



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 118.

An Act for inclosing Lands in the Parishes of *Llanarmon*,
Llandegla, and *Bryneglwys*, in the Counties of
Denbigh and *Flint*. [21st May 1811.]

WHEREAS there are within the Parish of *Llanarmon*, in the Counties of *Denbigh* and *Flint*, and in the Parishes of *Llandegla* and *Bryneglwys*, in the County of *Denbigh*, divers Commons and Waste Land of considerable Extent: And whereas the Right Reverend *William* Lord Bishop of *Saint Asaph*, in right of his See of *Saint Asaph*, is Lord of the Manor of *Cyffnant*, situate in the said Parish of *Llanarmon*, and as such is entitled to the Soil of so much of the said Common and Waste Lands as lie within the said Manor: And whereas *Sir Thomas Mostyn* Baronet is Lord of the Manor of *Bodidrist* and *Garreg Llwyn*, situate in the said Parish of *Llanarmon*, and as such is entitled to the Soil of so much of the said Commons and Waste Lands as lie within the said Manor: And whereas *Sir Watkin Williams Wynn* Baronet is Lord of the Manor of *Llangwæst*, otherwise *Vale Crucis*, otherwise *Eglwys Egle*, of which the Townships of *Bodigre yr Abbot* and *Creigiog Uchlan*, in the Parish of *Llanarmon*, are Part and Parcel, and as such is entitled to the Soil of so much of the said Commons and Waste Lands as lie within the said Manor; and is also Lay Impropriator of the said Parish of *Bryneglwys*: And whereas the said Right Reverend *William* Lord Bishop of *Saint Asaph*, in respect of his See of *Saint Asaph*, is Lord of the Manor of *Llandegla*, situate in the said Parish of *Llandegla*, and as such is entitled to the Soil of so much of the said Commons and Waste Lands as lie within the said Manor: And whereas

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the King's most Excellent Majesty, in right of his Crown, is entitled to the Seigniorship of the Commons of all such Parts of the aforesaid Parishes as are not comprized in the aforesaid Manors, or some of them, and in respect thereof is entitled to the Soil of the Residue of the said Commons and Waste Lands in the said Parishes, subject to such Rights and Interests, of or in Mines of Coal, Stone and Lead, within the same, and to such other Rights or Interests therein, as belong to the Right Honourable *Robert Earl Grosvenor*: And whereas the said Right Reverend *William* Lord Bishop of *Saint Asaph*, in right of his See, is Patron of the said Parishes of *Llanarmon* and *Llandegla*: And whereas the very Reverend *William Davies Shipley*, Dean of *Saint Asaph*, is Rector, and the Reverend *Edward Edwards* Clerk is Vicar of the said Parish of *Llanarmon*, and as such is entitled to certain Glebe Lands within the same Parish; and the Reverend *John Denman* Clerk is Rector of the said Parish of *Llandegla*, and as such is entitled to certain Glebe Lands within the same Parish: And whereas *John Foulkes* Esquire is entitled to all the Tythes yearly arising, growing and renewing within the Township of *Bryntanger*, in the said Parish of *Bryneglwys*; and *Sarah Yale* Spinster is entitled to all the Tythes yearly arising, growing and renewing within the Township of *Bod yn ydog*, in the said Parish of *Bryneglwys*: And whereas *Charles Jones*, *Richard Jones* and *Joseph Langford*, Esquires, Trustees named and appointed in and by the last Will and Testament of *Simon Thelwall* Esquire, deceased, are, as such Trustees, entitled to Two Thirds or Shares, and the Reverend *Thomas Owen* Clerk, *William Alexander Madox*, *William Totty*, Esquires, and *Elizabeth Jones* Spinster, are entitled to One Third or Share, of all the Tythes yearly arising, growing and renewing within the several Townships of *Tal y bidwel*, *Cawythrenie* and *Llan*, commonly called *Trerllan*, in the said Parish of *Bryneglwys*: And whereas the Right Reverend *William* Lord Bishop of *Saint Asaph*, *Sir Thomas Mostyn* Baronet, *Sir John Williams* Baronet, the Reverend *William Davies Shipley* Clerk, *Barbara Younge* Spinster, *William Makepeace Thackeray* Doctor of Medicine (as the Trustee and Guardian of *John Maurice Jones* an Infant), *John Jones* and *Edward Lloyd*, Esquires, and divers other Persons, are Proprietors of Messuages, Lands or Tenements in the said Parish of *Llanarmon*; and the said *William* Lord Bishop of *Saint Asaph*, *Sir Thomas Mostyn* Baronet, *John Jones* and *Edward Lloyd*, Esquires, and divers other Persons, are Proprietors of Messuages, Lands or Tenements, in the said Parish of *Llandegla*; and *John Foulkes*, *Edward Lloyd*, Esquires, *Sarah Yale*, *Grace Vaughan*, Spinsters, *Robert Phillips* Gentleman, and divers other Persons, are Proprietors of Messuages, Lands or Tenements in the said Parish of *Bryneglwys*; and the several Proprietors aforesaid, in respect of their said Messuages, Lands or Tenements, claim to be entitled to Right of Common upon the respective Commons and Waste Lands situate in the said Parishes respectively: And whereas the said Commons and Waste Lands are in their present State of little Value, but if the same were divided and inclosed, and specific Parts allotted to the several Persons entitled thereto or interested therein, a manifest Advantage would result, not only to such Persons, but such Inclosures would otherwise be of great public Utility: But the same cannot be effected and carried into Execution without the Authority of Parliament: 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,*

Utility of Inclosure.

General Inclosure Act.

closure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts: 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 *John Calveley*, of *Stapleford*, in the County Palatine of *Chester*, Gentleman, and his Successors, to be appointed in Manner hereinafter mentioned, shall be and he is hereby appointed the Commissioner for setting out, dividing and allotting the said several Commons and Waste Lands in the said several Parishes of *Llanarmon* and *Llandegla* and that *Walter Jones*, of *Cefn Rug*, in the County of *Merioneth*, Gentleman, and his Successors, to be appointed in the Manner hereinafter mentioned, shall be and he is hereby appointed the Commissioner for setting out, dividing and allotting the said several Commons and Waste Lands in the said Parish of *Bryneglwys*, and respectively for putting this Act into Execution; subject nevertheless to such Orders, Regulations and Directions, as are hereinafter contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations and Provisions, contained in the said recited Act, as are not hereby varied or altered.

Commis-
sioners.

