



ANNO QUADRAGESIMO SECUNDO

GEORGI II. REGIS.

Cap. 30.

An Act for dividing, allotting, and inclosing, a Tract of Common and Waste Lands, called *Rhosbirwaun*, situate in the several Parishes of *Aberdaron*, *Llanfaelrhys*, and *Bryncroes*, in the County of *Caernarvon*. [15th April 1802.]

WHEREAS there is within the several Parishes of *Aberdaron*, *Llanfaelrhys*, and *Bryncroes*, in the County of *Caernarvon*, a large Tract of Common and Waste Lands, called or known by the Name of *Rhosbirwaun*, or by what other Name or Names the same is called, known, or distinguished, containing by Estimation Two thousand Acres, or thereabouts: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord of the Manor of *Bardsey*, Part of which lies within the said Parishes of *Aberdaron* and *Bryncroes*, and as such is entitled to the incidental Manerial Rights, Perquisites, and Profits arising from the same Manor, and claims also to be entitled to the Soil of so much of the said Common and Waste Lands as lies within the same Manor, or unto some Parts or Portions thereof now remaining uninclosed: And whereas the Master, Fellows, and Scholars of *Saint John's College* in the University of *Cambridge*, are entitled to the perpetual Advowson, Right of Patronage and Presentation of, in, and to the Rectory of the

[Loc. & Per.] 5 N Parish

Parish and Parish Church of *Aberdaron*, with the Chapel of the said Parish of *Llanfaelrhys* annexed; and *John Mainwaring* Clerk, Margaret Professor of Divinity in the said University of *Cambridge*, is Rector of the Rectory and Parish Church of *Aberdaron*, with the said Chapel annexed, and as such is entitled to a Part of certain mixed Tythes arising in respect of divers Messuages, Tenements, and Lands situate in the said Parishes of *Aberdaron* and *Llanfaelrhys*, exercising a Right of Eatage and Pasturage on the said Common and Waste Lands intended hereby to be divided, allotted, and inclosed; and the Honourable *Jane Finch* is Improprator and Owner of other Part of such mixed Tythes: And whereas the Right Reverend *William* Lord Bishop of *Bangor*, in Right of his See, is seised of the perpetual Advowson, Right of Patronage, and Presentation of, in, and to the Vicarages of the said Parishes of *Aberdaron* and *Llanfaelrhys*; and *Griffith Jones* Clerk, is Vicar thereof, and as such entitled to the Remainder of such mixed Tythes: And whereas the said *Jane Finch* is Improprator and Owner of certain mixed Tythes arising in respect of divers Messuages, Tenements, and Lands, situate in the said Parish of *Bryncroes*, exercising a Right of Eatage and Pasturage on the said Common and Waste Lands: And whereas *Hester Lynch Piozzi* is Improprator and Owner of certain mixed Tythes arising in respect of divers Messuages, Tenements, and Lands, situate in the Parish of *Llangwnadle*, in the said County of *Caernarvon*, exercising a Right of Eatage and Pasturage on the said Common and Waste Lands: And whereas the said *William* Lord Bishop of *Bangor*, in Right of his See, is seised of the perpetual Advowson, Right of Patronage, and Presentation of, in, and to the Chapel of the Parish of *Bodverin*, as annexed to the Rectory of *Llanieftyn*: And whereas the Rector of the Rectory and Parish Church of *Llanieftyn*, to which the said Parish of *Bodverin* is annexed, in Right thereof, is entitled to certain mixed Tythes arising in respect of divers Messuages, Tenements, and Lands, situate in the said Parish of *Bodverin*, exercising a Right of Eatage and Pasturage on the said Common and Waste Lands: And whereas the Benefit and Advantage arising to the said Master, Fellows, and Scholars, the said *William* Lord Bishop of *Bangor*, the said *Jane Finch*, the said *John Mainwaring*, the said *Griffith Jones*, the said *Hester Lynch Piozzi*, and the Rector of the Rectory of *Llanieftyn* aforesaid, from such mixed Tythes, is so inconsiderable and inadequate to the Benefit and Advantage which they will derive from the intended Division and Inclosure, it is expedient that the same should cease, determine, and be extinguished, in Manner herein-after mentioned: And whereas the Right Honourable *Thomas* Lord *Newborough*, Sir *Robert Williames Vaughan* Baronet, *Richard Edwards* Esquire, the said *Jane Finch*, and divers other Persons, are the Owners and Proprietors of, or otherwise interested in several Messuages, Lands, and Hereditaments within the said several Parishes of *Aberdaron*, *Llanfaelrhys*, and *Bryncroes*, and in the said Parishes of *Llangwnadle* and *Bodverin*, and have in respect thereof a Right of Common in, over, and upon the said Tract of Common and Waste Lands, in Proportion to their several and respective Estates within the said Parishes: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act, certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Tract of Common and Waste Lands is, in its present Situation, incapable of any considerable Improvement; and it would be advantageous

