



ANNO QUADRAGESIMO PRIMO

# GEORGI II. REGIS.

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## Cap. 113.

An Act for dividing, allotting, and inclosing the several Common, Waste, and Heath Lands, commonly known by the Names of *The Great and Little Heaths*, otherwise *Mwynydd Bwchan*, and *Wain Dyval*, lying within the several Parishes of *Saint John the Baptist* in *Cardiff*, *Landaff*, *Whitchurch*, *Roath*, and *Lanishen*, in the County of *Glamorgan*. [20th June 1801.]

**W**HEREAS there are within the several Parishes of *Saint John the Baptist* in the Town of *Cardiff*, *Landaff*, *Whitchurch*, *Roath*, and *Lanishen*, in the County of *Glamorgan*, divers Common, Waste, and Heath Lands, commonly known by the Names of *The Great and Little Heaths*, otherwise *Mwynydd Bwchan*, and *Wain Dyval*, containing together One thousand two hundred Acres, or thereabouts: And whereas the most Honourable *John Marquis of Bute* and *John Earl of Windsor* are Lords of *Cardiff*, and the several Manors of *Lystalybont* and *Roath Dogfield*, and as such are entitled to the Lord's Rights in the said Common, Waste, and Heath Lands: And whereas the Bailiffs, Aldermen, and Burgeses of the said Town of *Cardiff*, and their Successors, Bailiffs, Aldermen, and Burgeses, are entitled to Right

[Loc. & Per.] Preamble.

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of Common on the said Common, Waste, and Heath Lands; and there are certain Owners and Proprietors of Lands, Tenements, and Hereditaments, which adjoin the said Common, Waste, and Heath Lands within the several Parishes aforesaid, and others, who by Prescription are entitled to Right of Common on the said Common, Waste, and Heath Lands: And whereas the said Common, Waste, and Heath Lands are, in their present State, of little Value; but if divided into specifick Allotments among the several Persons interested therein, and such Allotments inclosed, they would be very considerably improved; but such Allotment, Division, and Inclosure cannot be established and rendered effectual without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Common, Waste, and Heath Lands shall be set out, divided, and allotted as soon as conveniently may be after the passing of this Act; and that *Thomas Browne* Gentleman, of *Luton* in the County of *Bedford*, *Henry Hollier* Gentleman, of *Cardiff* in the said County of *Glamorgan*, and *Thomas Morgan* Gentleman, of *Cardiff* aforesaid, and their Successors, to be appointed in Manner herein-after mentioned, shall be, and are hereby appointed Commissioners for setting out, dividing, and allotting the said several Common, Waste, and Heath Lands, and for putting this Act in Execution, subject to the Rules, Orders, and Directions herein-after mentioned and prescribed; and that all Acts, Matters, and Things hereby directed to be done by the said Commissioners may be done and executed by any Two of them, and the same shall be as valid and effectual as if done and executed by all the said Commissioners.

Commissioners appointed.

Commissioner and Surveyors to take an Oath.

II. And be it further enacted, That no Person shall be capable of acting as a Commissioner or Surveyor in the Execution of the Powers given by this Act (except to sign and give Notice of the First Meeting of the said Commissioners, and administer the Oath next herein-after directed) until he shall have taken and subscribed the following Oath; (that is to say),

Oath.

‘ I Do swear, that I will faithfully, truly, impartially, and honestly, according to the best of my Skill and Knowledge, execute and perform all such Matters and Things, as according to the Nature and Duty of my Office and Employment, for carrying into Execution the several Powers and Trusts reposed in me by virtue of an Act for dividing, allotting, and inclosing the several Common, Waste, and Heath Lands, commonly known by the Names of The Great and Little Heaths, otherwise Mwynydd, Bwchan, and Wain Dyval, lying within the several Parishes of Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lamishen, in the County of Glamorgan, ought to be done, executed, and performed by me, without Favour or Affection to any Person or Persons whomsoever.

‘ So help me God.’

Which Oath any One of the said Commissioners is hereby authorized and required to administer; and the said Oath, written on Parchment, and so taken and subscribed, and also the Instrument of Appointment of every new Commissioner or Surveyor, with the like Oath to be taken by him, shall be enrolled with the Clerk of the Peace of the said County of

*Glamorgan,*

*Glamorgan*, at the same Time and in like Manner as the Award herein-after ordered to be made is directed to be enrolled; and it shall be lawful for the said Commissioners and Surveyors and every of them, and all and every Person and Persons to be employed by and under them, or any of them, at all seasonable Times to enter into, view, and examine, survey, admeasure, and value all or any Part of the Lands and Grounds hereby directed to be surveyed as herein-after mentioned.

Commissioners and Surveyors may enter Land to make Surveys.

III. And be it further enacted, That each of the said Commissioners shall be allowed the Sum of Two Pounds and Two Shillings for his Trouble for every Day's Journey or Attendance (over and besides his Expences which he shall necessarily incur) for the Purposes of this Act; and the Surveyor or Surveyors shall be paid such Sum or Sums of Money as the said Commissioners shall think proper.

Commissioners and Surveyors Allowance.

IV. And be it further enacted, That the said Commissioners shall have Power, and they are hereby authorized to appoint a Clerk, for Assistance in the Execution of the Powers of this Act, and such Clerk from Time to Time to remove, and another to be appointed, as to the said Commissioners shall seem meet, and to allow and pay him such Sum or Sums of Money for his Attendance, Trouble, and Expences, as they shall think proper.

Clerk to be appointed.

V. And be it further enacted, That if the said Commissioners, or any new Commissioner (if any shall hereafter be chosen), or any or either of them, shall die, or refuse, or become incapable to act, then it shall be lawful for the several Persons entitled to and interested in the said Common, Waste, or Heath Lands to be divided and inclosed as aforesaid for the Time being, or the major Part of them in Value attending at a Meeting to be held for that Purpose, as herein-after mentioned, within One Calendar Month next after the Death, Refusal, or Incapacity to act of each such Commissioner, by Writing under their Hands to appoint a new Commissioner, not interested in such Inclosure, in the Stead of each Commissioner so dying, refusing, or becoming incapable to act; provided always, that the surviving or remaining Commissioner or Commissioners shall cause Notice in Writing, signed by him or them, to be affixed on the respective outward Doors of the several Parish Churches of *Saint John the Baptist* in *Cardiff*, *Landaff*, *Whitchurch*, *Roath*, and *Lanishen*, at least Twenty Days before every such Meeting, such Notice to contain the Time and Place, as also the Purpose of such Meeting: Provided also, That if it shall happen that a new Commissioner shall not be appointed as aforesaid, then, and so often as the Case shall happen, the surviving or remaining Commissioner or Commissioners shall elect the Commissioner requisite for supplying the Place of such as shall so die or refuse to act, or become incapable of acting as aforesaid; and every such new Commissioner shall have the like Powers and Authorities for carrying this Act into Execution to all Intents and Purposes as if he had been originally named and appointed a Commissioner in this Act.

For appointing new Commissioners.

VI. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be inserted in some Newspaper or Newspapers circulated in the said County, and to be repeated once at least in the same Paper or Papers, of the Time and Place of the First

Notice of First Meeting.

First Meeting to put this Act into Execution, the First of such Notices to be at least Twenty Days before such Meeting, which said Meeting shall be held somewhere within the said Parishes of *Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lanishen*; or One of them; and it shall be signified by such Notice that all Person and Persons, Bodies Politick and Corporate, having or claiming Right of Common in or upon the severall Common, Waste, or Heath Lands hereby intended to be divided, allotted, and inclosed, are required by themselves, their Agents, or Tenants respectively, to give and deliver to the Commissioners present at such Meeting, a full, true, and particular Account in Writing of the Lands, Tenements, and Hereditaments, for which he, she, or they respectively claim a Right of Common upon the said Common, Waste, or Heath Lands, and who is in Possession thereof, and the Quantity thereof; and it shall be signified also by the said Notice, that all Persons, Bodies Politick and Corporate, neglecting to deliver in such Claims at the First or Second Meeting of the said Commissioners, shall be excluded and debarred of and from all Right, Title, Claim, and Interest of, in, or to the said severall Common, Waste, or Heath Lands, or any Part thereof, and from all Benefit and Advantage of any Share or Allotment thereof upon the said Division by virtue of this Act, or the said Notice shall be to that or the like Effect.

Notice of Second and Third Meetings.

VII. And be it further enacted, That the said Commissioners shall and may appoint such Time and Place within the said Parishes of *Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lanishen*, or One of them, for their Second and Third Meetings, as they shall think proper, so as they cause a Notice of such Second and Third Meetings respectively to be advertised in Manner aforesaid at least Ten Days before such Second and Third Meetings respectively, and all subsequent Meetings of the said Commissioners shall be appointed for and held at such Time and Times, Place and Places, and in such Manner as the said Commissioners shall from Time to Time direct.

Commissioners may adjourn Meetings.

VIII. Provided always, and be it further enacted, That the said Commissioners shall have full Power and Authority (if they shall think it convenient) to continue any of their said Meetings by Adjournment, without giving any Notice of any such Meeting by Adjournment; and that if at any Meeting appointed to be holden by the said Commissioners, either by such Notice as aforesaid or by Adjournment, it shall happen that only One of the Commissioners shall attend, such Commissioner so attending may adjourn such Meeting to such Time and to such Place, within One of the said severall Parishes of *Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lanishen*, as he shall think most convenient, not exceeding Ten Days from the Time of making such Adjournment, and shall give Notice thereof to the absent Commissioners.

One Commissioner may adjourn.

Ascertaining Boundaries.

