

Borough of *Denbigh*: And whereas the Right Reverend the Lord Bishop of *Saint Asaph* is Lord of the Manor of *Uwch Tersyn*, which comprizes a Part of the said Commons and Waste Lands, and is also entitled to all Tythes, both Great and Small, arising, growing, and renewing within the Township of *Bannister Iffaf* in the said Parish of *Henllan*: And whereas *William Davies Shipley* Clerk, Master of Arts, Dean of *Saint Asaph*, is in Right of such Deanry entitled to the Glebe Lands, and to all the Tythes, both Great and Small, arising, growing, and renewing within the Residue of the said Parish of *Henllan*: And whereas the Honourable *John Hamilton Fitzmaurice*, commonly called *Lord Viscount Kirkwall*, *Robert Myddelton Biddulph* Esquire, and *Charlotte* his Wife, the Honourable *Frederick West* and *Maria* his Wife, *Harriet Myddelton* Spinster, *Richard Butler Clough* Esquire, a Minor, *Daniel Leo* Esquire, *Robert Myddelton* Clerk, Doctor in Divinity, and several other Persons, are Owners and Proprietors of Messuages, Tenements, or Lands within the said Parish, and claim Right of Common over and upon the said Commons and Waste Lands, in Proportion to their several Estates within the said Parish: 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 Commons and Waste Lands are, in their present Situation, incapable of any considerable Improvement; and it would be advantageous 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 all the said Commons and Waste Lands shall be divided, allotted, and inclosed, by *John Matthews* of *Newmarket*, in the County of *Flint*, Gentleman, who is hereby appointed Commissioner for setting out, dividing, and allotting the same, 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.

41 Geo. 3.
c. 109.

Commissioner.

Surveyor.

II. And be it further enacted, That *Thomas Williams* of *Henllan* aforesaid, Land Surveyor, shall be, and is hereby appointed a Surveyor to act in the Execution of this Act.

For appoint-
ing a new
Commissioner
and Surveyor
in Case of
Death.

III. And be it further enacted, That if the said *John Matthews* and *Thomas Williams*, or either of them, or their or either of their respective Successors, shall die, or become incapable of acting, or refuse to act as a Commissioner or Surveyor as aforesaid, or shall for the Space of One Calendar Month wilfully neglect to act in their or his respective Office before this

this Act is completely executed, then and in such Case, it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessments), of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or their known Agents or Attornies, who shall be present at a publick Meeting to be held for that Purpose, in pursuance of Notice in Writing, signed by One or more Proprietor or Proprietors, to be affixed upon the principal outer Door of the Parish Church of *Henllan* aforesaid, at least Fourteen Days before such Meeting, to appoint a new Commissioner and Surveyor in the Room of the said *John Matthews* and *Thomas Williams*, or such of them, or their respective Successors, as shall die, refuse, neglect, or become incapable to act as aforesaid, and so from Time to Time as often as Occasion may require; and every Commissioner and Surveyor so to be appointed shall have the like Power and Authority, and shall be subject to the same Restrictions, as the Person in whose Place he shall be appointed was vested with and subject to by virtue of this Act.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be affixed upon the principal outer Door of the Parish Church of *Henllan* aforesaid, upon some *Sunday* during or immediately after Divine Service, of the Time and Place of holding every Meeting for the Execution of this Act, at least Fourteen Days before such Meeting shall be held, (Meetings by Adjournment to the next or any other Day within One Week only excepted); and every such Notice shall express the Purpose for which such Meeting is to be held; and every Adjournment shall be made known to Six Proprietors at least before the Business of such Adjournment shall be proceeded upon; and every Meeting, whether by Adjournment or otherwise, shall be held at *Denbigh*, or in the Parish of *Henllan*, and not elsewhere; and all Objections to Claims shall be in Writing, and delivered to the said Commissioner at his First Meeting, of which Fourteen Days Notice shall be given as aforesaid, after such Claims shall have been respectively brought forward; and such Objections shall be determined by the said Commissioner at his next Meeting after such Objections shall have been made, unless such Commissioner shall see just Cause to allow further Time for the Determination thereof.