to

to the several Persons interested therein if the same were divided, and specifick Parts thereof allotted to the respective Proprietors thereof, and Persons interested therein, according to their respective Rights and Interests, and such Allotments inclosed; but such Division, Allotment, and Inclosure cannot be effected 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 *Benjamin Wyatt* of *Lime Grove* in the County of *Caernarvon*, Esquire, and his Successors, to be elected in Manner herein-after mentioned, shall be and he and they is and are hereby appointed Commissioner and Commissioners for setting out, dividing, allotting, and inclosing the said Tract of Common and Waste Lands called *Rhoshirwaun*, and for carrying this Act into Execution, subject nevertheless to the Rules, Orders, and Directions mentioned and contained in the said recited Act, except in such Cases where the same are hereby varied or altered; and that the said Commissioner shall be paid the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for his Trouble and Expences in every Day's Journey or Attendance which he shall necessarily take or give in the Execution of the Powers given by this Act.

Commissioner.

II. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given in the *Chester* Newspapers, if more than One, and if only One, then in such Newspaper, and also make Proclamation at the Market Town of *Pwllheli* and the Village of *Sarn Meilltyrne*, in the said County of *Caernarvon*, on the respective Market Days of the said Town and Village, of the Time and Place of the First and every subsequent Meeting for the Execution of this Act, at least Ten Days before any such Meeting shall be held (Meetings by Adjournment, which the said Commissioner is hereby authorized to make, only excepted); and in case the said Commissioner shall not be present at such Time and Place, then it shall be lawful for the Person who shall act as Clerk to the said Commissioner, to adjourn the same to any future Day, not exceeding Twenty-one Days from the Day of Adjournment.

Commissioner to give Notice of Meeting.

III. Provided always, and be it enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, shall be so made and given by Advertisements in the said *Chester* Newspapers, or in case neither of them shall then be published, then in some other Newspaper circulated in the said County of *Caernarvon*.

Other Notices how to be given.

IV. And be it further enacted, That if the said *Benjamin Wyatt*, the Commissioner appointed by this Act, or any other Commissioner to be appointed as herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby in him vested, die, or refuse to act, or become incapable of acting, or, without some lawful Cause, neglect to attend a Meeting for putting this Act into Execution for the Space of Two Calendar Months after he shall have received Notice from any Person interested in the said Inclosure, requiring him to attend a Meeting for putting this Act in Execution, then it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment), of the Proprietors or Persons interested in the Lands and Grounds directed by

Appointment of new Commissioner.

by this Act to be inclosed, or their known Agents or Attornies, who shall be present at a Meeting to be held for that Purpose in the said Village of *Sarn Meilltyrne*, in pursuance of a Notice to be given in Manner as herein-before directed, at least Fourteen Days before such Meeting, to appoint One other Commissioner (not interested in the said intended Division and Inclosure), by Writing under their Hands, in the Room of him who shall die, refuse, or become incapable to act, or neglect to attend as aforesaid, and so from Time to Time as often as any Commissioner shall die, refuse, or become incapable to act, or neglect to attend as aforesaid; and every Commissioner so to be appointed, shall have the like Power and Authority to act in the Execution of this Act, as the Commissioner in whose Place he shall be appointed was vested with by virtue of this Act; and the Non-attendance of such Commissioner (except prevented by Illness or other sufficient Excuse), for Two successive Meetings next after having been required by such Notice to attend, shall be deemed a Refusal to act.