II. And be it further enacted, That all such Surveys, Admeasurements and Plans, as shall, in the Opinion of the said *John Calveley*, be requisite and necessary to be made and taken for the Purposes of dividing and allotting the said Commons and Waste Lands within the said Parishes of *Llanarmon* and *Llandegla*, and hereby directed to be divided and allotted respectively, shall be made and taken by *Edward Rogers*, of *Bryn Eithin*, in the Parish of *Northop*, in the said County of *Flint*, Land Surveyor; and that all such Surveys, Admeasurements and Plans, as shall, in the Opinion of the said *Walter Jones*, be requisite and necessary to be made and taken for the Purposes of dividing and allotting the said Commons and Waste Lands within the said Parish of *Bryneglwys*, and hereby directed to be divided and allotted respectively, shall be made and taken by *Edward Jones Hughes*, of *Mold*, in the said County of *Flint*, Land Surveyor: Provided always, that in case of the Death of the said *Edward Rogers* and *Edward Jones Hughes*, or either of them, or their or either of them refusing to act or becoming incapable of acting, then such Surveys, Admeasurements and Plans respectively shall be made and taken by such other Person or Persons as the said Commissioners or their Successors, within their respective Parishes, shall from Time to Time nominate and appoint.

Surveyors
appointed.

III. And be it further enacted, That if the said *John Calveley* and *Walter Jones*, or either of them, or any of their respective Successors to be appointed as hereinafter mentioned, shall die or become incapable of acting, or refuse to act as a Commissioner or Commissioners, or shall for the Space of One Calendar Month wilfully neglect to act in their or his respective Office, before all the Powers vested in them by this and the said recited Act are completely executed, then and in such Case a proper Person or Persons (not interested in the said intended Division, Allotment and Inclosure) shall be appointed Commissioner or Commissioners in the Place and Stead of any such Commissioner or Commissioners so dying or becoming incapable of acting or refusing to act as aforesaid;

Appoint-
ment of new
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in Manner following; (that is to say) in the Room of the said *John Calveley*, or of any other Person to be from Time to Time appointed in his Place and Stead, by a Majority in Value (such Value to be ascertained by the Land Tax Assessments of the several Persons interested in the said Commons and Waste Lands within the said Parishes of *Llanarmon* and *Llandegla*, who shall be present at a Meeting to be held for that Purpose in Manner hereinafter mentioned); and in the Room of the said *Walter Jones*, or any other Person to be from Time to Time appointed in his Place and Stead, by a Majority in Value, to be ascertained in Manner aforesaid, of the Persons interested in the said Commons and Waste Lands in the said Parish of *Bryneglwys*, who shall be present at a Meeting to be held for that Purpose in Manner next hereinafter mentioned, that is to say, by Notice in Writing, signed by Two or more of the said Proprietors, to be affixed upon the principal outer Doors of the said Parish Churches of *Llanarmon*, *Llandegla* and *Bryneglwys* respectively, and inserted in the *Chester* Newspapers, or some or One of them, at least Fourteen Days before such Meeting, by Writing under their respective Hands, or the Hands of their known or reputed Agents or Attornies, appointing a Time and Place to choose such Commissioner or Commissioners; and every such new Commissioner or Commissioners shall have the like Power and Authority, and shall be subject to the same Power of Removal and Restrictions, as the Person or Persons, in whose Place he or they shall be appointed, was or were invested with and subject to by virtue of this Act.

Notice to be given of the Commissioners Sitings.

IV. And be it further enacted, That the said Commissioners respectively shall and they are hereby required to cause Notice to be given to the Commissioners of His Majesty's Woods, Forests and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue for the Time being, and a like Notice to be affixed, upon some *Sunday*, during or immediately after Divine Service, on the principal outer Doors of the several Parish Churches of *Llanarmon*, *Llandegla* and *Bryneglwys* aforesaid, and also by Advertisement to be inserted in the *Chester* Newspapers, or some or One of them, of the Time and Place of holding their First and every other Sitting for the Execution of this and the said recited Act, at least Fourteen Days before any such Sitting shall be held (Sitting by Adjournment only excepted), and every such Notice shall express the Purpose for which such Sitting is to be held, and that the said Commissioners respectively may and they are hereby authorized to adjourn any such Sitting from Time to Time as they respectively shall see Occasion; and every Adjournment shall be made known to Four Proprietors at least, before the Business of such Adjournment shall be proceeded in; and every Sitting or Meeting of the said Commissioners respectively, for putting this and the said recited Act into Execution, whether by Adjournment or otherwise, shall be held within the Parishes of *Llanarmon*, *Llandegla* and *Bryneglwys* respectively, for which such Sittings or Meetings shall be from Time to Time appointed, or at some convenient Place or Places within Eight Miles thereof.

Commissioners and Surveyors to have Power to enter upon

V. Provided always, and be it further enacted, That if the said Commissioners respectively, upon the Production of any Map or Survey of any of the ancient inclosed Lands within the said Parishes, shall be dissatisfied therewith, it shall and may be lawful for the said Commissioners respectively,

tively, within their respective Parishes, or such Person or Persons as they may respectively think proper to appoint, at the Expence of any Proprietor or Proprietors so producing any such Map or Survey, to examine, survey, admeasure and plan such Part or Parts of any such ancient inclosed Lands, for the better Satisfaction of the said Commissioners respectively; and also that if the said Proprietors, or any of them, shall neglect or omit to deliver to the Commissioners respectively, when called upon for that Purpose, a Map, Survey, and Admeasurement of the ancient inclosed Lands, in respect of which they respectively claim or are entitled to a Right of Common upon the Commons and Waste Lands hereby intended to be inclosed, it shall and may be lawful for the said Commissioners respectively, or the Person or Persons to be appointed by them respectively, at any Time or Times whatsoever, to make a proper Survey, Admeasurement and Plan, of all and every, or any such ancient inclosed Lands; and that the Costs and Charges attending the same shall be paid, borne and discharged, by such Proprietor or Proprietors respectively, in such Manner as the said Commissioners respectively shall direct or appoint.

Lands, to survey, &c.

VI. Provided always and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioners in pursuance of this or the said recited Act, shall be made and given by Advertisement, to be inserted in the *Chester* Newspapers, or some or one of them, and the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the Surveyor General, shall have at least Fourteen Days' Notice of all Meetings and Adjournments when any Proceeding is to be carried on wherein His Majesty, his Heirs and Successors, shall be interested.

Other Notices, how to be given.

VII. And, for the more just and regular Division, Allotment and Distribution of the said Commons and Waste Lands, by this Act directed to be divided, allotted and inclosed; be it further enacted, That the said Commissioners respectively shall and they are hereby respectively required, within their said respective Parishes, as soon as conveniently may be after the passing of this Act, to value all the Lands and Grounds by this Act directed to be divided, allotted and inclosed, and also all the ancient inclosed Lands and Grounds having Right of Common over the same; which Valuation and the Particulars thereof shall be reduced into Writing, and signed by the said Commissioners respectively, and shall be lodged with such Persons, resident in the said Parishes respectively, as the said Commissioners respectively within their said respective Parishes shall appoint, for the Inspection of the several Proprietors or their Agents; and any Person or Persons interested shall be entitled to a Copy of such Valuation on Demand, paying for such Copy a reasonable Price, to be ascertained by the said Commissioners respectively, who shall give or cause to be given Twenty-one Days' Notice, to be fixed upon the principal outer Doors of the Parish Churches of *Llanarmon*, *Llandegla*, and *Bryneglwys* aforesaid, upon some *Sunday*, immediately after Divine Service, of the Time and Place by them respectively appointed for receiving and hearing any Objections that may be made to such Valuation or Quality, and the said Commissioners respectively shall hear and determine all such Objections.