Commissioner
to give Notice
of Meetings.

V. Provided nevertheless, and be it further enacted, That in case any Person or Persons, Body or Bodies Politick or Corporate, 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 of the Soil of the said Commons and Waste Lands, or of any Rights of Common or other Rights or Interests in, over, or upon the Lands and Grounds herein directed to be divided, allotted, or inclosed, or any Part thereof, it shall be lawful for the Person or Persons so dissatisfied to proceed to a Trial at Law relative to the Matter so determined by the said Commissioner, at the then next or at the following Court of Great Sessions for the County of *Denbigh*, (Notice of which shall, within Fourteen Days next after the

Allowing
Parties to try
their Rights at
Law.

Deter-

Determination of the said Commissioner, be given to the said Commissioner, by entering the same in a Book to be openly kept for that Purpose by the said Commissioner); and for that Purpose such 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 or Issues, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioner; 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 such Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted upon, may be tried and determined; 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 whatsoever, Body or Bodies Politick or Corporate, unless the Court in which 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, and the Costs of such Action or Actions shall abide and follow the Event thereof, and be paid and recoverable by Execution, as other Costs are paid and recoverable in the said Court; unless the Judge or Judges before whom such Action or Actions shall be tried, shall certify on the Record that the said Claim or Objection respectively against which the Verdict or Verdicts shall be found was a reasonable and probable Claim or Objection, and fit or proper to be tried at Law; in which Case the Costs of the Party so making such unsuccessful Claim or Objection, and of the other Party respectively, shall be deemed and taken as Part of the Expences of carrying this Act into Execution, and be borne and defrayed as is herein provided in respect of such Expences: Provided always, that the Determination of the said Commissioner touching such Claim or Claims of the Right to the Soil of the said Commons and Waste Lands, or other Rights or Interests in, over, and upon the said Commons and Waste Lands 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.

Power for the
Crown to
appoint an
Assistant Com-
missioner.

VI. And be it further enacted, That the Surveyor General of His Majesty's Land Revenue, for the Time being, may, from Time to Time, by Writing under his Hand, nominate and appoint an Assistant Commissioner to carry this Act into Execution, as far as relates to His Majesty's Rights and Interests to and in the said Commons and Waste Lands; and such Assistant Commissioner, before he proceeds to the Execution thereof, shall take the same Oath as the Commissioner hereby appointed or hereafter to be appointed is required to take; and such Assistant Commissioner shall

shall be paid at the Rate of Two Pounds and Two Shillings for every Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences, and shall bear and pay his own Expences during the Time he shall be so employed.

