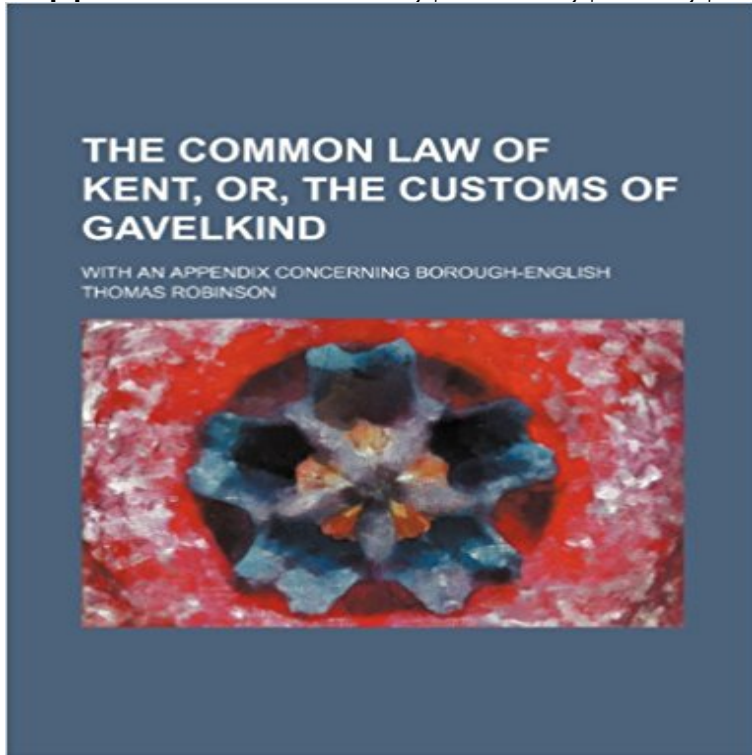


The Common Law of Kent, Or, the Customs of Gavelkind; With an Appendix Concerning Borough-English



This historic book may have numerous typos and missing text. Purchasers can download a free scanned copy of the original book (without typos) from the publisher. Not indexed. Not illustrated. 1788. Excerpt: ... Book II. CHAP. IX. t Customs common to all Kentish AVING now gone through the several Customs of Gavelkind, I shall, before I conclude, take Notice of some Customs claimed in our Books, or on Record, as the Right of all Kentijb Men in general, and not particularly appropriated to Tenants in Gavelkind. Whether In Trespass for digging the Plaintiffs there be 3 Ground, the Defendant justified under a Cu SS/uh stom that a11 the Men r Kent have Time ermen tofix out Mind, when they fish in the Sea, Stakes on the used to dig in the Lands adjoining, to fix Shore. Stakes there for drying their Nets. And it was agreed, that by the Common Law those who fish in the Sea may justify coming upon the Land adjoining to the Sea j for such Fishery is for the publick Good, and for the Sustenance of all the Subjects of the Realm; But there was a Doubt in the Court, whether the Custom to dig was good, as being in Destruction of the Inheritance. 8 Ed. 4. 18. b. Bro. Custom, 46. The Cafe is not finally determined in the Book, but the Modern Practice may decide the Question against the Custom; for they who fix Stakes on the Shore betwixt high and low Water-marks, for the Use of their Kidel-Nets, now pay an Acknowledgment for the fame to the Lord of the Manor. 8 Ed. 4. 8 Ed. 4. 23. a. It is pleaded to be the Cu-Chap. IX. stom of Kent, that when Enemies come to the f Sea-Coast, it is lawful for all them of Kent jVtoVaise to come on the Land adjoining to the Coasts, Bulwarks in and there to raise Bulwarks for the Defence Ue solo aof the Country. But this is certainly the Com-gamstEnemon Law of the Realm; Necessity and themies Safety of the Publick justifying the

Damage done to private Property. 21 H. 7.
27. b. 12 Rep. 12. In the seventh Year of
Edw. 3. ...

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