Quality of the Lands to be published.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested, or claiming to be interested,

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rested, in the said Division and Inclosure intended to be made in pursuance of this Act, or touching or concerning their Rights or Claims, Estates or Interests, in or upon the said Commons and Waste Lands, or any of them; or to or in any Mines of Stone, or other Mines or Minerals, in, upon or under the same; or touching or concerning any Share or Shares, Proportion or Proportions, which they or any of them ought to have, or shall claim to have, in lieu of their Rights of Common, or other Rights or Interests upon or arising from the said Commons and Waste Lands, or any of them, on the said intended Division and Inclosure, it shall and may be lawful for the said Commissioners respectively within the said respective Parishes, and they are hereby respectively authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioners to determine any Difference or Dispute which may arise touching or concerning the Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments whatsoever.

Persons in
Possession not
to be molest-
ed without
due Course
of Law.

IX. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties, contrary to the Possession of such Parties, except as hereinafter mentioned; but in case the said Commissioners shall be of Opinion against the Right of any Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law.

Power to
assess and
award Costs

X. And be it further enacted, That in case the said Commissioners respectively shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them, or either of them, in pursuance of the said recited Act, or of this Act, see cause to award any Costs, it shall and may be lawful for the said Commissioners respectively, and they are hereby empowered, upon Application made to them or either of them for that Purpose, to settle, assess and award such Costs and Charges as they respectively shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners respectively shall have been made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; 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 and may be lawful for the said Commissioners or Commissioner making such Assessment and Award, and they are hereby respectively authorized and required, by Warrant under their Hands and Seals respectively, within their respective Parishes, 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.

Power to
try disputed
Rights at
Law.

XI. Provided always nevertheless, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, making any Claim or Claims to the Soil of the said Commons and Waste
Lands,

Lands, or to any Rights of Common or other Rights or Interests in, over, or upon the same, or any Part thereof, or to any Mines of Stone, or other Mines or Minerals in, upon or under the same, or to any Compensation to be made by the said Commissioners, for Limestone and Building Stone hereinafter mentioned, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners respectively, or either of them, and shall be desirous of having such Claim or Claims, Rights or Interests respectively tried at Law, and shall by himself or herself, or themselves respectively, or his, her or their Agent or Agents, Attorney or Attornies respectively, give Notice in Writing to the said Commissioners respectively, within Fourteen Days next after such Determination shall have been so made, of which Notice the Commissioner who shall have so determined is hereby required to give immediate Information, by Writing under his Hand, to the adverse Party or Parties, or his, her or their Agent or Agents, Attorney or Attornies respectively, to be delivered to or left at the usual Place of Abode of such Party or Parties, or his, her or their Agent or Agents, Attorney or Attornies respectively, and to make an Entry of such Notice in the Book of Proceedings by him openly kept under the Authority of this Act; then it shall be lawful for the Party or Parties so dissatisfied as aforesaid to proceed to a Trial at Law, of the Matter or Matters in question, at the then next or Second Great Sessions to be holden for the Counties of *Denbigh* or *Flint*, and for that Purpose the Person or Persons who shall be dissatisfied with such Determination shall, within Three Calendar Months from the Time of such Notice being given as aforesaid, cause an Action to be brought upon a feigned Issue or Issues, in the said Court of Great Sessions against the Party or Parties in whose Favour such Determination as aforesaid shall have been made, and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies who shall appear thereto and accept one or more Issue or Issues, whereby such Claim or Claims, Right or Rights, Interest or Interests, may be tried and determined; such Issue or Issues to be settled by the proper Officer or Officers of the Court wherein such Action or Actions shall be commenced, if the Parties differ about the same; and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate or Collegiate, and the Costs of such Action or Actions shall follow such Verdict, and be taxed and recovered in such Manner as Costs in other Actions in the same Court; and after any Verdict or Verdicts shall have been so obtained, and not set aside by the Court, the said Commissioners respectively shall and they are 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 it shall be lawful for the Court in which any Action commenced in pursuance of this Act shall be depending, upon sufficient Cause shewn, to put off the Trial of such Action, or to award a new Trial therein, although the Time hereinafter limited for the Trial of such Action may be thereby exceeded; but all such Determinations of the said Commissioners respectively as shall not be objected to, if the dissatisfied Party or Parties respectively shall not give such Notice within such Time as aforesaid, or giving such Notice, shall not cause such Action or Actions to be brought and proceeded in conformably to the Directions of this Act, shall be binding, final and conclusive, upon all Parties interested.

XII. And

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

XII. And be it further enacted, That if any Person or Persons by or for whom any Claim or Claims, or Right of Common shall be made, shall happen to die before the said intended Division and Inclosure shall be made and perfected, and before the said Commissioners respectively shall have made their respective Awards touching the same, then and in such Case the Powers and Authorities hereby given to the said Commissioners respectively, shall not be anywise determined, suspended or affected, by such Death or Deaths, but that the said Commissioners respectively shall and may proceed in, and execute the said Powers and Authorities, and every of them, in such and the like Manner as they respectively 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.

In case of the Death of Parties before Action brought, the same to be carried on in the Name of the deceased Person.

XIII. Provided always, and be it further enacted, That if any Person or Persons, in whose Favour any such Determination as aforesaid shall have been made, and against whom any Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners respectively with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Power for the Crown to appoint Assistant Commissioner.

XIV. And be it further enacted, That the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or 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 hereof, shall take the same Oath as the Commissioners hereby appointed, or hereafter to be appointed, are respectively required to take; and such Assistant Commissioner shall be paid at the Rate of Two Pounds 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.

Commissioners to determine re-

XV. And be it further enacted, That it shall be lawful for the said Commissioners respectively, and they are hereby required, to enquire

and determine what Encroachments have been made upon and from the said Commons and Waste Lands, by any Person or Persons whomsoever; and that all Encroachments taken in, or made upon, from, or out of any Part of the said Commons and Waste Lands, within Twenty Years next before the passing of this Act, shall be deemed Part and Parcel of the said Commons and Waste Lands; and in case any Dispute shall happen or arise touching what Part or Parts of the same Commons and Waste Lands shall and may be deemed Encroachments, such Dispute shall be enquired into, heard, and determined by the said Commissioners respectively, within their respective Parishes; whose Determination shall be made a Part of, and inserted in the Books containing the Proceedings under this Act, or in the Awards respectively to be made in pursuance thereof.

speaking Encroachments.