Commissioner
to determine
upon Claims.

V. And be it further enacted, That if any Dispute or Difference shall arise between the Parties interested or claiming to be interested in the said intended Division and Inclosure, or any of them, touching or concerning the respective Shares, Rights, and Interests which they or any of them shall claim in the Lands and Grounds hereby intended to be divided and inclosed as aforesaid, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized to examine into, hear, and determine the same; and the Determination of the said Commissioner therein shall be binding and conclusive upon all and every the Parties interested in such Division and Inclosure (except as herein-after mentioned): Provided always, that nothing herein contained shall authorize the said Commissioner to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever.

Power to assess
Costs.

VI. And be it further enacted, That in case the said Commissioner shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand; then and in such Case it shall be lawful for the said Commissioner, and he is hereby required and authorized, by Warrant under his Hand directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

VII. Pro-

VII. Provided always, and be it enacted, That in case any Person or Persons interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioner, touching or concerning any Claim or Claims of the Right to the Soil of the said Common and Waste Lands, or of any Rights of Common or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law of the Matter so determined by the said Commissioner, at the then next or at the following Great Sessions to be holden for the said County of *Caernarvon*, and for that Purpose the Person or Persons who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought upon a feigned Issue against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall be made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined; such Issue or Issues to be settled by the proper Officer of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought, shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner, touching such Claim or Claims of Right to the Soil of the said Common and Waste Lands, or of any Rights of Common in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Allowing Parties to try their Rights by an Issue at Law.

Determination of Commissioner to be final, if not objected to, or Action not brought.

VIII. And be it further enacted, That if any of the Parties in any Action to 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.

If any of the Parties die, Proceedings not to abate.

IX. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, assign, and allot such Part and Parcel of the said Common and Waste Lands, as he shall think proper and sufficient, as and for publick Stone and Gravel Pits, for the Purpose of getting Materials for the forming, completing, and repairing the publick and private Roads and Ways in the said Parishes respectively wherein the said Tract of Common or Waste Lands is situated as aforesaid, and by the said recited Act directed to be set out, formed, completed, and repaired, and to and

Allotment for getting Materials for the Repair of Roads, etc.

for such other Uses and Purposes as the said Commissioner in his Award, by the said recited Act directed to be made, shall appoint.

Allotment to
the Lord of
the Manor.

X. And be it further enacted, That the said Commissioner shall assign, set out, and allot, unto and for the King's most Excellent Majesty, His Heirs and Successors, for and in lieu of His Right and Interest in the Soil of the said Common and Waste Lands as Lord of the Manor of *Bardsey* aforesaid, so much and such Part or Parts of the said Common and Waste Lands hereby intended to be divided and inclosed, as is situate, lying, and being within the said Manor, and as shall in the Judgement of the said Commissioner (Quantity, Quality, and Situation considered), be equal to One full Twentieth Part or Share of so much of the said Common and Waste Lands as is situate, lying, and being in the said Manor, for and in lieu, and as a Recompence and Satisfaction for his Right to the Soil of the said Common and Waste Lands.

General Allotment.

XI. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required in the next Place to apportion, divide, set out, and allot the Residue and Remainder of the said Common and Waste Lands hereby intended to be divided, allotted, and inclosed, between and amongst the several Owners and Proprietors of Lands and Hereditaments having any Right and Interest in such Common and Waste Lands, in Proportion to their respective Shares, Rights, Property, and Interest therein.

For determining
Encroachments.