IX. And be it further enacted, That for the better ascertaining and more correctly fixing the Extent and Boundaries of the said Common, Waste, and Heath Lands so intended to be divided, allotted, and inclosed as aforesaid, and also of such Parts thereof respectively as are situate within and Parcel of the said severall Parishes of *Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lanishen* respectively, and also the respective Boundaries of the said Manors, the said Commissioners

may

may and shall publickly and openly ride round or perambulate the said Boundaries respectively on some convenient Day or Days to be by them for that Purpose appointed at their First Meeting, and intervening before their Second Meeting to be holden in pursuance of this Act, and of which Appointment, Notice in Writing, specifying the Day, Hour, and Place of beginning such respective Perambulation shall, Ten Days at least previous thereto, be affixed to the principal outer Doors of the said several Parish Churches of *Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lanishen* respectively; and that when and so soon as by the Means aforesaid, or by the Examination of Witnesses upon Oath or Affirmation, if deemed necessary or expedient (which Oath or Affirmation any One of the said Commissioners is hereby authorized and empowered to administer), or by any other lawful Ways or Means, the said respective Boundaries shall have been ascertained to the Satisfaction of the said Commissioners; they the said Commissioners shall cause the same to be meered, marked, staked, or set out, in such Manner as to them shall seem meet, whereupon all and every Person or Persons, Bodies Politick or Corporate, who may be dissatisfied with what shall be so done by the said Commissioners, and shall make or have any Claims or Claim which may affect the said Boundaries; or any of them, are and is hereby required personally, or by his, her, or their Steward or Stewards, Agent or Agents, to give or deliver to the said Commissioners before or at the Second Meeting, a minute and particular Account in Writing of the Nature and Extent of such Claim or Claims, and how derived or founded, all of which said Accounts shall at all seasonable Times, until the said Third Meeting, be open to the Inspection and Perusal of any Person or Persons, Bodies Politick or Corporate, interested in the said Boundaries, or having or claiming any Right of Soil or Right of Common in or upon the said Common, Waste, and Heath Lands, or any Part thereof, or of any other Person or Persons acting in his, her, or their Behalf; and if any such Claim, being persisted in, shall, by Writing to be delivered to the said Commissioners at the Second or Third Meeting, be objected to by or on the Part of any Person or Persons interested in the said Boundaries, or in the said Common, Waste, and Heath Lands, or any Part thereof, such Claims and Objections thereto respectively may and shall, with the Consent and Approbation in Writing of the respective Persons making the same, but not otherwise, be referred to the Judgement and final Determination of the said Commissioners; or if no such Consent and Approbation as aforesaid shall have been given, it shall be lawful for each Person urging and persisting in any such Claim or Claims, or objecting thereto as aforesaid, to have the Matter thereof tried at Law, by an Action to be brought by such Claimant or Claimants in His Majesty's Court of King's Bench at *Westminster* against the Party or Parties objecting thereto, within Three Calendar Months next after such Third publick Meeting of the said Commissioners, upon a feigned Issue, to be settled by the proper Officer of such Court, in case the Parties shall differ about the same, to which Action or Actions the Defendant or Defendants shall and is and are hereby required to appear and plead to Issue; and each Party shall so proceed therein as to have the same tried and determined the First or Second Assizes to be holden at *Hereford* in and for the County of *Hereford* next after the said Third Meeting; and that the Costs and Charges of defending every such Action shall be borne and defrayed either by the Plaintiff or Plaintiffs, or Defendant or Defendants therein respectively, or

out of the Monies to be raised for the Purposes of this Act, as to the said Commissioners shall appear just and reasonable, and as they shall, by Writing under their Hands in that Behalf, order, direct, or appoint; and if no such Claim shall be made within the Time and in the Manner aforesaid, or if after making any such Claim no such Reference as aforesaid shall take Place; and if no such Action as aforesaid shall be brought, or being brought, if through the Neglect or Default of the Plaintiff or Plaintiffs therein the same shall not be proceeded in as aforesaid, then in every or in any such Case as aforesaid, the Boundaries which shall have been so meered, marked, staked, or set out by the said Commissioners as herein-before directed, shall be, and shall be deemed and considered to be established and confirmed, and shall remain final, binding, and conclusive upon all Persons whomsoever to all Intents and Purposes whatsoever.

Survey to be made.

X. And be it further enacted, That the said Common, Waste, and Heath Lands, and also the Lands, Tenements, and Hereditaments in the several Parishes of *Saint John the Baptist in Cardiff, Landaff, Whitechurch, Roath, and Lanishen* aforesaid, belonging to the several Persons, Bodies Politick or Corporate, interested in the said Common, Waste, and Heath Lands, shall as soon as conveniently may be after the passing of this Act, be surveyed and measured by *Thomas Browne the Younger, of Luton* in the County of *Bedford*, Gentleman, or by such other Person and Persons as the said Commissioners shall appoint in case of his Death or Refusal to act; and such Survey and Admeasurement shall be reduced into Writing, and contain the Particulars and Quantity in Statute Measure, as well of every such Person or Persons ancient inclosed Lands, as of the Grounds contained in the said Common, Waste, and Heath Lands in the said several Parishes of *Saint John the Baptist in Cardiff, Landaff, Whitechurch, Roath, and Lanishen*, as shall be specified and set down therein, and a Plan or Plans shall be made of the same, if the said Commissioners shall think proper; and such Survey, Admeasurement, and Plan shall be laid before the said Commissioners at such Time as they shall appoint, and be thenceforth left with them for the Purposes of this Act.

Old Surveys and Admeasurements (if any) to be produced to Commissioners.

XI. Provided always, That in case any Survey, Admeasurement, Plan or Plans of the said Common, Waste, and Heath Lands, or any Part thereof, hath been already made or taken, or any Person or Persons, Body Politick or Corporate, shall produce to the said Commissioners a Survey, Admeasurement, or Plan of his, her, or their Estate, and the said Commissioners shall be satisfied that the same is an accurate and perfect Survey, Admeasurement, and Plan thereof, then and in either of the said Cases, the said Commissioners, if they shall think proper, shall and may receive and make use of such Survey, Admeasurement, Plan and Plans respectively, without being obliged to make any new Survey, Admeasurement, or Plan of the said Common, Waste, and Heath Lands, or of any Part thereof, or of the said inclosed Lands, or any Part thereof.

Claims to be received.

XII. And for preventing all unnecessary Objections and Delays in the said intended Inclosure and Division, and for settling and ascertaining the Right of all Persons whomsoever to any Share or Part thereof on such Division; be it further enacted, That all and every Person and Persons, Bodies

Bodies Politick or Corporate, having or claiming any Right of Common in or upon the said Common, Waste, and Heath Lands so intended to be inclosed as aforesaid, or any Part thereof, shall and they are hereby required, by themselves, their Agents, or Tenants respectively, at the First or Second Meeting of the said Commissioners, to give and deliver to the said Commissioners a full, true, and particular Account in Writing, under his, her, or their Hand or Hands; or under the Hand or Hands of his, her, or their Solicitor or Attorney, Steward or Agent, or of some Person or Persons authorized for that Purpose, of such his, her, or their Claim or Claims, and of the Lands, Tenements, and Hereditaments adjoining the said Common, Waste, and Heath Lands, for which he, she, or they claim a Right of Common upon the said several Common, Waste, and Heath Lands, and who is or are in Possession thereof respectively, and the Quantity thereof; which Claims shall and may, at the Time or Times of the Delivery thereof, and at all other reasonable Times after the Delivery thereof, until the Expiration of One Calendar Month next after the Second Meeting of the said Commissioners, at the Office of the Clerk of the said Commissioners, be inspected, perused, and copied by any Person or Persons, Bodies Politick or Corporate, having or claiming a Right of Common on the said Common, Waste, and Heath Lands, or any Part thereof, or by any Steward or Agent, or other Person acting on Behalf of him, her, or them, to the End that the particular Right so claimed by or on Behalf of each such Person or Persons, Body or Bodies, may be publickly known to and by all others of them who shall think fit to make any Enquiry relating thereto; and all and every Person and Persons, Bodies Politick or Corporate, neglecting or refusing so to give and deliver, or cause to be given and delivered such an Account in Writing as aforesaid, shall be excluded and totally debarred of and from all Right and Title of, in, to, or upon the said several Common, Waste, and Heath Lands, and of and from all Benefit and Advantage in or to any Share or Allotment thereof on the said intended Division; and that no Claim or Claims whatsoever of Right of Common upon the said Common, Waste, and Heath Lands, or any Part thereof, shall be made, received, or allowed, save at the said First or Second Meeting of the said Commissioners; and that all and every Claim and Claims of Right of Common in and upon the said several Common, Waste, and Heath Lands, or any Part thereof, which shall be so given in Writing to the said Commissioners, at the First or Second Meeting as aforesaid, and to which no Objection shall be made either then or at the Third Meeting, shall be allowed finally and conclusively against all Persons whomsoever; and no Right so claimed and allowed shall at any Time thereafter be litigated, controverted, or disputed upon any Account or Pretence whatsoever.

Persons neglecting to claim to be excluded.

XIII. And be it further enacted, That if any such Claim or Claims so to be made as aforesaid, shall at the said First, Second, or Third Meeting of the said Commissioners be objected to by any One or more of the Persons, Bodies Politick or Corporate, having or claiming any Right of Common on the said Common, Waste, and Heath Lands, or by their, his, or her Solicitor, Steward, Attorney, or Agent, by Writing or Writings under their respective Hands, therein specifying and setting forth the Cause or Reason of such Objection or Objections; and the Person or Persons, Bodies Politick or Corporate, making such respective Claims shall persist in such Claims, then and in such Case the

If Claims objected to, Commissioners to determine the same at their Third Meeting.

said

said Commissioners shall, and they are hereby authorized, required, and directed, at or before the Third Meeting of the said Commissioners, or within Thirty Days next after such Third Meeting, to enquire into, hear, and finally determine all such Claims and Objections by their own View, or Examination of Witnesses upon Oath or Affirmations, as the Case may be; (to be severally administered by any One or more of the said Commissioners, and which Oath or Affirmation they or either of them are and is hereby authorized to administer,) or by such Evidence, Proof, Ways, or Means as to them shall seem requisite and expedient in that Behalf, and such Determination therein of the said Commissioners shall be inserted in their Award to be made in pursuance of this Act; and the same shall be conclusive and final to all Persons and Parties, Bodies Politick and Corporate whomsoever, and be allowed as Evidence in all Courts whatsoever.

Commissioners not to determine Titles, but Parties differing may try their Rights at Law.