XVI. And be it further enacted, That the said Commissioners respectively within their said respective Parishes, may allot and set out unto any Person or Persons entitled to Right of Common as aforesaid, who shall at the Time of allotting be in the Possession of any Encroachment or Encroachments made within the said Space of Twenty Years, all and every the Lands comprized in such Encroachment or Encroachments, for or in Part of the Allotments directed to be made to them respectively by virtue of this Act, if such Person or Persons shall request the same by Writing subscribed with his, her, or their Name or Names, or the Name of his, her, or their Agent or Attorney respectively, delivered to the said Commissioners respectively, at any Time before, or at the said Third public Sitting, so that such Encroachment or Encroachments (which the said Commissioners respectively, within their said respective Parishes, are hereby directed to value as Waste Lands, without considering the Value of any Erections or Improvements made thereon) shall not exceed the Allotment or Allotments to be made to such Person or Persons in respect of his, her, or their Right of Common; and if it shall so exceed, the Surplus shall be severed off, and allotted to some other Person or Persons entitled to Right of Common as aforesaid; unless the Person or Persons in possession of any such Encroachment or Encroachments shall be desirous of purchasing such Surplus Quantity or Quantities, and shall pay into the Hands of the said Commissioners respectively such Price for the same as shall be fixed by such Commissioners respectively, to be applied towards defraying the Expences of this Act and carrying the same into Execution; in which Case such Surplus Quantity or Quantities shall be awarded by the said Commissioners respectively to the Person or Persons in possession thereof.

Encroachments may be allotted.

XVII. And be it further enacted, That it shall not be lawful for the said Commissioners, or either of them, 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 and Hereditaments into whose Land such Water shall be conveyed, or who shall or may be deprived of or prejudiced in the Use or Benefit to be derived from the Water or Drainage which otherwise might 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 or the said recited Act contained to the contrary notwithstanding.

Not to alter Water-courses, &c. without the Consent of the Land Owners.

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XVIII. And

Allotments
for getting
Materials,
&c.

XVIII. And be it further enacted, That the said Commissioners respectively, within their said respective Parishes, shall and they are hereby authorized and required to set out, allot and award, unto the respective Surveyor or Surveyors for the Time being, of the Highways in each of the said Parishes of *Llanarmon*, *Llandegla* and *Bryneglwys*, such Plots of the said Commons and Waste Lands in each of the said Parishes, not exceeding in the whole Six Statute Acres in each Parish, in such Places within each Parish as they shall respectively judge most expedient, with convenient Roads to and from the same, to be used and enjoyed for ever thereafter by the Proprietors for the Time being of Lands and Hereditaments within such of the said Parishes of *Llanarmon*, *Llandegla* and *Bryneglwys*, and their Tenants respectively, for the Purpose of getting Limestone, Building Stones, Gravel and Sand, for the Use, Benefit or Improvement of such of the said Lands or Hereditaments, and of such of the Allotments to be set out under the Authority of this Act, and for the Repairs of such Highways, private Roads and Paths, as are respectively situate within the Parish where such Limestone, Building Stone, Gravel and Sand, shall be obtained, and shall be respectively vested in the respective Surveyor or Surveyors of the Highways of each of the said Parishes for the Time being, for ever, in Trust for the Purposes aforesaid; and the getting and raising such Stone, Gravel and Sand, and the Grass and Herbage of the said Plots respectively, shall be and are hereby declared to be subject to such Regulations and Restrictions as the said Commissioners respectively, or their Successors for the Time being, shall in and by their respective Awards order, direct or appoint, or as consistently with such Regulations, Orders and Restrictions, shall from Time to Time be made by Order of Vestry of the Parish for whose Use such Plot or Plots shall be respectively set out as aforesaid, for that Purpose first legally convened; and such Plots and Roads respectively shall be properly fenced off, and the Expence of such Fences shall be raised and paid in the same Manner as the Expences of passing and carrying this Act into Execution: Provided always, that such Stone, Gravel and Sand, or any of them, shall not directly or indirectly be sold or disposed of to any Person or Persons whomsoever, or conveyed out of the Parish where the same lie under any Pretence whatsoever: Provided always, that the said Commissioners respectively shall, prior to the setting out such Plots as aforesaid, being within the Lordship of *Bromfield* and *Yale*, ascertain and pay to the said Earl *Grosvenor*, his Heirs and Assigns, in case he shall be entitled thereto, such Sum of Money as they the said Commissioners shall determine to be a sufficient Compensation for the same; and the said Commissioners respectively may, where Occasion shall require, set out and appoint Springs and Pools, and other Watering Places for Cattle and Beasts, within the said Parishes of *Llanarmon*, *Llandegla* and *Bryneglwys*, upon the said Commons and Waste Lands aforesaid, for the common Use and Benefit of all Owners and Occupiers of Messuages, Tenements, Lands or Hereditaments, within the said Parishes of *Llanarmon*, *Llandegla* and *Bryneglwys*, respectively.

For Water-
ing Places.

Allotments
to the several
Lords of
Manors.

XIX. And be it further enacted, That after the Boundaries directed to be set out by the said recited Act shall have been fully ascertained, and after setting out the necessary and proper Roads and Ways pursuant to the said recited Act, and the several Allotments for getting Materials for Watering Places as hereinbefore mentioned, and before any other

Allotment shall be set out, the said *John Calveley* shall and he is hereby authorized and required to set out, allot and award, unto and for the Lord of the Manor of *Cyffnaut* aforesaid for the Time being, so much and such Part or Parts of the said Commons and Waste Lands within the said Manor as in the Judgment of the said *John Calveley* shall be equal in Value to One Fifteenth Part of the whole of the same Commons and Waste Lands; and also to set out, allot and award, unto and for the Lord of the Manor of *Bodidrist* and *Garreg Llwyn* aforesaid, for the Time being, so much and such Part or Parts of the said Commons and Waste Lands within the said Manor as in the Judgment of the said *John Calveley* shall be equal in Value to One Fifteenth Part of the whole of the same Commons and Waste Lands; and also to set out, allot and award, unto and for the Lord of the Manor of *Llangwest*, otherwise *Vale Crucis*, otherwise *Eglwys Egle*, aforesaid, for the Time being, so much and such Part and Parts of the said Commons and Waste Lands within the same Manor as in the Judgment of the said *John Calveley* shall be equal in Value to One Fourteenth Part of the whole of the same Commons and Waste Lands; and also to set out, allot and award, unto and for the Lord of the Manor of *Llandegla* aforesaid for the Time being, so much and such Part and Parts of the said Commons and Waste Lands within the same Manor as in the Judgment of the said *John Calveley* shall be equal in Value to One Fifteenth Part of the whole of the same Commons and Waste Lands; and which respective Allotments, so to be made in Manner aforesaid, shall be in lieu of, and as a Recompence and Compensation for the respective Rights and Interests of the said Lords respectively, as Lords of the said Manors, in, to and upon the Soil of the said Commons and Waste Lands within their said respective Manors, over and above and exclusive of all such further and other Shares or Allotments which they are or may be respectively entitled unto, in respect of their respective Freehold Estates, having Right of Common in or upon the said Commons and Waste Lands; and also that he the said *John Calveley* shall and he is hereby further authorized and required to set out, allot and award, unto and for the Use of the King's most Excellent Majesty, his Heirs and Successors, with the Concurrence and Approbation of the said Assistant Commissioner; and not otherwise, so much and such Part or Parts of the Residue of the said Commons and Waste Lands, within the said several Parishes of *Llanarmon* and *Llandegla*, and hereby directed to be inclosed, as shall be equal in Value to One Twentieth Part thereof respectively; and that the said *Walter Jones* shall and he is hereby authorized and required to set out, allot and award, unto and for the Use of His said Majesty, his Heirs and Successors, with the like Concurrence and Approbation in Writing of the said Assistant Commissioner as aforesaid, so much and such Part or Parts of all the said Commons and Waste Lands within the said Parish of *Bryneglwys*, hereby directed to be inclosed, as shall be equal in Value to One Twentieth Part thereof respectively; and which respective Allotments, so to be made to his said Majesty in Manner aforesaid, shall be in lieu, satisfaction and extinction of the Rights and Interests of His said Majesty, his Heirs and Successors, in, over or upon the Soil of the said Commons and Waste Lands so directed to be divided as aforesaid.