XII. And be it further enacted, That all Encroachments which have been made upon or taken from the said Common and Waste Lands, within the Space of Twenty Years before the passing of this Act, or that have been laid open within the said Space of Twenty Years, shall be deemed and taken to be Part and Parcel of the said Common and Waste Lands hereby directed to be divided, allotted, and inclosed; and the same, and all Cottages and Buildings erected thereon, shall be set out and allotted to such of the Persons entitled to any Shares or Allotments upon the said intended Division and Inclosure, to whom the same shall, in the Judgement of the said Commissioner, be most convenient, as Part of the Allotments to be made to him, her, or them respectively.

Commissioner
may borrow
Money to de-
fray the Ex-
pences.

XIII. And be it further enacted, That it shall be lawful for the said Commissioner 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 Expences of passing and executing this Act, until the same shall be raised by Sale of Land as herein-after directed; which Sum or Sums of Money to be borrowed shall be a Charge upon the said Common and Waste Lands hereby intended to be divided, allotted, and inclosed, until the same shall be raised and repaid by such Sale, with Interest for the same; and the said Commissioner shall have Power, if he thinks proper, to grant a Term or Terms of Years of the said Common and Waste Lands hereby intended to be divided, allotted, and inclosed, or any Part thereof, for securing the Money so to be advanced, with Interest as aforesaid.

XIV. And

XIV. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, assign, and allot so much and such convenient Part or Parts of the said Common and Waste Lands as in his Judgement shall be sufficient to raise a competent Sum of Money for paying the Charges and Expences of obtaining and passing this Act, and all other incidental Charges and Expences whatsoever for or by reason of, or preparatory to the said intended Division and Inclosure, and of carrying this Act into complete Execution; and such Allotment or Allotments shall be sold and disposed of in the Manner directed by the said recited Act, and the Purchase Money shall be applied for the Purposes aforesaid.

Power to sell Land for defraying the Expences of this Act.

XV. Provided always, That in case the Money to be raised by such Sale or Sales as aforesaid shall not be sufficient to pay and defray all the Costs, Charges, and Expences aforesaid, the Deficiency shall be made up by the several Persons interested in the said Common and Waste Lands, (except the King's most Excellent Majesty, His Heirs and Successors), and shall be paid in such Shares and Proportions, and within such Time, and to such Person or Persons as the said Commissioner 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, 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 (except as aforesaid), and within such Time, and to such Person or Persons, as the said Commissioner shall direct, nominate, or appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof, within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in the Manner directed by the said recited Act.

Deficiency (if any) to be made good by the Proprietors.

XVI. And be it further enacted, That all Costs, Charges, and Expences attending the making of any Sales, Exchanges, or Partitions to be made by virtue of the said recited Act or this Act, shall be paid, borne, and defrayed by the several Persons making such Sales, Exchanges, and Partitions, in such Manner, and in such Proportions, as the said Commissioner shall by his said Award, or other separate Deed or Instrument, order and direct.

For paying the Expences of Sales, and making Exchanges, &c.

XVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner, at any Time before the Execution of his Award, to make any Alteration in the Allotments and Fences which he may have directed to be set out and ordered, as he shall think right and expedient; and in case any Person or Persons shall be injured by such Alterations, on Account of any Expences he, she, or they may have been at, the said Commissioner shall ascertain and 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.

Commissioner may make any Alteration respecting Allotments before the Execution of the Award.

XVIII. And be it further enacted, That from and immediately after the Execution of the Award of the said Commissioner, all such mixed Tythes

All mixed Tythes arising from the Common in its

Commonable
State, to be
extinguished.

Tythes as are now arising and accruing, as herein-before mentioned, from the said Common and Waste Lands in its Commonable State, shall cease, determine, and be for ever extinguished: Provided nevertheless, that any Thing in this Act expressed or contained shall not be deemed or intended to prevent, abolish, determine, or extinguish any mixed or other Tythes (save and except such mixed Tythes as are hereby intended to be extinguished as aforesaid), or any Right or Claim thereto, which now or hereafter may arise or accrue within the said several Parishes, or from any ancient Inclosures, or by reason of the said Common and Waste Lands being inclosed by virtue and in pursuance of this and the said recited Act.