XIV. Provided always, That nothing herein contained shall authorize the said Commissioners to determine any Differences or Disputes which may arise touching the Title of any Person or Persons in or to any Part of the Lands or Grounds to be divided and inclosed by virtue of this Act, for which the Parties may commence and prosecute such Suits, and Remedies as they shall be advised and think proper; but no such Differences or Disputes shall impede or hinder the Commissioners in the Execution of the Powers vested in them by this Act; but the Division and Inclosure by this Act directed to be made shall be proceeded in notwithstanding such Differences and Suits; and in case of such Differences or Suits, the said Commissioners shall set out the Land which shall be allotted in lieu of such disputed or litigated Right of Property, so that it may be distinguished from any other Land, and may be had and taken by the Person or Persons who, upon the Determination of such Difference or Suit, shall become entitled to the same.

Commissioners may summon Witnesses.

XV. And be it further enacted, That the said Commissioners shall and may summon, by Writing under his or their Hand or Hands, such Witnesses or Witnesses as shall be thought necessary to appear and give Evidence before them or him at such Time and Place as shall be therein appointed; and if such Witness or Witnesses, being duly served with such Summons, and having been paid or tendered a reasonable Sum of Money to bear his, her, or their Charges of Attendance, shall neglect or refuse to appear agreeably to such Summons (except for some reasonable Excuse), or appearing shall refuse to be sworn and give Evidence, then and in either of the said Cases the said Commissioners, on due Proof thereof made before them or him, are and is hereby empowered and required, by Warrant, under their Hands and Seals, or Hand and Seal, to cause to be levied by Distress and Sale of the Goods and Chattels of every Person so neglecting or refusing to appear, or who shall appear and refuse to give Evidence as aforesaid, any Sum of Money not exceeding Ten Pounds, nor less than Forty Shillings, for the Use of such Person or Persons, Bodies Politick or Corporate, who caused such Witness to be summoned as aforesaid (or in case such Witness shall not have been so caused to be summoned, then to be applied towards defraying the Expences of this Act); rendering the Overplus (if any) upon Demand, after deducting the reasonable Charges of such Summons and Levy, to the Person or Persons respectively whose Goods and Chattels shall be so taken as aforesaid, and so from Time to  
Time



Time, as often as it may be deemed necessary, to summon such Witness or Witnesses, until he, she, or they shall respectively comply therewith.

XVI. And be it further enacted, That in case any Person or Persons upon Examination upon Oath, or being a Quaker or Quakers, upon his, her, or their solemn Affirmation before the said Commissioners touching the Matters by this Act directed to be by them enquired into, shall wilfully and corruptly give false Evidence, every such Person or Persons so offending in any of the Cases aforesaid, and being duly convicted of such Offence or Offences, shall be, and is and are hereby declared to be subject and liable to such Pains and Penalties as by the Laws and Statutes of this Realm Persons convicted of wilful and corrupt Perjury are subject and liable to.

Persons giving false Evidence guilty of Perjury.

XVII. And whereas the Right Honourable *Francis* Earl of *Landaff*, claims as Lord of the Manor of *Landaff*, to be entitled to certain Rights over and upon such Part of the said Common, Waste, and Heath Lands, as are situate within the said Parish of *Landaff*: And whereas Objections have been made to such Claim by the said *John* Marquis of *Bute* and *John* Earl of *Windsor*; be it further enacted, That it shall and may be lawful to and for the said *Francis* Earl of *Landaff*, his Heirs or Assigns, to try the Matter of such Claim at Law, in an Action to be brought by the said *Francis* Earl of *Landaff*, his Heirs or Assigns, in His Majesty's Court of King's Bench at *Westminster*, against the said *John* Marquis of *Bute* and *John* Earl of *Windsor*, which said Action must be commenced previous to the First or Second Assizes to be held in and for the County of *Hereford*, after the passing of this Act, upon a feigned Issue or Issues, to be settled by the proper Officer of such Court, in case the Parties shall differ about the same, and that the said Action shall be tried at such First or Second Assizes, and not at any subsequent Assizes, unless the said Court of King's Bench shall afterwards award and direct a new Trial to be had in the said Action, in which Case only it shall be lawful to try the said Matter at any Assizes held in and for the said County of *Hereford*, subsequent to the Second Assizes, after the passing of this Act; and the said *John* Marquis of *Bute* and *John* Earl of *Windsor*, on being served with Process in the said Action, and which Process shall be served at least Thirty Days before the Commission Day on which such Assizes are to be held, at which the said Action is intended to be tried, is and are hereby required to name his and their Attorney or Attornies, to appear to such Action, accept a Declaration, and plead to Issue; and the Verdict that shall be given upon such Issue or Issues shall be final and conclusive, to all Intents and Purposes whatsoever, against all and every the Person or Persons whomsoever, unless the said Court of King's Bench shall direct a new Trial to be had, in which Case the Verdict on such Second Trial shall be final and conclusive as aforesaid; and in case the Verdict of the Jury on the First Trial of the said Cause, or on a Second Trial thereof, in case such Second Trial shall be had as aforesaid, shall be given in Favour of the Plaintiff or Plaintiffs in such Action, then the Costs thereof to be taxed by the proper Officer of the said Court of King's Bench, shall be wholly paid to the Plaintiff or Plaintiffs by the Defendant or Defendants in such Action; and in case such Verdict shall be given in Favour of the Defendant or Defendants in such Action, then the Costs of such Action to be taxed as aforesaid, shall be wholly paid to the Defendant or Defendants, by the Plaintiff

Directing the Claim to the Lordship of *Landaff* to be tried by an Action at Law.

or Plaintiffs in such Action, against which said Defendant or Defendants, Plaintiff or Plaintiffs, Judgement shall and may be entered up for such Costs and Proceſs of Execution iſſuing out of the ſaid Court of King's Bench, ſhall or may be executed for the Recovery of ſuch Coſts; and in caſe the Verdict of the Jury, on the Trial of the ſaid Cauſe, ſhall be given in Favour of the ſaid *Francis* Earl of *Landaff*, his Heirs or Aſſigns, in ſuch Action, then the ſaid Commiſſioners ſhall and they are hereby required to ſet out and allot to him and them, ſuch Part and Parts of the Eighteenth Part of the ſaid Common, Waſte, and Heath Lands, hereinafter directed to be allotted and ſet out unto and for the ſaid *John* Marquis of *Bute* and *John* Earl of *Windſor*, as Lords of *Cardiff*, and of the ſaid Manors of *Lystalybont* and *Roath Dogfield*, in lieu of their Right of Soil of the ſaid Common, Waſte, and Heath Lands, as ſhall in the Judgement of the ſaid Commiſſioners in ſuch Caſe be a fair and adequate Satisfaction for the Right of Soil of and in ſuch Part of the ſaid Common, Waſte, and Heath Lands as are ſituate in the ſaid Pariſh of *Landaff*, ſo claimed by him the ſaid *Francis* Earl of *Landaff*, and which ſhall be determined by the Verdict aforeſaid; and in ſuch Caſe the ſaid Commiſſioners ſhall charge the ſaid *Francis* Earl of *Landaff*, his Heirs or Aſſigns, with the Payment of ſuch Sum and Sums of Money as they ſhall judge fair and reaſonable, for his and their Share of all the Expences of obtaining and executing this Act, in Proportion to the Value of the Lands which ſhall be ſo allotted to him and them as laſt-mentioned, which Sum and Sums of Money ſhall and may be recovered in ſuch Manner as other Aſſeſſments to be made by virtue of this Act ſhall be recoverable.

But ſuch Trial ſhall not impede the Execution of this Act.

XVIII. Provided alſo, and be it further enacted, That no ſuch Trial to be had as aforeſaid, nor any Differences or Diſputes, or Suits, touching the Title of any Lands or Grounds, or other Rights or Interests, ſhall prevent, obſtruct, or impede the Execution of this Act; and that if no ſuch Trial ſhall be had upon the ſaid Iſſue or Iſſues, at the Aſſizes aforeſaid, then and in ſuch Caſe the ſaid Commiſſioners ſhall proceed in the Execution of this Act, in ſuch Manner and Form as they could or might have done in caſe no ſuch Claim had been made by the ſaid *Francis* Earl of *Landaff*; and that if any of the Parties, Plaintiff or Plaintiffs, Defendant or Defendants, in the ſaid Action which ſhall or may be brought in purſuance of this Act, ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

Commiſſioners to aſſeſs Coſts.

XIX. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby empowered and required to aſſeſs ſuch Coſts and Charges as they ſhall think reaſonable for the Uſe and Benefit of the Party or Parties in whoſe Favour they ſhall reſpectively make their Determinations, upon or againſt the Perſon or Perſons, Bodies Politick or Corporate, whoſe Claims or Objections ſhall be diſallowed by the ſaid Commiſſioners, and by Warrant under the Hands and Seals of the ſaid Commiſſioners to levy ſuch Coſts and Charges (if not paid on Demand) by Diſtreſs and Sale of the Goods and Chattels of ſuch laſt-mentioned Perſon or Perſons, Bodies Politick or Corporate, rendering the Overplus (if any) after deducting the reaſonable Charges and Expences attending ſuch Warrant, Diſtreſs, and Sale, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo levied upon as aforeſaid.

XX. Provided

XX. Provided also, and be it further enacted, That the Claim or Objection of any Guardian, Husband, Trustee, Committee, or Attorney, or of any Person acting as a Guardian, Trustee, Committee, or Attorney, of or for any Person or Persons being a Minor or Minors, under Coverture, beyond the Seas, or otherwise incapable by Law to make such Claims and Objections as aforesaid, shall be and is hereby declared to be as valid and effectual as if the Person or Persons on whose Behalf such Claims or Objections shall be so made was or were capable of claiming or objecting, and did make such Claim or Claims, Objection or Objections for him, her, or themselves.

Claims of Persons incapacitated, beyond Seas, &c. may be made by Guardians, &c.

XXI. And be it further enacted, That all Inclosures or Encroachments which shall have been made from or on the said Common, Waste, and Heath Lands within the Space of Twenty Years next before the First Day of *January* One thousand eight hundred and one, shall be deemed Part of the Common, Waste, and Heath Lands to be divided and inclosed, and the same shall be divided and inclosed accordingly.

Encroachments made within Twenty Years to be deemed Part of the Common.