Allotmentsto
His Majesty.

XX. And be it further enacted, That the said Commissioners respectively, within their said respective Parishes, shall and they are hereby required

Allotmentsof
the Residue
to the several

Proprietors
of Lands
within the
several
Parishes.

Commis-
sioners to
have regard
to Quality
and Situa-
tion, and to
set out Allot-
ments in one
entire Parcel,
if convenient.

Allotments
to Tenants
for Life and
in Fee Simple,
to be distinct.

Notice for
perusing
Schedules and
Maps of in-
tended Allot-
ments to be
given.

required and authorized (after making such Allotment as aforesaid) to divide, set out and allot all the Residue and Remainder of the said Commons and Waste Lands hereby directed to be divided, allotted and inclosed, between and amongst the said Right Reverend *William* Lord Bishop of *Saint Asaph*, Sir *Thomas Mostyn* Baronet, Sir *John Williams* Baronet, the Reverend *William Davies Shipley* Clerk, *Barbara Younge*, *William Makepeace Thackeray*, *John Jones*, *Edward Lloyd*, *John Foulkes*, *Sarah Yale*, *Grace Vaughan*, *Robert Phillips*, and the several other Persons interested therein, rateably and in due Proportion to the true and real Extent and Value of their ancient Estates in the said respective Parishes, in respect whereof they are severally entitled to such Right of Common as aforesaid; and the said Commissioners respectively, in making the several Divisions and Allotments thereof, shall have due Regard to the Situation and Convenience of the Land to be allotted, and shall and they are respectively hereby required, where the same can be done, to set out and allot the Share or Shares of every Person respectively in One or more Parcel or Parcels, and contiguous to every Person's principal Farm and Estate respectively.

XXI. Provided always, and be it further enacted, That 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 several Parishes of *Llanarmon*, *Llandegla* and *Bryneglwys*, any or either of them, and any other Person or Persons having or claiming to have Rights or Interests in the Lands and Grounds hereby directed to be divided and inclosed, and shall be entitled or claim to be entitled to Right of Common in respect of both such Estates, then and in such Case the said Commissioners respectively, within their said respective Parishes, 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 Proportion of Common Land, 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.

XXII. And be it further enacted, That when and as soon as the said Commissioners respectively shall have ascertained the respective Shares, Rights 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 Commissioners respectively shall give Notice, in Manner aforesaid, of some convenient Time and Place within their respective Parishes, when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotment, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive at their Expence a Copy of such Schedule, as far as the same relates to such Proprietors respectively; and a Copy of such Map or Plan, and Schedule, as far as relates to the Allotments to be made to His Majesty, shall by the said Commissioners respectively, Fourteen Days at the least previously to the Time of Meeting for the Perusal of such Schedule,

dule, Map or Plan, be transmitted to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue.

XXIII. Provided always and be it further enacted, That it shall be lawful for the said Commissioners respectively, within their said respective Parishes, at any Time not exceeding Twelve Calendar Months next after the said Allotments shall be set out, to make such Alterations in the Allotments and Fences which they respectively may have set and ordered, as they respectively 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 might have been at, the said Commissioners respectively 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.

Commis-
sioners may
make Altera-
tions in the
Allotments.

XXIV. And be it further enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or for the said Surveyor General of His Majesty's Land Revenue, at any Time before or after the Execution of the said Awards respectively, to contract and agree with any Person or Persons, or any Bodies Politic or Corporate, for the Sale of all or any of the Allotments or Allotment to be made to His Majesty, his Heirs and Successors, by virtue of this Act, for the best Prices or Consideration in Money which the said Commissioners of His Majesty's Woods, Forests and Land Revenues, or the said Surveyor General, shall be able to procure for the same; and the Purchase Money arising from such Sale shall be paid into the Bank of *England*, to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies arising from the Sale of certain Parts of the Property of the Crown, authorized by the Act passed in the Forty-eighth Year of His present Majesty, intituled, "An Act to improve the Land Revenue of the Crown, in *England*, and also of His Majesty's Dutchy of *Lancaster*," are directed to be paid; and the Sale of such Allotments or Allotment shall be made in the same Manner and Form, and under the like Rules, Regulations and Provisions, and shall be, to all Intents and Purposes, as valid and effectual as if the same were made under the said last recited Act; and if such Sale shall be made before the Execution of the said Awards respectively, it shall be lawful for the said Commissioners for executing this Act respectively, and they are hereby authorized and required, within their said respective Parishes, to assign, set out and allot such Allotments or Allotment to the Purchasers or Purchaser thereof, their Heirs and Assigns, or other Person or Persons who shall be entitled thereto by virtue of such Sale, and they, he, she or they shall, immediately after the Execution of the said Awards respectively as aforesaid, have, hold, use, and enjoy such Allotments or Allotment, and shall 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 His Majesty, his Heirs or Successors, or his or their Lessees or Grantees, could or might have done in case such Sale had not been made; but subject nevertheless to the Right or Interest in or to any Mines, Ores, Minerals, Coal, Limestone or other Stone or Matters whatsoever, in or under the same, as hereinafter saved and reserved.

Power to
Surveyor
General to
sell Allot-
ments to His
Majesty at
any Time be-
fore the Exe-
cution of the
Awards.

Any Person having Right of Common, contracting to sell same before Execution of Award, Commissioners to make the Allotments to the Purchaser accordingly.

XXV. Provided always, and be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the said Awards respectively, or either of them, sell his or her Right, Interest or Property in, over or upon the Lands and Grounds hereby intended to be divided, allotted and inclosed, or any Part thereof, to any other Person, then and in every such Case it shall be lawful for the said Commissioners respectively, and they are hereby respectively authorized and required, within their said respective Parishes, to make an Allotment of Land unto the Vendee or Purchaser, or to his or her Heirs and Assigns, for and in respect of such Right, Interest and Property so sold.