For fencing
Allotments.

XIX. And be it further enacted, That the several Allotments to be made in pursuance of this Act, shall be inclosed and ring-fenced by the said Commissioner in such Manner as he shall direct or appoint, and that the Expences thereof shall be paid out of the Money to be raised by Sale or Sales of Part or Parts of the said Common and Waste Lands in Manner herein-before directed, but the same Fences shall for ever hereafter be 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 Commissioner shall by his said Award or Instrument direct or appoint.

No Sheep to
be depastured
in the new In-
closures for
7 Years.

XX. And be it further enacted, That it shall be lawful for all or any of the Proprietors, after their Allotments shall have been made by Order of the said Commissioner, to 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 Commissioner shall think fit; and for the better preserving the young Hedges or Quicksets, it shall not be lawful for any Person or Persons to depasture or keep any Sheep or Lambs upon any of the new Inclosures to be made by virtue of this Act, for the Space of Seven Years from the Execution of the said Award, unless the Persons so respectively depasturing or keeping Sheep or Lambs do effectually, at their own Expence, guard and fence their Neighbour's Quicksets adjoining to such Inclosures respectively in which Sheep or Lambs shall be kept as aforesaid, so as to prevent any Damage or Injury being done to the said Fences or Quicksets by any such Sheep or Lambs; and the Persons respectively depasturing such Sheep or Lambs as aforesaid, and neglecting or refusing to guard their Neighbour's Quicksets as aforesaid, shall be liable to pay such Damages as shall be sustained by any Person or Persons whomsoever by reason or on account of such depasturing and keeping Sheep or Lambs as aforesaid; which Damages, in case of Refusal to pay the same upon Demand, shall and may be levied and recovered in the same Manner as Penalties are directed by the said recited Act to be levied and recovered.

No Sheep or
Cattle to be
turned into
the Lanes for
9 Years.

XXI. And be it further enacted, That if any Person shall, during the Space of Nine Years from the Execution of the said Award, wilfully turn or put, or cause to be turned or put any Cattle, into any of the Lanes, Ways, or Roads on either Side of which any new growing Fence shall be planted, or shall not remove his or her Cattle from such Lanes, Ways, or Roads, on Notice thereof given, such Person or Persons shall forfeit and pay, for every such Offence, any Sum not exceeding Forty Shillings

Shillings nor less than Five Shillings; which Penalty or Penalties shall be levied and recovered in the Manner last herein-before mentioned, and shall be paid to the Surveyors of the Highways of the Parish wherein such Offence shall be committed, and be applied by them in the Amendment and Preservation of the Highways of the said Parish.

XXII. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act, to give, grant, bargain, sell, demise, limit, convey, assure, and dispose of the same, for all or any Part of his, her, or their Estate and Interest therein or Right thereto, at any Time before the Execution of the Award of the said Commissioner; and every such Gift, Grant, Bargain, Sale, Demise, Limitation, and Disposition thereof, as well by Will as any other Conveyance and Assurance, shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he or she is entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award; and it shall be lawful for the said Commissioner, and he is hereby authorized and empowered to award all and every such Allotment or Allotments which shall be so sold and disposed of, or be made and set out in lieu of any Common Right so sold or disposed of, to the Purchaser or Purchasers thereof, or other Person or Persons who shall be entitled to the same by virtue of any such Sale or Disposition; and every such Purchaser or Purchasers, and his and their Heirs and Assigns, shall and may, from and after the Execution of the said Award, hold and enjoy the Land so to be allotted to him, her, or them as aforesaid, in the same Manner, to all Intents and Purposes, as the Vendor in every such Sale, Contract, or Agreement, might, could, or ought to have held and enjoyed the same in case such Sale, Contract, or Agreement had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotment as aforesaid.

Proprietors may sell their Allotment before the Execution of the Award, and their Rights of Common separate from their other Property.