VII. And be it further enacted, That the said Commissioner shall set out and allot such Parts or Portions of the said Commons and Waste Lands in the said Parish, not exceeding in the whole Thirty Statute Acres, in such Places as he shall judge most convenient, to be used and enjoyed for ever thereafter by the respective Proprietors of Lands or Hereditaments within the said Parish, who shall be adjudged to be entitled to any Allotment or Allotments of the said Commons or Waste Lands, and ultimately awarded the same by virtue of this Act, in common, for the Purpose of getting Lime Stone, Building Stone, Gravel, and Sand, for the Use, Benefit, or Improvement of such Lands or Hereditaments situated in the said Parish, in Right of which any Allotment or Allotments hath or have been made, as well as for the Use, Benefit, or Improvement of such Allotment or Allotments, the getting of such Stone, Gravel, and Sand to be got up, and the Labourers to be employed in getting the same, shall be and are hereby declared to be subject to such Regulations and Restrictions as by Order of Vestry of the said Parish for that Purpose first legally convened shall from Time to Time be directed and appointed; and also in the Repairs of the Highways, private Roads, and Paths within the same: Provided always, that such Stone, Gravel, and Sand, or either of them, shall not directly or indirectly be sold or disposed of to any Person or Persons whomsoever, or conveyed out of the said Parish under any Pretence whatsoever, under the Penalty of Twenty Shillings for every Ton Weight so sold or conveyed out of the said Parish, and so proportionably for any greater or less Weight or Quantity, to be paid by such Person or Persons for whose Use such Stone, Gravel, or Sand shall be dug up or got, to the Churchwardens of the said Parish for the Time being, and to be by them accounted for and applied in Aid of the Poor's Rates of the said Parish; and in case there shall be found Stone, or any other of the said Materials, in any private Land, in greater Abundance or more conveniently situated than any Part of the said Commons and Waste Lands, and the Owner or Owners thereof shall be willing to exchange the same for any Part of the said Commons or Waste Lands, it shall be lawful for the said Commissioner, and he is hereby empowered to make such Exchange or Exchanges; and after the same shall be agreed upon, the Lands so to be exchanged shall be mutually conveyed by Feoffment, with Livery of Seisin, to be given to and by the said Commissioner, and the exchanged Portion or Portions of the said Commons and Waste Lands shall vest in the Person or Persons with whom the same shall be so exchanged, to the same Use and Uses, Estate and Estates, as the Land given in Exchange was previously limited to or vested; and the Land so given in Exchange shall vest in the Proprietors for the Time being of Lands and Hereditaments within the said Parish, for the several Purposes aforesaid; and the said Commissioner may, where Occasion shall require,

Allotment for getting Materials, &c.

[Loc. & Per.]

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set out and open Springs and Pools, and other Watering Places for Cattle and Beasts within the said Parish, upon the said Commons and Waste Lands, and for the common Use and Benefit of all Owners or Occupiers of Messuages, Tenements, or Hereditaments within the said Parish.

Not to alter
Watercourses,
etc.

VIII. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioner to alter or change the Course of any ancient Watercourse or Land Drain for the Purposes aforesaid, or for any other Purpose or Purposes whatsoever, without the Consent in Writing of the Proprietor or Proprietors of such Lands or Hereditaments who shall or may be deprived of, or prejudiced in the Use or Benefit to be derived from the Water or Drainage which might otherwise have passed through his, her, or their Lands, if the Direction of such Watercourse or Land Drain had not been changed or altered, but that the same shall be and remain as the same hath heretofore usually been; any Thing in this Act contained to the contrary notwithstanding.

Power to sell
Land to defray
Expences.

IX. And be it further enacted, That the said Commissioner shall and he is hereby required to set out, ascertain, and allot so much and such convenient Part or Parts of the said Commons and Waste Lands as in his Judgement shall be sufficient to raise a competent Sum of Money for paying and defraying the Charges and Expences of obtaining and passing of 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 by publick Auction, and not otherwise, in the Manner directed by the said recited Act, and the Purchase Money shall be applied for the Purposes aforesaid.

Commissioner
may borrow
Money to pay
Expences till
Sale of Land.

X. And be it further enacted, That in case it shall be found necessary, before such Sale can be effected, to raise any Sum or Sums of Money for defraying the Expences aforesaid, it shall be lawful for the said Commissioner to borrow and take up at Interest such Sum or Sums of Money as he shall, from Time to Time, think necessary for the Purposes aforesaid; which Money so to be borrowed shall be repaid, with Interest at the Rate of Five Pounds *per Centum*, out of the Monies to be raised by such Sale as aforesaid, and shall in the mean Time be a Charge upon the said Commons and Waste Lands, or such Part or Parts thereof as the said Commissioner shall think proper so to charge therewith.

Deficiency (if
any) to be
made good by
the Proprie-
tors.

XI. Provided always, That in case the Money to be raised by such Sale as aforesaid shall not be sufficient to pay and defray all the Costs, Charges, and Expences as aforesaid, and of repaying the Money so to be borrowed by any Sum not exceeding One thousand Pounds, then the Deficiency shall be made up by the several Persons interested in the said Commons and Waste Lands, and shall be paid in such
Shares

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, 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.