XXVI. And be it further enacted, That all and singular the Commons, Heath and Waste Grounds, which shall be allotted under and by virtue of this Act, shall, immediately after such Allotments are made, be held by and be subject to such and the same Tenures, Customs, Hereditaments, Rents and Services, as the several and respective Messuages, Buildings, Lands, Tenements and Hereditaments, in respect whereof such allotted Lands shall be made, are now subject to.

Fencing Clergymen's Allotments.

XXVII. Provided always, and be it enacted, That the several and respective Allotments which shall be made to any Rector or Vicar in respect of any Glebe Land, shall be inclosed and fenced in a proper and substantial Manner, by an outward Ring Fence, and that the Expence of making and completing the same shall be paid by the Commissioner out of the Monies hereinbefore directed to be raised and provided for defraying the Expences of obtaining and executing this Act.

Power for the Bishop to grant Leases.

XXVIII. Provided always, and be it further enacted, That the Lord Bishop of *Saint Asaph* for the Time being, and his Successors, shall have full Power and Authority from Time to Time to grant any Lease or Leases of, all or any Part of the Allotment and Allotments herein directed to be made to him and them, either for Three Lives or for Twenty-one Years, in such Manner and Form in all Respects as the said Lord Bishop of *Saint Asaph* and his Successors are by Law enabled to lease their Lands and Estates within the said Counties of *Denbigh* and *Flint*.

For allowing Exchanges, &c. to be made.

XXIX. And be it further enacted, That it shall and may be lawful for the Commissioners respectively, within their said respective Parishes, to set out, allot and award any Lands, Tenements, or Hereditaments whatsoever, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments whatsoever, within the said Parishes respectively, or either of them, or within any adjoining Parish, Hamlet or Township, provided that all such Exchanges be ascertained, specified and declared, in the Awards or Award of the said Commissioners respectively, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable or any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbards, Committees, or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such

such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself; such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid and effectual in the Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments, so to be exchanged, shall be and be situate: Provided always, that all Costs, Charges and Expences, attending the making any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners respectively shall by their respective Awards order and direct.

XXX. Provided also, and be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to revoke, make void, alter or annul any Will, Deed or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances, out of or upon, or affecting any of the Lands, Grounds and Hereditaments, to be divided and allotted, or which shall be exchanged or assigned in compensation for any other Estate or Right, by virtue of this or the said recited Act, or any Part or Parts thereof respectively; but as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned in exchange or in compensation for any other Estate or Right, shall immediately after such Allotments, Exchange or Assignments shall be made, be vested, remain, and enure; and the several Persons to whom the same shall be allotted, assigned, or given in exchange as aforesaid, shall thenceforth stand and be seised and possessed thereof respectively, and subject and liable to such and the same Wills and Deeds, Settlements, Dowers, Jointures, Debts, Rents or Incumbrances, as the Messuages, Tenements, Lands, Grounds and Hereditaments, in respect whereof such Allotments, Assignments and Exchanges shall be made, would have been subject to be charged with, or affected by, in case this Act had not been passed.

Not to annul
any Will or
Settlement,
&c.

XXXI. 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 Tythes 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 Two Years next after the Execution of the said Awards respectively; and that from and after the taking of such Two first Crops as aforesaid, or if the same should be taken before and notwithstanding the Non-execution of such Award, the future Crops shall be liable to Tythe in the same Manner as other inclosed Lands respectively situate in the said Parishes of *Llanarmon*, *Llandegla*, and *Bryneglwys*, or either of them; 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.

Two first
Crops to be
exempt from
Tythes.

XXXII. And

Expences of this Act to be raised by Rates, to be paid as the Commifioners reſpectively ſhall direct.

XXXII. And be it further enacted, That all and every the Coſts, Charges and Expences, incident to and attending the obtaining and paſſing this Act, and of the Surveys, Admeaſurement and Plan of the ſaid Commons and Waſte Lands hereby directed to be incloſed, and of all other Surveys, Plans and Admeaſurements, which ſhall be made by order of the ſaid Commiſſioners reſpectively; and alſo of valuing, dividing, ſetting out and allotting the ſaid Commons and Waſte Lands, or any Part thereof; and of forming, making and compleating the public Roads, Ways and Watering Places, which ſhall be ſet out and appointed by virtue of this or the ſaid recited Act; and of preparing, inrolling and depoſiting the Awards of the ſaid Commiſſioners reſpectively, and making Copies thereof; and all the Coſts, Charges and Expences, of the ſaid Commiſſioners reſpectively, and of the ſeveral Perſons employed and conſulted by the ſaid Commiſſioners reſpectively, in carrying the ſeveral Powers of this and the ſaid recited Act into Execution, or in anywiſe concerning the ſame, either before or after the Execution of the ſaid Awards reſpectively, ſhall be paid, borne and defrayed, by the ſeveral Owners and Proprietors of and the Perſons intereſted in the ſaid Commons and Waſte Lands, within the reſpective Pariſhes aforeſaid (other than and except His ſaid Majeſty, His Heirs and Succeſſors, and alſo the ſaid *William Davies Shipley*, *Edward Edwards* and *John Denman* and every other ſucceeding Rector and Vicar of the ſaid Pariſhes of *Llanarmon* and *Llandegla*, and the Surveyor or Surveyors of the Highways, in reſpect of the ſeveral Allotments to be given to them reſpectively for the Purpoſes aforeſaid), in ſuch Shares, Parts and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, Place or Places, and in ſuch Manner as the ſaid Commiſſioners reſpectively, or their Succeſſors, within their ſaid reſpective Pariſhes, ſhall in and by their reſpective Awards, or by any other Writing or Writings under their reſpective Hands, either previous to or after the Execution of their reſpective Awards, order, direct and appoint, according to the Value of their reſpective Allotments in the ſaid Commons and Waſte Lands within the ſaid Pariſhes reſpectively; and the ſaid Commiſſioners reſpectively are hereby authorized and required, from Time to Time, and at any Time or Times hereafter, as often as they ſhall reſpectively deem it neceſſary and proper, to make and form Eſtimates of all ſuch Coſts, Charges and Expences, and to raiſe the Amount of ſuch Eſtimates by a Rate or Rates accordingly, and ſhall in every ſuch Rate expreſs the Purpoſe to which the ſame is to be applied; and in caſe any Proprietor or Proprietors ſhall, either before or after the Execution of the Award in which ſuch Proprietor or Proprietors ſhall be intereſted, reſuſe or neglect to pay his, her, or their Share, Part or Proportion, Shares, Parts or Proportions, of ſuch Coſts, Charges and Expences, according to ſuch Order, Direction, and Appointment as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be levied and recovered in Manner directed by the ſaid recited Act, and that as well after as before the Execution of ſuch Award.

