



Isle of Man

Ellan Vannin

AT 2 of 1704

**ACT OF SETTLEMENT (FURTHER
PROVISIONS) ACT 1704**



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Index

Section	Page
1 Duties and Carriages payable to Lord.....	5
2 All lettings for longer than 5 years by way of security to be deemed mortgages and to subject Tenant to alienation fine. Unless Chancery adjudge otherwise.	6
3 Rent of Intacks taken out of Highways, to be paid by Quarterlands adjoining	6
4 Intackholder etc resisting this regulation, to be evicted subject to compensation for improvements.....	7
5 Complaints as to such Intacks etc to be made within 18 months	7
6 Highways out of which Intack is taken to be 18 feet broad.....	7
7 and 8 [Repealed]	7
 ACCEPTANCE BY EARL DERBY	 9
 ENDNOTES	 11
<hr/> TABLE OF LEGISLATION HISTORY	11
TABLE OF RENUMBERED PROVISIONS	11
TABLE OF ENDNOTE REFERENCES	11

**Isle of Man***Ellan Vannin*

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Received Royal Assent: 6 June 1704
Passed: 6 June 1704
Commenced: 6 June 1704

[Short title given by Pre-Revestment Written Laws (Ascertainment) Act 1978 Sch.] [Whole Act confirmed by Pre-Revestment Laws (Ascertainment) Act 1978 Sch.]

GENERAL NOTE: References to the Court of Chancery are to be construed in accordance with the *High Court Act 1991* Sch 4.

Preamble

Whereas by a Clause in the before-mentioned Act of Settlement, the respective Tennants and Inhabittants of the said Isle are obliged to pay (besides their Rents and Fines therein expressed and mentioned) all other Dues, Duties, and Carriages, as have been formerly accustomed; and that the fixing and ascertaining of the said Carriages is by the said Act left to the Consideration of a Tynwald Court;

1 Duties and Carriages payable to Lord

That the Tennants and Inhabittants of this Isle shall pay and do their Carriages to the Lord as formerly accustomed; that is to say, four Carriages from every Quarter of Land, and one Carriage from every Cottage and Intackholder within the said Isle; and the same to be performed either by the Labour of Horses, or Service of Men, as the Governor shall thing fitt to order, and hath been formerly accustomed; and that these Carriages shall be taken for the Lord's Use as his Lordship or the Governor for the Time being shall think fit to employ them; and that no Tennant shall be exempt from doing of these Carriages but such as have been already legally accustomed to be freed thereof.

2 All lettings for longer than 5 years by way of security to be deemed mortgages and to subject Tenant to alienation fine. Unless Chancery adjudge otherwise.

And whereas by another Clause in the afforesaid Act of Settlement, all Persons who then had mortgaged, or should thereafter mortgage, all or any Part of Messuages, Lands, Tenements, Milns, Cottages, Intacks, or other Heridittaments, unto any person, and should not actually redeem the same to his own proper Use within the Space of five Years next after the Commencement of the said Mortgage, should be looked upon as an alienation, and the Mortgagee admitted as Tennant to the same in such Manner and on such Terms as in and by the said Clause is fully mentioned and expressed: And forasmuch as it is conceived that severall fraudulent Bargains may be made for letting of Lands, Tenements, Milns, Cottages, Intacks, and other Hereditaments, for the Security of Money, under other Notions than that of Mortgage, to defraud our Honourable Lord of a Fine; be it therefore ordered, ordained, and enacted by the Authority aforesaid, That all such Bargaines as shall hereafter be made and given for the Security of any Sum of Money upon Lands, Tenements, Milns, Cottages, Intacks, and other Heridittaments as afforesaid, longer than for the Term of five Years, shall be declared and taken to be a Mortgage within the Intendment of the said Act, unless the Court of Chancery within this Isle shall adjudge it otherwise, and that the Mortgagee shall be lyable to pay such Fine for the same as in and by the said Clause inserted in the said Act is mentioned and declared.

3 Rent of Intacks taken out of Highways, to be paid by Quarterlands adjoining

And also whereas by another Clause in the said Act of Settlement, it is mentioned and expressed that all Intacks and Cottages, as had been taken out of the Highways adjoining to the Quarterlands or other estates, but not belonging to the same, should not nor were not intended to be included in the said Act of Settlement, but that such Intacks and Cottages (being complained of as great Nusances) should be referred to the Consideration of a Tynwald Court to determine where the Rents and Fines of and for such Intacks and Cottages might most conveniently be fixed; be it therefore hereby ordered, ordained, and enacted by the Authority afforesaid, That the Rents and Fines of all such Cottages and Intacks taken out of the Highway adjoining to any Quarterlands or other Estates, whether they belong to the Lord or Barrons, being taken to Rent in or since the Year of our Lord one thousand six hundred and ten, are to be paid by those Farmers and Tennants, or other Persons unto whose Lands and Tenements those Cottages and Intacks do adjoin, and they to become Tennants thenceforward to the Lord for the said Cottages and Intacks; and that the said Tennants and Inhabittants dwelling in and possessing those Cottages and Intacks shall henceforward become Subtennants to the said Farmers, Tennants, and others Persons, upon such reasonable Terms as can be agreed upon betwixt them, or as shall be thought reasonable by the Court of Chancery of this Island:



4 Intackholder etc resisting this regulation, to be evicted subject to compensation for improvements

And if any such Cottage or Intackholder do not submit to such Terms as the Court shall order therein, then such Cottage or Intackholder is to be ejected out of the said Holding, and a Jury of four Men sworn to value what Improvements he has made on the same; which said Value being approved of by the Court, the said Farmer, Tennant, or other Person, is to pay and reimburse unto the said Cottage or Intackholder, and thereupon to be immediately possessed of the same, and have liberty to dispose of the said Cottage and Intack to whom and to what uses he shall think fitting;

5 Complaints as to such Intacks etc to be made within 18 months

Provided always, that such Farmer, Tennant, or other Persons, unto whose Lands such Cottages or Intacks adjoin, complaining of such to be a Nuisance, shall be obliged to make the same appear to be so within eighteen Months next after the date hereof; otherwise and in Default thereof the said Cottage or Intackholder shall have and enjoy the same, on the like Terms that other Cottages and Intacks are held and enjoyed within this Isle by virtue of the said Act of Settlement, without any disturbance of the said Farmer, Tennant, or other Person, at any Time after the said eighteen Months are determined and expired:

6 Highways out of which Intack is taken to be 18 feet broad

And it is likewise provided and declared, That all Highways, out of which any Intacks or Cottages have been taken, that shall be found not to be eighteen Foot broad, according as the Statute provides, shall be enlarged out of the said Intacks or cottages (when complained of) at any Time hereafter, any Thing herein mentioned to the contrary notwithstanding.

7 and 8 [Repealed]¹

ACCEPTANCE BY EARL DERBY

These four Acts relating to the Settlement² are likewise allowed of and confirmed by me, and ordered to be in like manner published at the next Tynwald Court.*

DERBY

**[Published 6/6/1704]*

ENDNOTES**Table of Legislation History**

Legislation	Year and No	Commencement

Table of Renumbered Provisions

Original	Current

Table of Endnote References

¹ Ss 7 and 8 repealed by Minerals Act 1986 Sch 3.

² I.e. “an Act touching Carriages &c; an Act concerning alienations and mortgages; an Act touching intacks and cottages and an Act concerning quarryys and delfs (sic)” according to the promulgation certificate