XXII. Provided always nevertheless, and be it further enacted, That if any Inclosures or Encroachments shall have been made as aforesaid before the Space of Twenty Years, and within the Space of Sixty Years next before the said First Day of *January* One thousand eight hundred and one, the Person or Persons in Possession thereof, or in the Receipt of the Rents and Profits thereof, shall not be entitled to, or have any Allotment or Allotments of the said Common, Waste, or Heath Lands made to him, her, or them, on account or in respect of such Inclosures or Encroachments.

Encroachments of more than Sixty Years standing not entitled to Allotments.

XXIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, before they shall make any Allotments of the said Common, Waste, and Heath Lands, to ascertain, set out, appoint, or continue such publick and private Ways and Roads, Ditches, Fences, Drains, Watercourses, Banks, Bridges, Plats, Gates, Stiles, and other Requisites in, over, and across the said several Common, Waste, and Heath Lands so to be inclosed as aforesaid, as they in their Discretion shall think requisite; and also, where they shall see Occasion, to divert, alter, stop, or change such of the publick and private Roads now used upon, over, or across the said Common, Waste, and Heath Lands as they shall think expedient, so as all publick Carriage Roads to be set out as aforesaid shall be and remain Forty Feet broad at the least between and exclusive of the Ditches; and the publick Bridle Ways, Drift Ways, Foot Ways, and other Ways, as also all such private Roads or Ways in and over the said Common, Waste, and Heath Lands, shall be and remain of such Breadth as the said Commissioners shall by their Award, to be made in Manner herein-after mentioned, direct and appoint; and that the said publick Carriage Roads already made, or hereafter to be made and set out, where the same are not already fenced on one Side, shall be well and sufficiently fenced on both Sides, and where the same are already fenced on one Side shall be well and sufficiently fenced on the other Side by the said Commissioners; and that it shall not be lawful for any Person to erect any Gate across any of the said publick Carriage Roads, or to plant any Trees in the Hedges on the Sides thereof at a less Distance from each other than Fifty Yards, and that forthwith after any publick Carriage

Commissioners to set out Roads.

Roads

Roads or Ways shall have been set out as aforesaid, the said Commissioners shall and may, and they are hereby empowered and required by Writing under their Hands, to appoint some proper Person or Persons to be a Surveyor or Surveyors of the said Roads, and such Surveyor or Surveyors shall cause the same to be formed and put in good and sufficient Repair, and shall be allowed such Salary or Reward for his or their Trouble therein as the said Commissioners shall by Writing under their Hands direct or appoint; which Salary or Reward, and also the Expence (over and above the Statute Duty) of forming the said Roads, and putting the same in good and sufficient Repair, shall be borne and defrayed in the same Manner as the other Expences of executing this Act are hereby directed to be defrayed; and that none of the Inhabitants of the said several Parishes of *Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lanishen*, or either of them, shall be charged or chargeable (over and above the Statute Duty) towards the forming and repairing of the said Roads, until the same shall be fit for the Passage of Travellers and Carriages, and shall have been certified so to be by the Surveyor or Surveyors, by Writing under his or their Hand or Hands, to be delivered to the Justices at some General Quarter Sessions of the Peace to be holden in and for the said County of *Glamorgan*, which said Certificate shall be delivered to the said Justices within the Space of Two Years next after the Execution of the said Award of the said Commissioners, unless sufficient Reason be given, to the Satisfaction of the said Justices that further Time is necessary for that Purpose, in which Case the said Justices may and shall allow such further Time as to them shall seem meet, not exceeding One Year; and in case the said Surveyor or Surveyors shall refuse or neglect to deliver in such Certificate within the Time herein-before limited, such Surveyor or Surveyors shall forfeit and pay any Sum not exceeding Thirty Pounds nor less than Forty Shillings, to be recovered in like Manner as any other Penalty is hereby directed to be recovered, and the same shall be applied in defraying and bearing the Expences of this Act; and that when the said Certificate shall have been delivered to the said Justices by the said Surveyor or Surveyors as aforesaid, and shall have been by them allowed and confirmed, all and singular the said Roads shall to all Intents and Purposes become, be, and remain, and be at all Times deemed, considered, and taken as and for Parts of the King's Highway within the Parish or Place where the same shall be situate, and shall be repaired and kept in Repair, in such Manner, and at such Charges and Expence, as the publick Highways upon or over the said Common, Waste, and Heath Lands so intended to be divided and inclosed, within such respective Parish or Place, heretofore have been, and now are by Law made and repaired; and that all such other publick Roads, and all private Roads and Ways, and all Ditches, Drains, Bridges, Banks, Gates, Stiles, and other Works, as shall be set out and appointed as aforesaid, shall be made, and from Time to Time amended, cleansed, and repaired by or at the Expence of all or such of the Persons interested, and in such Manner as the said Commissioners shall in that Behalf, by their Award herein-after mentioned, or until the same shall be executed, by any other Writing or Writings under their Hands, order, direct, or appoint; and that it shall not be lawful for any Person afterwards to use, or claim the Use of any Road or Way, publick or private, through or over the said Common, Waste, or Heath Lands so to be divided, or any Part thereof, other than such Roads and Ways as shall be set out and appointed

appointed as aforesaid; and that all such former Roads and Ways in, over, or through the said Common, Waste, and Heath Lands, as shall be diverted, altered, or changed, or which shall not be specified and ascertained, or so as aforesaid set out and appointed as and for publick and private Roads or Ways by the said Commissioners, shall be and be deemed Parts of the said Common, Waste, and Heath Lands, and shall be divided, allotted, held, and enjoyed in severalty as Part thereof accordingly.

XXIV. Provided nevertheless, and be it further enacted, That as soon as conveniently may be after the said Commissioners shall have set out and appointed such publick Carriage Roads as aforesaid, they shall cause Notice thereof to be given by Advertisement in some Newspaper published, or if none be published, then in some Newspaper circulated in the said County of *Glamorgan*; and that it shall be lawful for any Person or Persons whomsoever, who shall be dissatisfied with the setting out, Appointment or Disposition of any of such publick Carriage Roads as aforesaid (on giving Notice in Writing to any One of the said Commissioners of his, her, or their Intention within Twenty Days after the Publication of such Advertisement, and within Ten Days after such Notice entering into a Recognizance before some Justice of the Peace for the said County of *Glamorgan*, with Two sufficient Sureties, in any Sum not exceeding Fifty Pounds, nor less than Twenty Pounds, conditioned to try such Appeal, and abide the Order of, and to pay such Costs as shall be awarded in Manner herein-after mentioned) to appeal against all or any of such publick Carriage Roads to some General Quarter Sessions of the Peace to be held in and for the said County of *Glamorgan*, within Three Calendar Months next after the Publication of such Advertisement, and he, she, or they shall be heard by himself, herself, or themselves, or by his, her, or their Counsel, Agents, Attornies, and Witnesses; and that the said Commissioners, or One of them, or their Surveyor or Clerk, shall attend at such Sessions; and the Justices before whom such Appeal shall be made, upon due Proof of such Notice being given as aforesaid, and of the entering into such Recognizance, shall, on hearing the Evidence, finally determine whether the said Roads so appealed against shall be made, or whether any other publick Roads shall be set out, and shall make and give such Orders and Directions touching the Matters before them, and award such Costs as to them shall seem necessary and expedient in that Behalf; and such Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case no such Notice shall be given to One of the Commissioners as aforesaid, or such Recognizance shall not be entered into, or such Appeal shall not be proceeded in as aforesaid, then such setting out, Appointment, and Disposition of the said Roads by the said Commissioners as aforesaid shall be final and conclusive to all and every Person and Persons whomsoever.

Notice to be given of Roads being set out.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum or Sums of Money as shall from Time to Time be necessary for defraying the Charges and

Commissioners may borrow Money to pay Expences.

Expences of passing and executing this Act, until the same shall be raised by such Sale as herein-after directed; which Sum or Sums of Money to be borrowed shall be a Charge upon the said Common, Waste, and Heath Lands intended to be divided and inclosed until the same shall be raised and repaid by such Sale, with Interest for the same; and the said Commissioners shall have Power, if they think proper, to grant a Term or Terms of Years of the said Common, Waste, and Heath Lands hereby intended to be divided and inclosed, or any Part thereof, for securing the Money so to be advanced, with Interest, as aforesaid.

Power to sell  
Land for de-  
fraying Ex-  
pences of this  
Act.

XXVI. And be it further enacted, That the said Commissioners shall, and they are hereby required in the next Place, to set out, ascertain, and allot so much and such convenient Part or Parts of the said Common, Waste, and Heath Lands, as in the Judgement of the said Commissioners shall be sufficient to raise a proportionate and competent Sum of Money for paying the Charges and Expences of obtaining and passing this Act, and the Surveys to be made as aforesaid, and of setting out, making, forming, and putting in complete Repair, according to the Directions herein-before given for that Purpose, the said publick Carriage Roads, and the Ditches and Fences thereof, and of Ring-fencing the several Allotments to be made in respect of Glebe Lands, and the said Commissioners; Charges and Expences of dividing and allotting the said Common, Waste, and Heath Lands, and of preparing and executing their Award, and all other incidental Charges and Expences whatsoever, for or by reason of, or preparatory to the said intended Division or Inclosure of the said Common, Waste, and Heath Lands, and carrying this Act into Execution, and to sell such Allotment or Allotments by publick Auction to such Person or Persons as shall be willing to become a Purchaser or Purchasers thereof, for the best Price or Prices that can or may be reasonably had for the same; and One Seventh Part at least of the Money for which such Land shall be sold at the Time of such Sale shall be deposited by the Purchaser or Purchasers in the Hands of the said Commissioners, and the Remainder of such Purchase Money shall be paid to the said Commissioners at such Time as shall be agreed upon between them and such Purchaser or Purchasers, not exceeding Six Calendar Months next after such Sale; and the Receipt or Receipts of the said Commissioners for the Purchase Money which shall be agreed to be paid for the Land which shall be so sold shall be a full and complete Discharge, or full and complete Discharges to the Purchaser or Purchasers thereof for the Consideration Money which shall be therein expressed to be received; and such Purchaser or Purchasers after such Receipt or Receipts shall not be obliged to see to the Application of such Purchase Money which shall be therein expressed to be received, or any Part thereof, or be answerable or accountable for the Misapplication or Non-application thereof, or of any Part thereof; and in Default of such Payment the Money deposited as aforesaid shall be forfeited, and shall be applied towards carrying this Act into Execution, and the Allotment or Allotments shall be again put up to Sale in Manner aforesaid; and after Payment of the full Purchase Money for any such Allotment or Allotments, the Purchaser or Purchasers shall thereupon respectively have and take to himself, herself, or themselves, and his, her, or their respective Heirs and Assigns, an absolute Estate of Inheritance in Fee Simple of and in the Lands which shall be comprized in such his, her, or their respective Purchase or Purchases,

and

and for which such Consideration Money shall be so paid as aforesaid, and the same shall be also conveyed unto the respective Purchasers thereof, and a Conveyance thereof by Lease and Release, made and executed by the said Commissioners, shall be valid and effectual in Law, to vest the same in such respective Purchasers, their Heirs and Assigns; and the Money arising from such Sale or Sales shall be applied by the said Commissioners in defraying the several Charges and Expences as aforesaid; provided that no such Sale shall be made as aforesaid until Twenty Days Notice in Writing thereof at least shall have been affixed on the principal outer Doors of the said several Parish Churches of *Saint John the Baptist in Cardiff, Landaff, Whitchurch, Roath, and Lanishen*, and advertised in One of the *Bristol Newspapers*.