Commifioners may call on any Tenants for the Shares of Expences, who may de-

XXXIII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners reſpectively, within their ſaid reſpective Pariſhes, to call upon and demand from all or any Occupier or Occupiers of any Lands, Tenements or Hereditaments, being reſpectively Tenants of the ſame, and in reſpect of which any Allotment or Allotments ſhall be made, the Payment of the Share and Proportion, and Shares and Pro-

portions of the Costs, Charges and Expences, which shall be so ordered, directed and appointed, to be paid by the said Commissioners respectively, for the Purposes of this Act as aforesaid; and all such Occupiers respectively, being respectively Tenants as aforesaid, who shall pay such Shares and Proportions as aforesaid, shall deduct the same out of the first Payment thereafter to be made on account of Rent to their respective Landlords, being Owners or Proprietors of any Lands, Tenements or Hereditaments, in respect of which any Allotment or Allotments shall be made as aforesaid; and all Landlords, and their respective Heirs, Executors, Administrators and Assigns, being such Owners or Proprietors as aforesaid, according to their respective Interests, and their respective Receivers or Agents, shall allow such Deductions and Payments, upon Receipt of the Residue of the Rents to be paid by such Occupier or Occupiers respectively, being respectively Tenants as aforesaid; and such Occupier or Occupiers respectively, being respectively Tenants as aforesaid, who shall pay such Shares and Proportions as aforesaid, shall be acquitted and discharged of so much Money, as if the same had actually been paid unto the Person or Persons to or for whom his, her, or their Rent shall have been due and payable.

direct the same out of the Rents to be paid to their Landlords.

XXXIV. And whereas some of the Owners and Proprietors of Land and Grounds within the said Parishes of *Llanarmon*, *Llandegela*, and *Bryneglwys*, may have Occasion to borrow Money to defray their respective Shares of the Costs, Charges and Expences, of obtaining and carrying this Act into Execution; be it therefore further enacted, That it shall and may be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands and Grounds to be divided and allotted by virtue of the said recited Act and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners respectively, within their said respective Parishes, shall, by their said Awards respectively, or by Writing under their Hands respectively, either before or after the Execution of such Awards respectively, adjudge necessary to pay and defray the Costs, Charges and Expences, incident to and attending the obtaining of this Act, and of ditching, draining and fencing their respective Allotments, and other the Costs, Charges and Expences of carrying this Act into Execution, and of charging such Lands and Grounds as aforesaid, together with lawful Interest for the same, so that the Principal Sum or Sums of Money shall not exceed the Sum of Five Pounds for every Statute Acre of such Lands and Grounds; and to grant, mortgage, lease or demise, or otherwise subject the Lands, Tenements and Hereditaments, so to be charged, to such Person or Persons respectively who shall advance and lend any such Sum, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession who shall or may be liable to, and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay and discharge such Sum or Sums of Money, then and in every such Case it shall be lawful for the said Com-

Proprietors to have Power to borrow Money on their respective Allotments.

missioners respectively, by any Deed or Writing under their Hands and Seals respectively, within their said respective Parishes, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, lease or demise, or otherwise subject such Lands and Grounds to such Person or Persons respectively paying and discharging such Sum or Sums of Money, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for Payment of such Sum or Sums of Money so advanced, paid and discharged, by him, her or them, not exceeding the Sum of Five Pounds, per Statute Acre, for every Acre of such Lands and Grounds as aforesaid, with lawful Interest for the same, to commence in the Determination of his, her or their Right in the Premises; so that every such Grant, Mortgage, Lease or Demise as aforesaid, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned, when the Sum or Sums of Money thereby secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed or entitled to any such Lands and Grounds, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced; and that every such Charge, Grant, Mortgage, Lease or Demise, shall be good, valid and effectual in the Law, for the Purposes thereby intended.

For repaying
Money
borrowed,
with Interest
out of the
first Monies.

XXXV. Provided always, and be it further enacted, That if any Person or Persons shall advance any Money for the Purpose of defraying the Charges and Expences of applying for soliciting, obtaining, and executing this Act, such Person or Persons shall be repaid the same, with Interest, at the Rate of Five Pounds *per Centum per Annum*, out of the first Monies to be raised under and by virtue of this Act.

Commission-
ers to lay
their Ac-
counts before
Two Justices.

XXXVI. 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 passing thereof) the said Commissioners shall and they are hereby respectively required to make a true and just Statement or Account of all and every Sum or Sums of Money by them respectively, within the said respective Parishes, received and expended, or due to them respectively for their own Trouble and Expences in the Execution of this and the said recited Act, and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them respectively laid before any Two or more of His Majesty's Justices of the Peace in and for the Counties of *Denbigh* and *Flint* (not interested in the said intended Division and Inclosure) 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 or Clerks to the said Commissioners respectively; 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 in Writing by such Justices.

Two Awards
to be made.

XXXVII. And be it further enacted, That Two Awards and Two Maps or Plans, in the Manner and Form prescribed by the said recited Act, shall be made within the Space of Six Years from the passing of this Act, (that is to say) one by the said *John Calveley*, as to the Commons and Waste Lands in the said several Parishes of *Llanarmon* and *Llandegla*, and the other

by the said *Walter Jones*, as to the said Commons and Waste Lands in the said Parish of *Bryneglwys*; and that the said Awards, when inrolled in Manner directed by the said recited Act, shall be deposited at the Places hereinafter mentioned, (that is to say) the Awards for the said Parishes of *Llanarmon* and *Llandegla*, in the Parish Churches of the same last-mentioned Parishes respectively, and the Award for the said Parish of *Bryneglwys*, in the Parish Church of the same last-mentioned Parish; and Duplicates thereof respectively shall also be deposited in the Office of the Clerk of the Peace for the County of *Denbigh*, for the Perusal of all Persons interested therein.

XXXVIII. And be it further enacted, That the said Commissioners respectively shall, and they are hereby respectively required to make an Extract on Parchment, under their Hands and Seals respectively, of so much of their respective Awards as shall contain an accurate Description of the Allotment or Allotments to be made to His said Majesty, 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 Awards respectively; and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Commissioners of His Majesty's Woods, Forests and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue for the Time being, within Six Calendar Months next after the making and executing the said Awards respectively, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in Evidence on all Occasions where any Question, Doubt or Controversy may arise relating to or affecting the Rights or Interests of His Majesty, his Heirs and Successors.

Extracts of so much of the Awards as relate to the King's Allotments, to be sent to the Surveyor General.

XXXIX. And be it further enacted, That it shall be lawful for the said Commissioners hereby appointed respectively, with the Concurrence of such Assistant Commissioner as shall be appointed by the Commissioners of His Majesty's Woods, Forests and Land Revenue, or the said Surveyor General of His Majesty's Land Revenue as aforesaid, previously to the making of such Survey, to direct proper Meer-stones to be fixed in such Places as such Commissioners hereby appointed respectively, with such Concurrence as aforesaid, shall think proper, in order to ascertain and perpetuate the Limits of the said Commons and Waste Lands; and as well the Maps or Plans hereinbefore mentioned, as the said Duplicates thereof respectively, shall specify and distinguish therein such Meer-stones, and as well such Maps or Plans, as such Duplicates as aforesaid, shall at all Times hereafter be admitted and allowed upon all Occasions as legal Evidence.