XII. And be it further enacted, That out of the First Monies to be raised or borrowed by virtue of this Act, the said Commissioner shall and he is hereby required, in the First Place, to pay and defray all the Charges and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for the same, from the Time such Monies respectively shall have been actually advanced.

For paying the Expences of this Act, &c.

XIII. 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 order and direct.

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

XIV. And be it further enacted, That the Account of the said Commissioner, containing a true Statement of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act, together with the Vouchers relating thereto, shall (Once in every Year during the Execution of this Act, at a Meeting to be held for that Purpose, until such Account shall be finally settled and allowed), be examined by the said Lord Viscount *Kirkwall*, *Robert Myddelton Biddulph*, *Frederick West*, the Dean of *Saint Asaph* for the Time being, the said *Robert Myddelton*, *Robert Watkin Wynne*, *Edward Lloyd*, *John Wynne Griffith*, *John Foulkes*, *John Powell Foulkes*, and *John Lloyd Salisbury*, Esquires, the Reverend *Thomas Clough*, the Reverend *Roger Butler Clough*, the Aldermen of *Denbigh* for the Time being, *Thomas Lloyd of Denbigh*, and *John Roberts of Cobby*, Gentlemen, and Three Days Notice of such Meeting shall be given by the said Commissioner to each of the said Committee, or left at their respective Dwelling Houses or Places of Abode; and the Balance by them, or the major Part of them present at such Meeting, shall be stated in the Book of Accounts required to be kept in the Office of the Clerk to the said Commissioner;

The Accounts of the Commissioner to be audited and settled by a Committee.

tioner; and no Charge or Item in such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by the said Committee, or the major Part of them present at such Meeting.

Commissioner
and Survey-
or's Allow-
ance.

XV. And be it further enacted, That the said Commissioner shall be allowed the Sum of Two Pounds and Two Shillings for every Day that he shall be actually employed in the Execution of this Act, including Days of necessary Travelling as well as others, in full Satisfaction for his Time, Trouble, and Expences respecting such Employment; and the said Surveyor shall be allowed the Sum of One Pound and One Shilling for every Day that he shall be actually employed in the Execution of this Act (Expences included), except such Days as he shall be employed in surveying, measuring, and mapping, for which he shall be allowed at the Rate of One Shilling for every Acre which he shall so survey, measure, and map, and the Gross Sum of Twenty-one Pounds for reduced Maps and such other extra Work relating thereto as may be found necessary.

Allotment to
the King's
most Excellent
Majesty.

XVI. And be it further enacted, That the said Commissioner shall (after the Boundaries directed to be set out and ascertained by the said recited Act shall have been ascertained and fully determined, and the Roads, and the several Allotments for getting Materials and for Sale as herein-before mentioned shall have been set out and assigned, and before any other Allotment shall be made or set out), allot or set out to the King's most Excellent Majesty, His Heirs and Successors, with the Concurrence and Approbation in Writing of the said Assistant Commissioner, and not otherwise, so much and such Part or Parts of the said Commons and Waste Lands as shall be equal to One-twentieth Part in Value of so much thereof as lies within the said Lordship of *Denbigh*, and not included within the said Manor of *Uwch Terfyn* (of which said Allotment of One-twentieth Part in Value, an equal and rateable Proportion shall be set out in, upon; and from that Part of the said Commons and Waste Lands known by the Name of *Denbigh Green*).

Allotment in
lieu of the
Right to
Estrays, etc.

XVII. And be it further enacted, That the said Commissioner shall in the next Place set out and allot unto the said Aldermen, Bailiffs, and Burgeses, and their Successors, so much of the said Commons and Waste Lands lying within the Limits of the Borough of *Denbigh*, as shall be equal in Value to Fifty Acres of the average Value of the whole Quantity of the said Commons and Waste Lands within the Limits of the said Borough, for and in Compensation of their Right to Estrays within the said Borough, and also for their Right to Common of Pasture within the said Forest of *Llewency*.

