - -	4·548
309	Ditto - - - -	2·860
	Total - -	11·996

THE SIXTH SCHEDULE.

PARTS OF COMMISSIONERS CLAUSES ACT 1847 EXCEPTED.

Sections 12 to 16 (inclusive).—Relating to declarations to be made by Commissioners to penalties on Commissioners acting without being qualified and to Commissioners neglecting to act.

Section 24.—Relating to scale of votes of owners and occupiers.

Section 25.—Relating to elections for wards.

Sections 28 and 29.—Relating to mode of voting at and conducting elections.

Section 31.—Relating to inspection of voting papers and poll books.

Section 32.—Relating to the election of a person in more than one ward.

Section 35.—Relating to expenses of elections being paid out of rates.

Section 54.—Relating to attendance at the office of the Commissioners.

Section 84.—Relating to a sinking fund for paying money borrowed on the rates.

Sections 92 93 94.—Relating to auditors and appeal against accounts.

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