For putting down Meer-stones.

XL. 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 or the said recited Act, other than and except such Determinations of the Commissioners respectively as are hereby or by the said recited Act declared to be final, binding or conclusive, and except in such Cases where an Issue at Law may be tried as hereinbefore is mentioned, then and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace, to be holden in and for either of the said Counties of *Flint* or *Denbigh*, within Four Calendar Months next after

Persons aggrieved, may appeal to the Quarter Sessions.

after the Cause of Complaint shall have arisen, on giving to the said Commissioners respectively, and to the Party or Parties concerned, Fourteen Days' Notice in Writing of such Appeal and of the Matters thereof, and the Justices (not interested in the Premises) in such Sessions assembled, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall seem 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 made 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 such Warrant, Distress and Sale; and every Order and Determination of the said Justices, upon every such Appeal, shall be final and conclusive, and shall not be removed or removable by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then and in such Case the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and such Costs shall be levied in Manner aforesaid.

Saving the Rights of His Majesty, Earl Grosvenor, and the several Lords of Manors, their Heirs and Assigns, to the Mines, &c. under the Lands to be inclosed.

XLI. 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, or the said *Robert Earl Grosvenor*, his Heirs or Assigns, or of the said several Lords of the said several Manors, or any of them, their Heirs or Assigns, or any other Person or Persons claiming or to claim by, from, through or in Trust for him, them or any of them, in and to all or any of the Mines, Ores, Minerals, Coal and Stone, of what Nature or Kind soever, in or under the said Commons and Waste Lands, or any Part or Parts thereof; but His said Majesty, his Heirs and Successors, and the said *Robert Earl Grosvenor*, his Heirs and Assigns, and the several Lords of the said Manors, their Heirs and Assigns, or such other Person and Persons as aforesaid, and their Lessee or Lessees, Agents, Servants, Miners and Workmen, shall henceforth respectively enter into, have, hold and enjoy, search and work all Mines and Mine Works, Pits, Holes, Beds, Veins and other Bearings of Mines, Ore, Minerals, Coal and Stone whatsoever, in such Parts of the said Commons and Waste Lands as are within their respective Seigniories, as fully and effectually as he or they might respectively have done before the passing of this Act; and for that Purpose shall and may respectively use all Pits, Shafts, Levels, Soughs and Tunnels, already opened and sunk in the said Commons and Waste Lands, and all such Mines, Engines and Buildings thereon erected or standing, as fully and effectually as they respectively might have done before the passing of this Act; and that it shall be lawful for His said Majesty, his Heirs and Successors, and the said *Robert Earl Grosvenor*, his Heirs and Assigns, and the said several Lords of the said several Manors, their Heirs and Assigns, and such other Person and Persons as aforesaid, and his and their Lessee and Lessees, Agents, Servants, Miners, Colliers and other Workmen respectively, to sink, dig, delve, drive and work all and every or any Number of Pits, Shafts, Levels, Soughs and Tunnels, which they shall respectively think necessary for discovering, searching for, raising or getting any Mines, Ores, Minerals, Coal and Stone whatsoever, to which they are immediately
before

before the passing of this Act respectively entitled, in or under such Parts of the said Commons and Waste Lands as are situate within their respective Seigniories; and to dig and raise Clay for making and burning of Brick, Tiles, Gutters and Ridges, in and upon such Parts of the said Commons and Waste Lands as are situate within their respective Seigniories, as well before as after the same shall have been inclosed, for the Use of any Colliery or Collieries now open or hereafter to be opened therein, and for repairing any old or erecting any new Building which may be necessary for carrying on or working any Mine or Mines whatsoever; and also to erect any Number of Steam and other Engines, Machine and Machines of what Nature or Kind soever, which he or they shall think necessary for the Use, Convenience or Advantage of any Mine or Mines whatsoever, in or upon the same Premises or any Part thereof; and to place, stock up and lay all Lead, Copper, Iron and other Ores, Coals, Stone and other Minerals and Matters, which shall be gotten and raised, and all Rubbish, Earth and Soil, upon the same Premises; and to make, burn or convert Coal and Culm into Charcoal or Coke; and also to have, make and use all convenient Ways, Roads and Railways in, upon and over the same Premises, either before or after the same shall be 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 with Carts, Waggons and other Carriages, to fetch, take and carry away the Lead, Copper and Iron Ores, Coal and Stone, 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 Premises either before or after the Inclosure thereof, for the discovering, getting, working, converting, removing, carrying away, selling and disposing of all Mines, Coal, Stone, and other Minerals whatsoever, without any Molestation or Interruption whatsoever.

XLII. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to defeat, lessen or prejudice the Right, Title or Interest of His Majesty, his Heirs or Successors, or of the said several Lords of the said several Manors, or any of them, or of their or either of their Lessee or Lessees, Steward or Stewards, or other Officers, for the Time being, of, in or to the Seigniories and Royalties belonging to His Majesty, or to the Seigniories or Royalties respectively incident or belonging to the said several Manors, but that His said Majesty, his Heirs and Successors, and the said several Lords, their respective Heirs, Successors and Assigns, and their respective Lessee and Lessees, Steward and Stewards, for the Time being, shall and may, from Time to Time, and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquisites, and Profits of Courts, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, Pre-eminences, Jurisdictions and Appurtenances whatsoever, to His said Majesty, and to the said several Manors respectively, or to the Stewards or other Officers thereof, incident or appendant, belonging or appertaining, except Rights of Common or of Soil, Quarries, Springs and other Matters, not being the Mines, Privileges and Minerals hereinbefore reserved; which Quarries, Springs, and other Matters, not being the Mines, Privileges and Minerals hereinbefore reserved, shall belong to the several Persons, Bodies Politic or Corporate, to whom any Allotment shall be made by virtue of this Act; and which said Mines or Minerals shall continue to belong to

Saving to His Majesty, and the several Lords of Manors, their Rights of Jurisdiction, &c.

[Loc. & Per.]

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such

such Person or Persons, Body or Bodies Politic or Corporate, as was or were lawfully entitled to the same before the passing of this Act.

General or
Saving
Rights.

XLIII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every Person and Persons, Bodies Corporate and Politic, his, her and their Heirs, Successors, Executors and Administrators, all such Right, Title, Estate and Interest, other than those meant and intended to be barred and destroyed by this Act, as they, every or any of them, had and enjoyed of, in, to or out of the Commons and Waste Lands aforesaid, or any Part thereof, before the passing of this Act, or could or might have held or enjoyed before the passing of this Act, or in case this Act had not been made.

Act to be
printed by
the King's
Printer.

XLIV. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof so printed shall be admitted as Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1811.