XXIII. And be it further enacted, That nothing in this Act contained shall extend to revoke, make void, alter, or annul any Will or Wills, Settlement or Settlements, Mortgage or Mortgages, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Chief Rent, Fee Farm Rent, Incumbrance, or other Demand out of, upon, or affecting any of the Lands or Grounds hereby intended to be divided and inclosed, or any Part or Parcel thereof, or any of the Lands, Tenements, or Hereditaments which shall be exchanged, or partitioned and divided in pursuance of the Powers contained in this or the said recited Act, but the several Lands, Tenements, and Hereditaments so to be allotted, exchanged, partitioned, or divided as aforesaid, shall, immediately after such Allotment, Exchange, Partition, or Division respectively as aforesaid, be, remain, and enure to the several Persons to whom the same shall be so allotted or given, either in Exchange, or upon such Partition and Division as aforesaid; and such Persons shall from

Not to revoke any Will or Deed.

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thenceforth

thenceforth for ever stand and be seised thereof respectively to such and the same Uses, and subject to such and the same Wills, Settlements, Limitations, Remainders, Charges, Chief Rents, Fee Farm Rents, Incumbrances, and other Demands, as he, she, or they respectively would have stood seised of his, her, or their several Lands, Tenements, and Hereditaments, liable to be allotted or exchanged, partitioned and divided as aforesaid, in case the same had remained uninclosed, unexchanged, and undivided, or this Act had not been made.

Ditches and
Drains to be
scoured.

XXIV. And be it further enacted, That every Proprietor, or his or her Tenant or Tenants, shall and they are hereby required from Time to Time effectually to scour and cleanse the Drains or Ditches of every ancient Inclosure in the said several Parishes as well as of every new Allotment to be made in pursuance of this Act, so that there shall be in no wise any Hindrance or Impediment to the Water passing into any of the publick Drains or Ditches which shall be ordered and directed by the said Commissioner to be made for that Purpose; from any of the old Inclosures or new Allotments to be made as aforesaid; and that if any such Proprietor, or his, her, or their Tenant or Occupier, shall neglect or refuse to cleanse and scour any of such Ditches or Drains so directed to be cleansed and scoured, according to the Orders and Directions of the said Commissioner, it shall be lawful for the Owners or Occupiers of any Allotment of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, or any ancient or present inclosed Lands in the said several Parishes, who shall in anywise be damaged or injured by any such Neglect or Default, to exhibit a Complaint upon Oath, touching such Neglect or Refusal, against the Occupier or Occupiers of such Lands and Grounds, before any Justice of the Peace for the said County of *Caernarvon* (not interested in the Premises); and such Justice is hereby authorized and required to summon the Parties concerned, and to examine Witnesses upon Oath, as to the Ground of such Complaint (which Oath, and also the Oath to be taken by the Person exhibiting such Complaint, such Justice is hereby empowered to administer), and in case such Complaint shall appear to be well founded, such Justice shall and may order and direct the Person or Persons exhibiting such Complaint, to cause the Works in respect whereof such Complaint shall be made, to be forthwith made and done according to the Directions of the said Commissioner, and also shall and may, by Warrant under his Hand and Seal, directed to such Person or Persons as he may think proper, cause the Charges and Expences of doing thereof, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing, rendering the Overplus (if any) after the Payment of such Costs and Charges, and the Costs and Charges attending such Distress and Sale, to the Owner or Owners of such Goods and Chattels.

Commissioner
to lay his Ac-
counts before
Two Justices
Once in every
Year.

XXV. And be it further enacted, That Once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof), the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all Sums of Money by him received and expended, or due to him for his own Trouble or Expences in the Execution of this Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before any Two or more of His Majesty's Justices of

the Peace, not interested in the Premises, for the said County of *Gaer-narvon*, to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

XXVI. And be it further enacted, That the Award of the said Commissioner, directed by the said recited Act to be made, shall, within Six Calendar Months next after the Execution thereof, be deposited with the Clerk of the Peace for the said County of *Caernarvon*, who is hereby authorized and required to receive and deposit the same amongst the Records of the said County, upon receiving a Fee of One Guinea for so doing; and the said Commissioner shall make or cause to be made Five Duplicates or Copies of the said original Award, and after the Intolment thereof in the Manner directed by the said recited Act, the said Duplicates or Copies shall be deposited in the several and respective Parish Churches of *Aberdaron*, *Llanfaelrhys*, *Bryncroes*, *Llangwnadle*, and *Bodverin*, or in such other Place or Places as the said Commissioner shall by such original Award direct and appoint.