Allotment to
the Lord
Bishop of
St. Asaph.

XVIII. And be it further enacted, That the said Commissioner shall assign, set out, and allot unto and for the said Lord Bishop of *Saint Asaph*, and his Successors, so much of the said Commons and Waste Lands as shall be equal in Value to One-twentieth Part of so much thereof

thereof as lies within the said Manor of *Uwch Terfyn*, for and in lieu and as a full Recompence and Satisfaction for his Rights and Interests as Lord of the said Manor of *Uwch Terfyn*.

XIX. And be it further enacted, That the said Commissioner shall divide, set out, and allot the Residue and Remainder of the said Commons and Waste Lands to and among the said Lord Viscount *Kirkwall*, *Robert Myddelton Biddulph* and *Charlotte* his Wife, *Frederick West* and *Maria* his Wife, *Harriet Myddelton*, *Richard Butler Clough*, *Daniel Leo*, *Robert Myddelton*, and all other Persons entitled to Right of Common upon the said Commons and Waste Lands within the said Parish of *Henllan*, rateably and in Proportion according to the Value of their respective Messuages, Lands, Tenements, or Hereditaments, in respect whereof they shall be adjudged to be severally entitled to such Right of Common, and which Value shall be ascertained and fixed by the said Commissioner; but in case it shall happen that the same Person or Persons is or are seised of Messuages, Lands, or Hereditaments for Life only, and of the Fee Simple and Inheritance of other Messuages, Lands, or Hereditaments within the said Parish, and shall be entitled to Right of Common in respect of both such Estates, then and in such Case, the said Commissioner, upon the Request in Writing of such Person or Persons, or of his, her, or their Agent or Attorney, shall set out and allot the Share or Proportion of such Person or Persons in respect of his, her, or their different Estates, in distinct and separate Parcels from each other, so that the Portion of Common awarded in respect of the Messuages, Lands, or Hereditaments held for Life or settled Estate, be no Way intermixed with, but kept separate from the Portion awarded in respect of the unsettled Estate.

Allotments of
the Residue,

XX. And be it further enacted, That if any Person or Persons by or for whom any Claim or Claims of Right of Common shall be made, shall happen to die before the said intended Division and Inclosure shall be made and perfected, and the said Commissioner shall have made his Award touching the same, then and in such Case, the Powers and Authorities hereby given to the said Commissioner shall not be anyways determined, suspended, or affected by such Death or Deaths, but that the said Commissioner shall and may proceed in and execute the said Powers and Authorities, and every of them, in such and the like Manner as he could or might have done if such Person or Persons had not died; and 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.

Parties dying
not to hinder
the Commis-
sioner pro-
ceeding, nor
to abate any
Action.

XXI. And be it further enacted, That all Encroachments, exclusive of the Cottages and other Erections thereon, taken from the said Commons 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 Part and Parcel of the said Commons and Waste Lands hereby directed to be divided and inclosed,

Encroach-
ments.

[*Loc. & Per.*]