XXVII. Provided always, That in case the Money arising by the Sale of such Allotment or Allotments as aforesaid shall not be sufficient to defray all the Charges and Expences aforesaid, then the Deficiency shall be made up by the several Persons and Bodies Politick or Corporate interested in the said Common, Waste, and Heath Lands, and shall be paid in such Shares and Proportions, and within such Time, and to such Person or Persons as the said Commissioners shall direct, nominate; and appoint; or in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this Act, which ought to be borne and defrayed by any particular Person or Persons, Body Politick or Corporate, and not out of any Money to be raised for the general Purposes of this Act, then the same shall be paid in such Shares and Proportions, and by such Person or Persons, and within such Time, and to such Person and Persons as the said Commissioners shall direct, nominate; or appoint; and in case any Person or Persons, Body Politick or Corporate, hereinbefore made subject to the Payment of any Money towards such Charges and Expences as aforesaid, shall neglect or refuse to pay his, her, or their Share or Proportion thereof within the Term to be appointed as aforesaid, or at any Time after, upon Demand, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person or Persons, Body Politick or Corporate, wheresoever the same may be found, by Warrant under the Hands and Seals of the said Commissioners, which Warrant the said Commissioners are hereby authorized and empowered to grant upon Proof, on Oath, of such Neglect or Refusal, and of such Demand as aforesaid, which Oath the said Commissioners are hereby empowered to administer, and the Overplus (if any) after deducting the Charges of such Distress and Sale, shall be returned to the Person or Persons, Body Politick or Corporate whose Goods and Chattels shall have been so distrained and sold, or otherwise it shall be lawful for the said Commissioners, by any Writing under their Hands, to nominate and appoint from Time to Time a Bailiff or Receiver of the Rents and Profits of such Allotment or Allotments, with such reasonable Salary for his Pains and Trouble therein as they in their Discretion shall think fit, which said Bailiff or Receiver shall have and is hereby vested with full Power to fence and manage the same, and to receive the Rents, Issues, and Profits thereof, and pay the same, after deducting all such Demands as he shall have in pursuance of the Trusts in him reposed, to and for the Use and Benefit of the Person or Persons, Body Politick or Corporate, neglecting or refusing to accept of such Shares and Allotments, and pay such Expences as aforesaid, his, her, or their Representatives,

If any Deficiency to be made good by Proprietors.

sentatives, until such Time as he, she, or they shall be willing and desirous to accept the same.

Allotment to  
Lords of the  
Manors.

XXVIII. And be it further enacted, That after the said Highways and Roads shall be set out as aforesaid, and the Allotment or Allotments to be sold for the Purpose of defraying the Expences of obtaining and putting in Execution this Act shall be set out as aforesaid, the said Commissioners shall, and they are hereby authorized and required to set out, assign, and allot unto or for the said *John* Marquis of *Bute* and *John* Earl of *Windsor*, Lords of *Cardiff*, and of the said Manors of *Lystalybont* and *Roath Dogfield*, in proportion to their respective Interests therein, their Heirs and Assigns, Lord and Lords thereof, such Part or Parts of the said Common, Waste, and Heath Lands within the said Lordships and several Manors, as shall be equivalent to One full Eighteenth Part of the Residue thereof, to be divided amongst the Lords of the said Lordship and several Manors, in proportion to the Quantity and Quality of the Common, Waste, and Heath Lands lying and being within their said Lordship and Manors respectively, in lieu of the Rights of the Lords of the said Lordship and several Manors, in and to the Soil of the said Common, Waste, and Heath Lands respectively.

Allotment of  
the Residue.

XXIX. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, after the several Allotments herein-before directed shall have been made, to set out, allot, and award in severalty the Residue of all the said Common, Waste, and Heath Lands hereby directed to be divided and inclosed within each respective Parish and Manor unto and amongst the said Bailiffs, Aldermen, and Burgeses of the Town of *Cardiff* aforesaid; and the several Owners and Proprietors of the Lands, Tenements, and Hereditaments having any Right of Common upon the said Common, Waste, and Heath Lands hereby intended to be divided and inclosed, in such Shares and Proportions as herein-after mentioned; (that is to say) One Half in Value of the Residue of the said Common, Waste, and Heath Lands (Quantity, Quality, and Situation considered), shall be set out, allotted, and awarded unto the said Bailiffs, Aldermen, and Burgeses of the said Town of *Cardiff* and their Successors, Bailiffs, Aldermen, and Burgeses of the said Town of *Cardiff*; and the remaining Half Part in Value of the Residue of the said Common, Waste, and Heath Lands (Quantity, Quality, and Situation considered), shall be set out, allotted, and awarded unto and among the several Owners and Proprietors of Lands and Tenements within the said several Parishes having Right of Common or other Rights in or upon the said Common, Waste, and Heath Lands, in such Shares and Proportions as the said Commissioners shall adjudge and determine to be equivalent to such respective Rights of Common in lieu of and in Satisfaction for the same.

Commissioners may make  
Alterations  
respecting Al-  
lotments or  
private Roads  
before the  
Execution of  
the Award.

XXX. Provided always, That it shall be lawful for the said Commissioners, at any Time before executing their final Award, to make any Alterations in the Allotments and Fences which may have been set out and ordered, or private Roads laid or to be laid over, or to such Allotments as they shall think right and expedient; and in case any Person or Persons be injured by such Alterations, on Account of any Expences he or they may have been at, the said Commissioners shall ascertain and determine



determine what Recompence shall be made to him, her, or them; and shall direct by whom and in what Manner such Recompence shall be made.

XXXI. Provided nevertheless, That it shall be lawful for the said Commissioners at any other Time (in case they shall think it proper) by giving Ten Days previous Notice for that Purpose in Writing under their Hands, to be inserted in such Newspaper or Newspapers as aforesaid, to extinguish, annul, or suspend all Right of Common in or over the said Common, Waste, and Heath Lands, and that from and after the Time that shall be fixed in the said Notice for that Purpose all such Right of Common shall cease and be for ever extinguished or suspended.

Right of Common may be extinguished before the Execution of the Award.

XXXII. And be it further enacted, That where the Proprietor or Proprietors of any Lands or other Hereditaments which shall be allotted or exchanged by virtue of this Act shall hold their said respective Lands or Hereditaments by different Tenures, or for different Estates, or under different Titles, the said Commissioners shall, upon the Request of such respective Proprietors, in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held by each of such Tenures for each of such Estates, and under each of such Titles respectively, and shall accordingly in their said Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments; and where, from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating, as herein-before is required, such different Titles, different Estates, and different Tenures, and after making of the said Award, Request shall be made to the said Commissioners by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and, so far as that Purpose shall require, to examine Witnesses, and in every other Respect to proceed and act as if the Award had not been made; and when they shall have obtained what they think sufficient Information, are hereby also authorized, by any Deed under their Hands and Seals, to ascertain and distinguish the Difference of Tenures, Estates, and Titles respectively, and accordingly to make distinct and several Allotments, in the same Manner as is hereby required where such Discrimination shall be contained in the said Award; and every such separate Instrument shall have the same Effect as if it was contained in the said Award, and the same Supplemental Instrument shall be delivered to the Person or Persons upon whose Request the said Omission shall have been supplied, or to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question shall in the Opinion of the Commissioners most probably belong for the Time being; and all Expences which shall be reasonably incurred in or about any such Supplemental Instrument as aforesaid shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, his or their Heirs, Executors, or Administrators.

Separate Allotments to be made for Lands held by different Tenures.

XXXIII. And be it further enacted, That the several Allotments to be set out and allotted unto and for the several Persons, Bodies Politick or Corporate, interested in the Lands and Grounds to be inclosed as aforesaid,

Allotments to be in Bar of Rights.

[Loc. & Per.]

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said,

said, shall be and are hereby vested in them respectively, in full Bar and Satisfaction of and for their respective Properties and Interests in the Common, Waste, and Heath Lands to be inclosed at the Time of such Allotments being made.

Proprietors to accept.

XXXIV. And be it further enacted, That every Person or Persons, Bodies Politick or Corporate, who shall be entitled to any Part of the said Inclosure, shall and they are hereby required to accept of his, her, and their respective Allotments within such Time as the said Commissioners shall, by their said Award, or by any Writing previous thereto, appoint; and in case any Person or Persons as aforesaid, Bodies Politick or Corporate, shall neglect or refuse to accept his, her, or their respective Allotment or Allotments within such Time, such Person or Persons so neglecting, their Successors, Heirs, or Assigns, shall be totally excluded from any Estate, Interest, or Right of Common whatsoever in any Part of the Common, Waste, and Heath Lands assigned or allotted, or any other Person or Persons by virtue of this Act.

Trustees, &c. empowered to accept.