Award and Copies to be deposited, etc.

XXVII. And be it further enacted, That the said Commissioner shall and he is hereby required to make an Extract on Parchment, under his Hand and Seal, of so much of the original Award directed to be made, as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty, together with such Regulations and Provisions relative to the said Allotment, or Allotments, or to any other Rights or Interests of His said Majesty, as may be contained in such Award, and also a Map or Plan of such Allotment, or Allotments, and transmit the same to the Surveyor General of His Majesty's Land Revenue for the Time being, within Six Calendar Months after the making and executing the said Award, to be by him filed and kept among the Muni-ments of his Office.

Commissioner to make Extract of so much of the Award as describes His Majesty's Allotment, and to deliver the same to the Surveyor General of the Land Revenue.

XXVIII. And be it further enacted, That any Person or Persons who shall advance and pay any Money in Discharge of the Fees or other Expences in or about the applying for and obtaining this Act, or carrying the same into Execution, to the Time of raising Money as aforesaid, shall be repaid the same with Interest, after the Rate of Five Pounds *per Centum per Annum*, out of the Monies which shall be first raised to defray the Expences by virtue thereof.

Persons advancing Money to pay the Expences of the Act, to be repaid with Interest.

XXIX. Provided always, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any of his Meetings to be held in pursuance of this Act.

Proprietors and Agents to pay their own Expences.

XXX. And be it further enacted, That if any Person or Persons shall think him, her, or themselves aggrieved by any Thing done in pursuance of this Act or the said recited Act, then and in every such Case (except where any other Mode of Relief is appointed, or the Orders or Determinations of the said Commissioner are directed to be final), he, she, or they

Persons aggrieved may appeal to the Quarter Sessions.

they may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said County of *Caernarvon* within Six Calendar Months next after the Cause of Complaint shall have arisen; and the Justices at their said General Quarter Sessions are hereby authorized and required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs as to them in their Discretion shall seem meet and reasonable, and by their Order or Warrant to levy the Costs which shall be awarded, 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 or removeable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster*, the Court of Great Session for the County of *Caernarvon*, or elsewhere.

Saving the
Rights of His
Majesty to
Minerals.

XXXI. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or defeat the Right or Interest of His Majesty, His Heirs or Successors, in and to all Mines, Ores, Minerals, and Coals, of what Nature or Kind soever, in or under the said Common and Waste Lands; but His said Majesty, His Heirs and Successors, and His and their Lessee and Lessees, Agents, Servants, Colliers, Miners, and other Workmen, shall and may from Time to Time and at all Times hereafter enter into, have, hold, enjoy, search, and work all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ore, Minerals, and Coal whatsoever, as fully and effectually to all Intents and Purposes, as they could have had, held, and enjoyed the same before the passing of this Act; and for that Purpose shall and may use all Pits, Shafts, Levels, Soughs, and Tunnels already open and sunk in the said Common and Waste Lands, and all Machines, Engines, and Buildings thereon erected or standing, together with full and free Liberty, Power, and Authority to and for his said Majesty, His Heirs and Successors, and His and their Lessee and Lessees, and their and every of their Agents, Servants, Miners, Colliers, and other Workmen, to sink, dig, delve, drive, and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, which they shall think necessary for discovering, searching for, raising, or getting any Mines, Ores, Minerals, and Coals whatsoever, in or under the said Common and Waste Lands, as well before as after the same shall have been inclosed; and also to erect any Number of Steam and other Engines, Machine and Machines, of what Nature or Kind soever, which they shall think necessary for the Use, Convenience, or Advantage of any Mine or Mines whatsoever, in or upon the said Premises, or any Part thereof; and to place, stack up, and lay all Lead, Copper, Iron, and other Ores, Coals, and other Minerals and Matters which shall be gotten and raised, and all Rubbish, Earth, and Soil upon the said Common and Waste Lands; and also to have, make, and use all convenient Ways, Roads, and Railways, in, upon, and over the said Common and Waste Lands when inclosed, for the Use of any Colliery or Mines sunk or made, or which may be sunk or made in any Part or Parts thereof, and for working and carrying on the same; and with Carts, Waggon, and other Carriages, to fetch, take, and carry away the Lead, Copper, and Iron Ores, and Coal, and all other Mines and Minerals whatsoever, there