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and

and the same may be set out and allotted to the Person or Persons in Possession thereof, if such Person or Persons shall be entitled to any Share or Allotment upon the said intended Division, and shall have been in Possession of such Encroachment before the Eleventh Day of *June* One thousand eight hundred and one, and shall request the same by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Attorney or Agent, at or before the Third Meeting of the said Commissioner, so that such Encroachment or Encroachments which the said Commissioner is to value as Common or Waste Land, without considering the Erections and Improvements made thereon, do not exceed in Value the Allotment or Allotments to which such Person or Persons shall be entitled in lieu of his, her, or their Right of Common; and if the same shall so exceed such Allotment or Allotments, the Surplus shall be severed and fenced out at the Expence of the Person or Persons so having encroached, and may be allotted to some other Person or Persons entitled to an Allotment or Allotments, unless the Person or Persons in Possession of such Encroachment or Encroachments shall be desirous of purchasing such Surplus, and shall pay to the said Commissioner such Price for the same as such Commissioner shall fix, the Money to be applied towards the general Purposes of this Act; in which Case such Surplus shall be awarded to the Person or Persons in Possession thereof, and having purchased the same as aforesaid; and when it shall happen that such Encroachments or Erections have been made by Persons not entitled to any Right of Common, in such Case the said Commissioner shall set a Value on all such Erections, and the same shall pass with the Lands on which they shall happen to stand to the Person or Persons to whom the said Commissioner shall allot such Land, he, she, or they paying to the Person or Persons at whose Expence such Erections were made, such Sum of Money as the said Commissioner shall have valued such Erections at; and if such Person to whom such Land shall be allotted shall refuse to pay such Valuation, then the Person at whose Expence such Erections shall have been made, shall have and enjoy such Cottages and Erections for such Time, and at such Ground Rent or Acknowledgement, payable to the Person to whom the said Land shall be allotted, and in such Manner as the said Commissioner shall direct and appoint.

Commissioner
may make any
Alterations in
the Allotments
before the
Execution of
the Award.

XXII. Provided always, That it shall be lawful for the said Commissioner, at any Time before the Execution of his Award, to make such Alterations in the Allotments and Fences which he may have set out and ordered, as he shall think right and expedient; and in case any Person or Persons shall happen to be injured by such Alterations, or 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.

Notice for
perusing
Schedule and

XXIII. And be it further enacted, That when and as soon as the said Commissioner shall have ascertained the respective Shares, Rights,
and

and Interests of the said Proprietors in the said Commons and Waste Lands, to be inclosed by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall give Notice, in Manner aforesaid, of some convenient Time and Place when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule, so far as the same relates to such Proprietors respectively.

Maps of intended Allotments to be given.

XXIV. And be it further enacted, That the Award to be made by the said Commissioner, when inrolled in Manner directed by the said recited Act, shall be deposited in the Parish Church of *Henllan* aforesaid.

Award to be deposited.

XXV. 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 his Award as shall contain an accurate Description of the Allotment or Allotments which shall be made to His said Majesty in respect of the said Lordship of *Denbigh*, together with such Regulations or Provisions relative to such Allotment or Allotments, or to any other Rights or Interests of His 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 Muniments of his Office.

Commissioner to take an Extract of the King's Allotment, etc.

XXVI. And be it further enacted, That, for the Encouragement of Agriculture, the First Two Crops of Corn, or other Produce, obtained by Tillage, in all and every the said Allotments (except such Parts thereof as have already paid Tythe, or have been actually tilled before the passing of this Act), shall be exempt from the Payment of Tythe, provided such Crops be raised within Four Years next after the Execution of the said Award; and that from and after the taking of such Two Crops as aforesaid, the future Crops shall be liable to Tythe in the same Manner as other inclosed Lands in the said Parish; and such Encroachments as have already yielded Tythes, or have been actually tilled before the passing of this Act, shall continue to do so, notwithstanding the above Exemption.

The First Two Crops to be exempt from Tythes, etc.

XXVII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Commons and Waste Lands, at any Time before the Execution of the Award of the said Commissioner, to sell and dispose of all such Estate, Right, and Interest, as he, she, or they hath or have in, to, or upon the same Commons and Waste Lands, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate from such Estate in Right whereof he, she, or they is, are, or shall be so entitled; and in case of any such Sale, it shall be lawful for the said Commissioner, and

Proprietors may sell their Allotments before the Execution of the Award.

and he is hereby authorized and required, to allot the same to the Purchaser or Purchasers thereof respectively, who shall immediately after the Execution of such Award as aforesaid have, hold, use, and enjoy such Allotment or Allotments, and shall have, use, and exercise any Act of Ownership in and upon the same, in as full, large, ample, and beneficial a Manner, to all Intents and Purposes, as the former Proprietor or Vendor thereof could or might have done in case any such Sale or Sales had not been made.