XXXV. And be it further enacted, That the Guardians, Husbands, Trustees, Committees or Attornies of, or Persons acting as Guardians, Trustees, Committees or Attornies for any Person or Persons being Infants, Lunaticks, Idiots, Femes Covert, or beyond the Seas, or otherwise incapable by Law to accept any such Allotments, shall be and are hereby enabled and required to accept of such Allotment or Allotments, and every such Acceptance respectively shall be and is hereby declared to be valid and effectual to all Intents and Purposes.

Not to prejudice Infants.

XXXVI. Provided nevertheless, That the Non-claim or Non-acceptance of any Guardian, Husband, Trustee, Committee, or Attorney as aforesaid, shall not exclude or any Way prejudice the Claim or Acceptance of any Infant, Idiot, Lunatick, Feme Covert, or any other Person under Disability or Incapacity who shall accept such Allotments within Twelve Calendar Months after such Disability and Incapacity shall be removed, or of any Person or Persons entitled as Heir or in Remainder after the Death of any Person or Persons dying under such Incapacity or Disability, who shall claim or accept within Twelve Calendar Months next after his, her, or their Right, Title, or Interest shall have accrued, descended, or vested, or be known so to be.

Small Allotments may be laid together.

XXXVII. And be it further enacted, That if any Three or more Persons, who shall or may become entitled to specifick Allotments of the said Common, Waste, and Heath Lands hereby intended to be inclosed, shall be minded, for the Purpose of saving the Expences between each other, to have their said Allotments laid contiguous to and adjoining each other, and shall jointly or individually, signify such their Desire in Writing to the said Commissioners, at any Meeting previous to the setting out of such Allotments, the said Commissioners shall in that case, after ascertaining each Person's Allotment, lay the same contiguous and adjoining to each other in One or more Plots or Parcels, and shall make and lay down by their Award such Rules and Orders for the Mode of Management and Enjoyment of such Allotments, and for ascertaining on what Condition any of the Owners thereof for the Time being shall be at Liberty hereafter to fence off their respective Shares thereof as the said Commissioners shall

shall think just and equitable, which Rules and Orders shall be binding and conclusive upon all Parties concerned in such Allotment, and their Heirs and Assigns.

XXXVIII. And be it further enacted, That the Plot and Plots of Lands and Grounds which shall be set out and allotted in right or respect of any Glebe Land within the said Parishes, shall be inclosed and fenced round with Ditches, Posts, and Rails, or other proper Mounds and Fences, and Quicksets or Hawthorns shall be planted in the Tops of such Fences, and that the same shall be so made and done by or under the Directions of the said Commissioners, and the Expences thereof shall be borne and paid in such Manner as the Expences of obtaining and executing this Act are hereby directed to be paid; and the said Commissioners shall direct and appoint what Part of the said Ditches and Fences shall afterwards respectively belong to the Owners of such Glebe Lands respectively for the Time being, and what Part to any other of the said Proprietors; and the said Ditches and Fences, when properly made, shall for ever thereafter be kept up, maintained, and supported by and at the Expence of the Person or Persons whom the said Commissioners shall in and by their said Award direct to keep the same in Repair.

For Ring-fencing Glebe Allotments.

XXXIX. And be it further enacted, That it shall be lawful for the Owner or Owners of such last-mentioned Allotments (by and with the Consent of the Lord Bishop of the Diocese, and the respective Patrons of the Church or Chapel to which such Allotments shall belong, to grant any Lease or Leases to any Person or Persons whomsoever of the said Lands or Grounds so to be allotted to such Owner or Owners respectively under and by virtue of this Act, or any Part or Parts thereof, for any Term or Number of Years not exceeding Twenty-one Years, to be computed from the *Lady Day* or *Michaelmas Day*, which ever shall first happen, next after the Execution of the said Award; and so as in every such Lease there be reserved and made payable the best and most improved yearly Rent that can be reasonably had for the same; and so as no Fine or Foregift be paid or contracted to be paid for the granting of any such Lease or Leases; and so as no such Lease or Leases be made dispensable of Waste; and so as the Lessee or Lessees to whom the same shall be made, be obliged yearly to spend, spread, and consume in an Husband-like Manner upon the Premises so to be demised, all the Manure arising from the Produce thereof; and so as the Rent or Rents thereby to be reserved be made payable Quarterly; and that Power of Re-entry on Non-payment of such Rent or Rents, and such other usual and necessary Powers and Covenants be contained therein as are usually inserted in Leases of the like Nature; and so as the Lessee or Lessees in every such Lease do seal and deliver a Counterpart thereof; and every such Lease shall be good, valid, and effectual in Law, to all Intents and Purposes; any Law, Usage, or Custom to the contrary notwithstanding.

Power to grant Leases.

XL. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be inclosed and ring-fenced with Ditches and Quickset Hedges, or other proper Mounds and Fences, as soon after the same are staked or marked out as conveniently may be, and within such Time, and in such Manner as the said Commissioners shall direct or appoint; and that the several Fences to be made as aforesaid shall be made

Allotments how to be fenced.

made and for ever afterwards repaired, supported, and maintained by or at the Expence of the several Proprietors of the Allotments to be set out by virtue of this Act, in such Shares and Proportions as the said Commissioners shall direct and appoint; and in case any Person or Persons, Bodies Politick or Corporate, shall neglect or refuse to make such Hedges, Ditches, and Fences within the Time and in Manner aforesaid, then in every such Case it shall be lawful for the Person or Persons, Body Politick or Corporate, interested in the Lands next adjoining to such unfenced Land, to exhibit a Complaint in Writing against the Person, Body Politick or Corporate, who ought to have fenced the same, before any One of His Majesty's Justices of the Peace for the County of *Glamorgan*, not interested in the Lands and Grounds to be inclosed as aforesaid, who shall thereupon summon the Parties concerned, and enquire into the Nature of the Complaint, and examine all proper Witnesses upon Oath (which Oath such Justice is hereby empowered to administer); and after such Summons and Examination had and taken, shall and may, if he shall see Cause, direct the Person or Persons, Body Politick or Corporate, exhibiting such Complaint as aforesaid, to make such Fences; and when the same shall be so made, such Justice shall and may ascertain the Costs and Charges of doing thereof, and by Warrant under his Hand and Seal, directed to the Person or Persons, Body Politick or Corporate, exhibiting such Complaint as aforesaid, or to any other Person or Persons, cause the Costs and Charges so to be ascertained to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons, Body Politick or Corporate so refusing and neglecting as aforesaid, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the Charges of such Distress and Sale, or otherwise shall and may, by any Writing under his Hand and Seal, authorize and empower the Person or Persons exhibiting such Complaint as aforesaid to enter into and upon the Premises allotted to such Person or Persons refusing or neglecting to pay as aforesaid; and to take and receive the Rents and Profits thereof respectively, until thereby or therewith the Costs and Charges of making, repairing, and maintaining the Fences of the Person or Persons so neglecting, refusing, or omitting as aforesaid, and also all Costs and Charges occasioned by or attending such Entry upon and Perception of the Rents and Profits of the same Premises shall be respectively fully paid and satisfied.

For proportioning  
Boundary  
Fences.

XLI. Provided always, That if, through the Situation or other Circumstances of any Allotment or Allotments, it shall happen that the Proprietor or Proprietors thereof shall not have a proportionable Share of Boundary Fencing thereto it shall be lawful for the said Commissioners, where they shall judge it reasonable, to ascertain and appoint any Sum or Sums of Money to be paid by such Proprietor or Proprietors towards the Boundary Fencing of such other or others of the said Proprietors as may happen to have too great a Proportion thereof, in order that the Expences of the Boundary Fencing may be brought as near as may be to a just and equal Proportion; and the Money so to be ascertained and appointed shall be levied and recovered in such and the same Manner as last hereinbefore mentioned, with respect to the Expence of making and raising Fences where Parties neglect or refuse so to do.

XLII. And

XLII. And be it further enacted, That it shall be lawful for all or any of the Proprietors, after their Allotments shall have been by the said Commissioners staked and set out, by and with the Consent of the said Commissioners, in Writing under their Hands, to enter upon and ditch out their respective Allotments, and to quick or otherwise fence the same, in such Manner, and at such Time or Times as the said Commissioners shall direct; and in case any such ditching, quicking, or fencing shall be wilfully damaged or destroyed, or any Crop that shall be growing upon any such Allotment or Allotments shall be in anywise injured, the Person or Persons wilfully damaging or destroying any such Quick, Ditch, or Fence, or wilfully injuring any such Crop, shall be deemed a Trespasser or Trespassers against the Person or Persons empowered as aforesaid to enter upon such Allotment or Allotments respectively, his, her, or their Tenant or Tenants, and shall be liable to answer Damages to him, her, or them in respect thereof, in like Manner as if the Award herein-after directed to be made was made and executed, and any such Offence was afterwards committed.

Power to  
fence out Al-  
lotments as  
soon as set  
out.

XLIII. And be it further enacted, That for the better preserving of the Quicksets to be planted for dividing the said Lands and Grounds, it shall be lawful for the respective Persons, Bodies Politick or Corporate, to whom any Allotment shall be made by virtue of this Act, from Time to Time, and at all Times, during the Term of Seven Years next after the signing and sealing the said Award or Instrument, to set down Posts and Rails, or any other Fences, on the Outside of the Ditches bounding their respective Allotments, not exceeding Four Feet from such Ditches, and to backtrench the said Posts and Rails, or any other Fence, by digging within the said Space of Four Feet; and at any Time before the End of the said Term to remove, take, and carry away such Posts and Rails, or other Fences, and convert the same to their own respective Uses.

For putting  
down Guard  
fences.

XLIV. And be it further enacted, That convenient Gaps and Openings shall be left in the Fences to be made by virtue of this Act for the Space of Twelve Calendar Months next after the Execution of the said Award or Instrument, for the Passage of Cattle, Carts, and Carriages, in, by, and through the same, unless the said Commissioners shall, by Writing under their Hands, direct the same to be made up sooner.

Gaps to be  
left.