there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon the same Common and Waste Lands when inclosed, for the discovering, getting, working, converting, removing, carrying away, felling, and disposing of all Mines, Coal, and other Minerals whatsoever, without any Molestation or Interruption whatsoever; and all and every such Damage, Trespass, and Injury as shall or may arise or happen to any Allotment or Allotments which shall be set out under this Act to the Owners and Occupiers thereof, shall be afterwards reimbursed to and raised among such Owner and Owners, and Occupiers respectively, other than and except His said Majesty, His Heirs and Successors, in Manner herein-after mentioned and directed; (that is to say), that when and as often as any such Damage or Injury in any Allotment or Allotments to be set out by virtue of this Act, for or in searching or working the aforesaid Mines and Minerals, or on Account of any Works, Buildings, or Concerns relating thereto shall be done, the Person or Persons who shall sustain any such Damage, Trespass, or Injury as aforesaid, shall give Information thereof to any Two or more Justices of the Peace for the said County of *Gaernarvon*, Ten Days previous Notice of such Information, signed by the Person giving the same, being fixed on the Door of the said Parish Church of *Aberdaron*; and such Justices shall and are hereby empowered to examine and enquire into such Complaint in a summary Way, and by Examination of Witnesses upon Oath (which Oath such Justices are hereby empowered to administer), or by such other Evidence or Proof, Ways or Means, as they shall think proper; and all and every Sum and Sums of Money paid in Satisfaction of such Damages, and the reasonable Charges of giving and prosecuting such Information (to be settled by the said Justices) shall be borne and paid by the Owners or Occupiers of all the Allotments of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, by an equal Rate, to be assessed and charged upon them in respect of their several Allotments, by such Justices, in such Shares and Proportions as shall be just, according to the respective yearly Rents or Values, which shall be ascertained and determined by the Assessments to the Poor Rates for the Time being, of the said Allotments, or of the Lands or Hereditaments in respect whereof such Allotments shall have been made; and in case any Person who shall be charged to such equal Rate as aforesaid, shall refuse or neglect to pay the same within a Time to be limited by the said Justices, to the Person informing as aforesaid, then the said Justices shall and are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person refusing or neglecting to pay as aforesaid, rendering the Overplus (if any) after deducting the reasonable Charges of such Warrant, Distress, and Sale, to the Owner of such Goods and Chattels, upon Demand; and in case any Occupier of any of the said Allotments shall pay any Part or Share of such equal Rate as aforesaid, every such Occupier shall be at Liberty to deduct the same out of his or her next Rent, and his or her Landlord shall and is hereby required to allow such Deduction.

XXXII. Saving always to the King's most Excellent Majesty, His Heirs General Saving. and Successors, and to all and every Person and Persons, Bodies Politick and Corporate, his, her, and their respective Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest (other than those meant and intended to be barred and excluded by this Act), as
 [Loc. & Per.] 5 2 they,

they, every, or any of them had or enjoyed of, in, to, or out of the said Lands and Grounds so directed to be divided, allotted, and inclosed as aforesaid, before the passing of this Act, or could or might have held or enjoyed in case the same had not been made,

Publick Act.

XXXIII, And be it further enacted, That this Act shall be deemed, adjudged and construed 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1802.