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

XXVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this Act, (except in such Cases where the Determination of the said Commissioner is herein directed to be final and conclusive, or where an Issue at Law shall be tried as herein-before directed, or any other Mode of Relief is herein-before appointed), 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 *Denbigh* next after the Cause of Complaint shall have arisen, giving Fifteen Days Notice of such Appeal, and of the Matter thereof, in Writing to the said Commissioner; and the Justices at their said General Quarter Sessions, not being interested in the Matter of such Appeal, are hereby authorized and required to hear and determine the same, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall seem meet and reasonable; and by their Order or Warrant to levy such Damages and Costs by Distress and Sale of the Goods and Chattels of the Party or Parties directed 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.

Incidental
Matters to be
sanctioned by
a Meeting of
Proprietors.

XXIX. And whereas Circumstances may arise in the Prosecution of this Act that are not nor can be particularly provided for, and upon which the Commissioner may be desirous of taking the Sense and Directions of the Proprietors at large; be it therefore enacted, That the said Commissioner may and he is hereby fully empowered, upon any such Emergency, or the happening of any particular Circumstance as aforesaid, to call a Meeting of the Proprietors at large, by giving Notice as herein-before directed, and the Determination of the Majority in Value (such Value to be ascertained by the Land Tax Assessments as aforesaid), of the Proprietors present at such Meeting, shall be sufficient Direction, Sanction, and Authority to the said Commissioner for his Conduct and Proceeding in respect of the Matters or Business so submitted to Consideration.

Saving the
Rights of the
King to all
Mines, etc.

XXX. 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,

nerals, and Coals of what Nature or Kind soever, in or under the said Commons and Waste Lands; but that His said Majesty, His Heirs and Successors, and His or their Lessee or 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, Mineral, 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 any of the said Commons 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 Commons 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 Commons and Waste Lands; and also to have, make, and use all convenient Ways, Roads, and Railways, in, upon, and over the said Commons 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 Coals, and all other Mines and Minerals whatsoever, there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon the same Commons and Waste Lands, when inclosed, for the discovering, getting, working, converting, removing, carrying away, selling, and disposing of all Mines, Coals, and other Minerals whatsoever, without any Molestation or Interruption whatsoever.

XXXI. Provided always, and be it further enacted, That nothing in this Act shall extend to authorize or empower any Lessee or Lessees of His Majesty, His Heirs or Successors, or any Agent, Surveyor, Miner, Collier, or other Workmen of such Lessee or Lessees, or any Agent, Servant, Miner, Collier, or other Workmen of His Majesty, His Heirs or Successors, to pull down, destroy, damage, or injure any House, Barn, or other Building, which may be built, set up, or erected in or upon any Part or Parts of the said Commons or Waste Lands after the Division and Allotment thereof as aforesaid, or to charge the Owner or Occupier of any other Allotment or Allotments with any Contribution

Satisfaction to be made for any Damage or Injury committed by the working of Mines.

[Loc. & Per.]

13 M

towards

towards the Payment or Satisfaction of any Damage or Injury done to any such House, Barn, or other Building, but that in every such Case the Person or Persons actually doing such Damage or Injury, or causing the same to be done, shall be answerable to the Person or Persons who may or shall be injured thereby; any Thing herein-before contained to the contrary in anywise notwithstanding.

General
Saving.

XXXII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, (except the several Persons to whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them or in Remainder after them), all such Right, Title, and Interest, as they, every, or any of them could or ought to have had and enjoyed, in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been made.

Publick Act.

XXXIII. And be it further enacted, That this Act shall be deemed, adjudged, and taken to be a publick Act, and shall be judicially taken Notice of as such by all Judges and other Persons whomsoever, without its being specially pleaded or particularly set forth.

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