XLV. And be it further enacted, That no Sheep or Lambs, Horses, Asses, Beasts, or other Cattle, shall at any Time within the First Nine Years after the Allotments to be made in pursuance of this Act shall be marked or staked out, and directed to be entered upon by the respective Proprietors thereof, be kept in any of the publick Roads or Ways to be set out in pursuance of this Act, which shall be fenced on either Side, or laned out, nor any Sheep or Lambs in any of the Inclosures to be made in pursuance of this Act within the First Seven Years from the Time of the making or staking out the Allotments, and directing the same to be entered upon by the respective Proprietors thereof, except the same be sufficiently guarded by Hurdles or other proper Fences.

For prevent-  
ing Injury to  
new Fences  
by Sheep,  
Cattle, &c.

XLVI. And be it further enacted, That as soon as conveniently may be after such Division and Allotments of the said Common, Waste, and Heath Lands to be inclosed as aforesaid shall be compleated and finished,

Award to be  
made.

the said Commissioners shall form and draw up, or cause to be formed and drawn up an Award or Instrument in Writing, which shall express the Quantity and Contents, in Statute Measure, of the Acres, Roods, and Perches which the Whole of the Land to be inclosed as aforesaid contains, and the Quantity and Contents, in like Measure, of every Part or Parcel thereof assigned and allotted to every of the Parties entitled thereto, and a Description of the Situation, Buttals, and Boundaries of such Parcels and Allotments, and also of the said Parishes respectively, and proper Orders for and concerning the laying out of the said publick Carriage Roads, and the laying out, maintaining, and keeping in Repair the said other Roads or Ways, and all Banks, Ditches, Drains, Watercourses, Bridges, Gates, Stiles, Fences, and other Requisites to be set out and appointed as aforesaid in, upon, and over the said intended Inclosures, and also such other Orders, Regulations, and Directions as shall in the Judgement of the said Commissioners be necessary and proper, and conformable to the true Tenor of this Act; and there shall be Two Parts of the said Award fairly engrossed upon Parchment, One Part whereof shall be read over in the Presence of the Proprietors, who may attend at a Special General Meeting to be held for that Purpose (of which Ten Days Notice shall be given in One of the *Bristol Newspapers*), and the said Two Parts shall be executed by the said Commissioners at such Meeting, which Execution shall be proclaimed the next *Sunday* in the said several Parish Churches of *Saint John the Baptist* in *Cardiff*, *Landaff*, *Whitchurch*, *Roath*, and *Lanishen*, from which Time only the said Award shall be considered as complete; One Part of which said Award shall, within Six Calendar Months next after the Execution thereof, be deposited among the Records of the County of *Glamorgan*, under the Care of the Clerk of the Peace for the Time being, who is hereby authorized and empowered to receive and deposit the same amongst the Records of the said County, upon receiving a Fee of Five Pounds and Five Shillings for so doing, and who shall permit the same to be inspected by any Person or Persons whomsoever from Time to Time, and at all reasonable Times for ever, paying the Sum of One Shilling and no more to the Clerk of the Peace for every such Search and Inspection; which said Award so to be deposited as aforesaid, or a Copy thereof, or of so much thereof as relates to any Matter in Question, attested by the Clerk of the Peace or his Deputy, as also the other Part of the Award to be deposited as herein-after mentioned, shall be admitted in all Courts as legal Evidence of the same, which Copy the said Clerk of the Peace, or his Deputy, shall make and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy after the Rate of Three-pence for each Sheet, reckoning Seventy-two Words to each Sheet; and the several Allotments, Divisions, Orders, Directions, Regulations, and Determinations so to be made as aforesaid in and by such Award, shall be binding and conclusive unto and upon all Persons, Bodies Politick and Corporate whatsoever, entitled to or claiming any Property in the said Common, Waste, and Heath Lands to be inclosed as aforesaid; and the other Part of the said Award shall be deposited among the publick Records of the said Town of *Cardiff*, to the End that the same may be inspected from Time to Time by any Person or Persons interested in the said Division and Inclosure, upon Payment of One Shilling to the Town Clerk of the said Town for every such Inspection.

XLVII. And be it further enacted, That nothing in this Act contained shall be deemed, adjudged, or taken to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Portion, Debt, or Incumbrance, out of, upon, or affecting any of the Common, Waste, and Heath Lands to be inclosed as aforesaid, or any of the Lands, Tenements, or Hereditaments which may be exchanged in pursuance of this Act, or any Part thereof respectively; but the said several Lands, Tenements, and Hereditaments so to be inclosed and exchanged shall, from and immediately after the making such Allotments or Exchanges, be, remain, and enure to the several Persons to whom such Persons shall from thenceforth stand and be seised thereof, to such and the same Uses, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the several Lands, Tenements, or Hereditaments, in respect or in lieu whereof such Allotments or Exchanges shall be made, now are, or would have been made subject or liable to, be charged with or affected by in case the same had remained uninclosed or unexchanged, or this Act had not been made.

Not to annul Wills.

XLVIII. And be it further enacted, That all Allotments to be made of the said Common, Waste, or Heath Lands by virtue of this Act, in respect of any Lands, Tenements, or Hereditaments held by Leases at Rack Rent, or by Leases for which no Fines were paid to the Grantors as the Considerations for the same, shall be allotted unto and held by the several Owners and Proprietors of such Lands, Tenements, or Hereditaments, freed and discharged from all Right or Claim of such respective Leases to, in, or upon the said Allotments, or any Part thereof to be derived under or by virtue of such Leases; and in case any such Lessee, or Lessees shall think himself, herself, or themselves aggrieved thereby, and such Landlords and Tenants shall not settle the same to their mutual Satisfaction, then and in every such Case it shall be lawful for the said Commissioners, on Application to them made by either Party, to take the Matter in Question into their Consideration, and to order and direct every such Landlord to make unto every such Lessee, for his or her Loss of Commonage, or other Losses by Means of the said Division, such a fair and adequate Allowance, by Way of Abatement or Deduction in the Rent of every such Lease reserved, as the said Commissioners shall think just and equitable.

Allotments of leased Property to be made to Landlords.

XLIX. And whereas some of the Proprietors of Lands, Tenements, and Hereditaments within the said respective Parishes may be seised thereof, or entitled thereto as Joint Tenants, or Tenants in Common, and cannot, by Reason of some legal Impediment or Incapacity, make an effectual Separation and Division thereof in Severalty; be it therefore enacted, That it shall be lawful for the said Commissioners if they shall think proper, and by and with the Consent in Writing of such Proprietors as aforesaid, but not otherwise, to allot, set out, appoint and award in Severalty, to and for each of the Parties so seised or entitled as aforesaid, such Part of their respective Estates and Premises aforesaid as shall in the Judgement of the said Commissioners be equal in Value to, and a full Equivalent and Satisfaction respectively for such undivided Estates, Right, and Interest which each Person shall then have in the said Premises; and all and every Person and Persons to whom such Land shall be allotted in Severalty

Power for Commissioners to make Partition of undivided Estates.

as aforesaid shall and may at all Times, after the Execution of the said Award, hold and enjoy the same in the same Manner, and subject to the same Uses as they could respectively have held and enjoyed their said respective Estates within the said respective Parishes in case this Act had not been made (such undivided Interest therein only excepted).

Power to make Exchanges.

L. And be it further enacted, That it shall be lawful for all Bodies Politick or Corporate, and other Persons Proprietors of Lands, Messuages, Tenements, and Hereditaments within the said several Parishes of *Saint John the Baptist in Cardiff, Landoff, Whitchurch, Roath, and Lanishen*, who shall have in him, her, or them an Estate of Inheritance in Fee Tail, or be Tenant for Life or Lives in such Premises, or on any other Contingency, or seised of any other Estate therein, to exchange all or any such Lands, Messuages, Tenements, or Hereditaments, either within the said several Parishes, or any adjoining Parish, Village, or Liberty, so as all such Exchanges be made by and with the Consent and Approbation of the said Commissioners, such Consent and Approbation being signified by their being Parties to and executing every such respective Deed of Exchange, and so as all such Exchanges be expressed and declared in such Award or Instrument; and that all and every such Exchange or Exchanges as aforesaid, which shall be made with such Consent and Approbation as aforesaid, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided always, That no Exchange shall be made by virtue of this Act of any Messuages, Lands, Tenements, or Hereditaments held in Right of any Church or Chapel, without the Consent of the Lord Bishop of the Diocese, and the Patron thereof respectively for the Time being.

Guardians, &c. may exchange and divide Houses or Lands for Infants, &c.

LI. Provided always, That if any Feme Covert, Infant, or other Person under any Disability or Incapacity shall be Owner or Owners, Proprietor or Proprietors, or be Joint Tenant or Tenants in Common of any Lands, Messuages, Tenements, or Hereditaments to be exchanged or partitioned by virtue of this Act, it shall be lawful for the Husbands, Guardians, Trustees, or Committees respectively of such Feme Covert, Infant, or other Person under such Disability or Incapacity, to make such Exchange or Partition on Behalf of such Feme Covert, Infant, or other incapacitated Person, such Exchange and Partition being ascertained, specified, and declared as above mentioned.

Expences of Exchanges and Partitions to be paid by Parties exchanging.

LII. Provided also, and be it further enacted, That all Costs, Charges, and Expences attending the making of any such Exchanges or Partitions as aforesaid shall be paid and borne by the several Persons making the same, in such Manner, and in such Proportions, as the said Commissioners shall by their said Award, or other separate Deed or Instrument, order or direct.

Power to borrow Money.

LIII. And be it further enacted, That it shall and may be lawful for all Persons who, after such Division and Allotments to be made as aforesaid, shall be Owners and Proprietors for the Time being of any of the Allotments to be made in pursuance of this Act, or of any Part thereof, and to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or for any of the said Owners or Proprietors being under Coverture, Minors, or beyond the Seas, or otherwise incapable to act for themselves, and



and to and for every of them, and to and for any of the said Owners or Proprietors being Tenants for Life (except the Rectors and Vicars for the Time being respectively) or in Tail, or for Years determinable on Lives, or for any other Contingencies, and to and for the said Bodies Politick and Corporate, and to and for every of them respectively, by and with the Consent of the said Commissioners in Writing under their Hands and Seals, from Time to Time to charge the several Lands and Grounds which shall be comprized in such respective Allotments, or any Part thereof, with such Sum or Sums of Money as the said Commissioners shall find sufficient for the Purposes herein-after mentioned, and to be paid to such Person or Persons as the said Commissioners shall nominate and appoint, in order to be applied and disposed of for paying and defraying the respective Shares and Proportions of the Money to be charged on the several Persons interested in the said Lands and Grounds, or on the said Bodies Politick or Corporate (if any such shall be charged), to supply any Deficiency which there may be in the Money raised by Sale of Land as aforesaid, and also the Charges and Expences of Ring-fencing the Allotment or Allotments to be made to such Owners and Proprietors, whether such Ring-fencing shall be done by such Owners and Proprietors, or by any other Person in case of their Refusal as herein-before mentioned respectively; and for securing the Re-payment of the said Sum and Sums of Money, with Interest, to grant, mortgage, lease, or demise the Land and Ground so to be charged therewith unto any Person or Persons who shall advance and lend the same respectively, for any Term or Number of Years, so as every such Grant or Demise be made with a Proviso or Condition to cease and be void when such Sum or Sums of Money thereby secured, with the Interest thereof, shall be paid and satisfied, and so as in every such Grant and Demise to be made by any Person or Persons entitled for Life only, as Tenant in Tail, or upon any other Contingency, there be contained a Covenant to pay and keep down the Interest of the Money thereby to be secured during his, her, or their respective Lives, or for so long as he, she, or they shall continue seised of such Allotment or Allotments respectively, and so that no Person afterwards becoming possessed of or entitled to such Lands or Grounds so to be charged with any Sum or Sums of Money as aforesaid shall be liable to pay any further or larger Arrear of Interest than for One Year preceding the Time that the Title to such Possession shall have commenced; or otherwise it shall be lawful for the said Commissioners, by any Deed or Deeds, Writing or Writings under their Hands and Seals, to be attested by Two or more credible Witnesses, at the Request of such of the said Owners and Proprietors, being Tenants for Life, or in Tail, or upon any other Contingency, who shall respectively pay and discharge his, her, and their proportionable Part of the Charges and Expences aforesaid, to authorize and empower such Owners and Proprietors, any or either of them making such Request, to charge and subject the Land and Ground so to be allotted to such Owners and Proprietors thereof respectively with such Sum or Sums of Money so to be charged as aforesaid, shall be payable within One Year next after the Decease of every such Tenant for Life or in Tail, or other Contingency respectively, with the Interest thereof, to be computed from his, her, or their respective Decease, unto such Person or Persons as such respective Tenants for Life, or in Tail, or other Contingency, shall respectively, by Deed or Will, duly executed and attested, direct and appoint, and in Default thereof, to his, her, or their Executors or Admini-

Securities  
assignable.

nistrators; and every such Grant, Lease, Mortgage, Appointment, and Demise, and Charge by Deed or Will as aforesaid, shall be good, valid, and effectual in the Law for the Purposes thereby intended; and all and every Person and Persons to whom any Grant, Mortgage, or Demise shall be made by virtue of this Act as a Security for any Sum or Sums of Money, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Deeds, Writing or Writings under his, her, or their Hand and Seal, or Hands and Seals, to be executed in the Presence of Two or more credible Witnesses, assign and transfer the same Security or Securities, and the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest in the same, to any Person or Persons whomsoever, who may again, in like Manner, assign the same, and so *toties quoties*; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors and Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients in Law or Equity, for recovering and obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Non-payment of the Principal Money and Interest thereby secured, or any Part thereof, as is or are used, taken, and pursued in Cases of the like Nature.

Proprietors to  
pay their own  
Expences.

LIV. And be it further enacted, That the said Proprietors shall pay their own Expences, and the Charges and Expences of their Agents and Attornies when they shall attend the said Commissioners at any of their Meetings to be had for putting this Act into Execution.

Persons who  
advance Mo-  
ney to be paid.

LV. And be it further enacted, That if any Person or Persons shall advance any Sum or Sums of Money in Manner aforesaid, for the Purpose of defraying the Expences previous to obtaining and passing this Act, or afterwards for carrying the same into Execution, every such Person shall be repaid the same with Interest, at the Rate of Five Pounds *per Centum per Annum*, out of the first Monies that shall be raised for defraying any Expences by virtue of this Act.

Books of Ac-  
count to be  
left with the  
Clerk for Pro-  
prietors In-  
spection.

LVI. And be it further enacted, That the said Commissioners shall and they are hereby required to enter in a Book to be provided for that Purpose an Account of all Monies whatever received by them during the Progress of the Inclosure, and also of all the Charges, Expences, and Disbursements which shall accrue or be made by virtue of this Act and in carrying the same into Execution, which Book of Accounts shall be kept, at the Office of the Clerk of the said Commissioners to be appointed by this Act, open at all seasonable Times during the Progress of the said Inclosure, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case the said Commissioners or the said Clerk shall neglect to provide and keep such Book of Account as aforesaid, or refuse the Inspection thereof to any of the Proprietors at reasonable Times, in Manner before mentioned, and shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses not interested in the intended Division and Inclosure, before any Justice of the Peace of the said County of *Glamorgan*, or of such other County or Place where such Commissioner or Clerk is causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every

every such Offence any Sum not exceeding Ten Pounds nor less than Two Pounds; and if he or they shall make Default in paying such Sum for the Space of Ten Days next after such Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant, and the Overplus of such Penalty and the Charges of such Distress and Sale, when deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels, and their Moneys arising by such Forfeiture or Penalty shall be paid and applied to or to the Use of such Proprietor or Persons interested making the Complaint.

LVII. And be it further enacted, That all and every the Monies to be raised and received under and by virtue of the Powers of this Act during the Progress of the said intended Division and Inclosure; shall from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid to and deposited in the Hands of some Banker, or such other Person or Persons as shall be approved by a Majority in Value of the Proprietors who shall be present at the First Meeting of the said Commissioners, and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker or other Person or Persons to be appointed as aforesaid shall be issued or paid by them without an Order in Writing under the Hands of the said Commissioners, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due, and that the Balance (if any) upon the final Settlement of all Accounts in anywise concerning the Business of the said intended Division and Inclosure shall (except as herein-after mentioned) be immediately paid to the several Proprietors or Persons interested, in proportion to their respective Rights and Interests in and to the Lands hereby directed to be divided and inclosed, or (as the Case may be) in proportion to the several Sums respectively paid and advanced by them.

Monies received, when amounting to 50<sup>l</sup>. to be put in a Banker's Hands, or such other Person as a Majority of Proprietors shall appoint.

LVIII. Provided always, and be it further enacted, That if any Surplus shall remain of the Money to be raised by Sale of Lands as aforesaid, and any Share or Proportion thereof as aforesaid shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any Disability or Incapacity, such Moneys shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England; in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the Commissioners for executing this Act, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court (to be signified by an Order made upon a Petition to be preferred in a summary Way by the Corporation or Person or Persons aforesaid) in the purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the Estates in respect of which such Surplus Money shall be paid, or affecting other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall

For disposing of the Surplus (if any) of the Money raised for paying the Expences of this Act.

shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and to such and the like Uses, Trusts, Intents, and Purposes; and in the same Manner as the Estates in respect of which such Surplus Money shall be paid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made; but if any Money to be paid shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of such Estate, or his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and to be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid (at the like Option of Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery; and where such Money so to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons entitled to the Rents and Profits of such Estate in respect of which the same shall be paid, in such Manner as the said Commissioners shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

Allowing an  
Appeal.

LIX. And be it further enacted, That if any Person or Persons, Bodies Politick or Corporate, shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act (other than and except by virtue of such Orders, Awards, or Determinations of the said Commissioners herein-before declared to be binding and conclusive), then and in every such Case, he, she, or they may appeal to the General Quarter Sessions of the Peace to be held in and for the said County of *Glamorgan* next after the Cause of Complaint shall have arisen; and the Justices at

the

the said Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order, and award such Costs as to them in their Discretion shall seem reasonable, and by their Order and Warrant to levy the Costs and Damages which shall be awarded by the said Justices by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale, which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

LX. And be it further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons, Body Politick or Corporate, for any Thing done or to be done in pursuance of this Act, or in Execution of any of the Powers hereby given (except where the same is herein-before particularly directed to be brought), every such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Hereford*, and not elsewhere; and the Defendant or Defendants in such Action or Suits shall and may plead the General Issue, and, if in Replevin, may justify by virtue of this Act, and give the special Matter in Evidence without specially pleading the same, other than as aforesaid, at any Trial to be had thereupon, and that the same was done in pursuance and by virtue of this Act.

Limitations of  
Actions.

LXI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *John Marquis of Bute* and *John Earl of Windsor*, or either of them, or the said *Francis Earl of Landaff*, in case his Claim shall be substantiated, or any future Lord or Lords of the said Manors respectively, in or to any of the Royalties, Seignories and Services respectively incident or belonging to the said Manors; but that the said *John Marquis of Bute*, *John Earl of Windsor*, and all and every future Lord or Lords of the said Manors for the Time being, shall and may at all Times for ever hereafter hold and enjoy all Rents, Services, Courts, Perquisites, Fines, and other Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and other Royalties, Jurisdictions, Rights, Privileges, and Pre-eminences whatsoever to the said Manors incident, appendant, belonging, or appertaining (other than and except the Right of Soil, being the only Right herein-before directed to be compensated for) in as full, ample, and beneficial Manner, to all Intents and Purposes, as he or they could have held and enjoyed the same in case this Act had not been made.

Preservation  
of Lords  
Rights.

LXII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, Bodies Politick and Corporate, his, her, or their Heirs, Successors, Executors, and Administrators (other than and except the respective Persons to whom any Allotment or Compensation shall be made by virtue of this

General  
Savings.

[*Loc. & Per.*]

[22 N]

Act),

Act), all such Estate, Right, Title, and Interest as they, every, or any of them had and were entitled to before the passing of this Act, of, in, to, or out of the said Common, Waste, and Heath Lands so directed to be divided, allotted, and inclosed as aforesaid, or could have had or enjoyed therein in case this Act had not been made.

Publick Act.

LXIII. And be it further enacted, That this Act shall be adjudged, deemed, and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices, and other Persons whomsoever without specially pleading the same.

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