



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 149.

An Act for inclosing and draining Lands in the Parish
of *Llanasa*, in the County of *Flint*.

[10th June 1811.]

WHEREAS there are within the Parish of *Llanasa*, in the County of *Flint*, certain Marshes, Commons, and Waste Lands, containing in the whole One thousand six hundred Acres, or thereabouts, whereon the Owners of ancient Messuages, Dwelling Houses, and Lands within the said Parish, have for Time immemorial enjoyed Right of Common of Pasture: And whereas Sir *Pyers Mostyn* of *Talacre*, in the County of *Flint*, Baronet, is Lord of the Manor of *Picton* and *Axton*, in the said Parish, and Owner of the Soil of the Commons and Waste Lands within the said Manor, and of certain Common Marshes in the said Parish, called *Gwesbyr* and *Gronant Marshes*, and is also entitled to Free Warren, in, over, and upon the several Townships of *Picton*, *Axton*, and *Gwesbyr*, in the said Parish, and to Wrecks of the Sea, Waifs, Estrays, and other Rights, Royalties, Franchises, and Privileges in, over, and upon the said Manor and Common Marshes aforesaid: And whereas the King's most Excellent Majesty, in Right of His Crown, and as Part of the Revenues of the Principality of *Wales*, is seized of the Soil and Seigniorship of all other the Commons and Waste Lands within the said Parish, subject to a Grant heretofore made, and now vested in Sir *Thomas Hanmer* Baronet, of all Mines of Coal therein: And whereas the Right Reverend Father in God *William*, Lord Bishop of *Saint Asaph* is entitled to the Advowson and Right

[*Loc. & Per.*]

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of

of Presentation in and to the Parish Church of *Llanasa* aforesaid: And whereas *Henry Parry* Clerk, is Vicar of the said Parish of *Llanasa*, and is entitled to all Rectorial and Vicarial Tythes arising and renewing within the Townships of *Trelogan* and *Axton*, in the same Parish, except the Tythe of Hay in the Township of *Axton*; and is also entitled to the Tythe of Hay of certain Meadows in the Townships of *Gwesbyr* and *Gronant*, in the said Parish, called *Gwerglodd Badrie*, *Gwerglodd Hugh ap John William*, *Gwerglodd y Railes*, *Llawes y windis isa*, *Gwerglodd Dwnley*, *Gwerglodd Gwerpyr*, *Coedfa John Owen*, *Coedfa bâch y Ddol fechan*, *Coedfa Hugh ap Edward*, and *y Goedfa hir*, and to Seven Fifteenth Parts of the Tythes of Wool and Lamb throughout the Whole of the said Parish; and also to certain Glebe Lands in the said Parish, belonging to the said Vicarage, and in Right of such Glebe Lands, to Right of Common, in, over, and upon the said Marshes, Commons, and Waste Lands: And whereas the said *William* Lord Bishop of *Saint Asaph* is entitled to the Improprate Rectory or Parsonage of the Parish of *Llanasa* aforesaid, and in Right thereof to all other the Tythes arising and renewing within the same Parish, subject, as to such last-mentioned Tythes, to a Lease heretofore made or granted thereof to *Charles Fyshe Palmer*, of the Town of *Bedford*, Esquire: And whereas the said *Sir Pyers Mostyn*, *Sir Thomas Mostyn*, and *Sir Thomas Stanley Maffey Stanley*, Barons, *Thomas Mostyn Edwards*, *Edward Morgan*, *Thomas Thomas*, *Bryan Cooke*, *Thomas Longueville Jones*, and *James Ewer*, Esquires, and others, are the Owners and Proprietors of divers Messuages, Lands, and Tenements in the said Parish of *Llanasa*, and are entitled in respect thereof to Right of Common upon the Marshes, Commons, and Waste Lands therein, or some Part or Parts thereof respectively: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty King *George* the Third, 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 Marshes, Commons, and Waste Lands, in the Parish of *Llanasa* aforesaid, are of little Value in their present open and uninclosed State, but would, if embanked from the Sea, divided and inclosed, be of great Advantage to the several Persons interested therein, and be of great public Utility; but such Embankment, Division, and Inclosure cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Marshes, Commons, and Waste Lands, in the said Parish of *Llanasa*, shall be severally divided, allotted, and inclosed, and the said Marshes shall be embanked, defended, and protected from the Sea, in the Manner, and under the Powers, Provisions, and Authorities hereinafter contained.

Commissioners and Engineer.

II. And be it further enacted, That *John Calveley* of *Bruen Stapleford*, in the County Palatine of *Chester*, Gentleman, and *Thomas Wedge* of *Sealand*, in the said County of *Flint*, Gentleman, shall be Commissioners, and the said *Thomas Wedge* shall also be Engineer for the Purpose of carrying this Act into Execution, with such Powers and Authorities as are hereby or by the said recited Act to them respectively given and granted.

granted, and under and subject to the several Provisoos and Regulations in the same Act and herein-after contained, so far as the Provisions of the said Act are not hereby varied or altered; and that they the said *John Calveley* and *Thomas Wedge*, and their respective Successors, shall, before they enter upon their respective Offices, or be in anywise capable of acting therein, respectively take and subscribe the following Oath or Affirmation, before the other of them, or any one of His Majesty's Justices of the Peace for the said County of *Flint*, which Oath or Affirmation it shall be lawful for either of the said Commissioners or such Justice of the Peace to administer:

‘ I *A. B.* do swear [or, being one of the People called Quakers, do solemnly affirm] That I will faithfully, impartially, and honestly, according to the best of my Skill, Judgement, and Ability, execute and perform the several Trusts, Powers, Duties, and Authorities vested and reposed in and prescribed to me as a Commissioner, [or, Engineer, Umpire, Surveyor, or other Officer, as the Case may be], by virtue of an Act passed in the Fifty-first Year of the Reign of King *George* the Third, intituled, [here insert the Title of this Act], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

[or, being a Quaker, leave out the Words ‘ So help me God.’]

Which Oath or Affirmation shall be written upon Parchment, and when so taken and subscribed shall be annexed to and inrolled with the Award of the said Commissioners, and a Copy thereof shall be admitted as legal Evidence.

III. And be it further enacted, That if the said *John Calveley* and *Thomas Wedge*, or either of them, or any new Commissioner or Commissioners, or Engineer, to be appointed as herein-after mentioned, shall die, or shall for the Space of Two Calendar Months wilfully refuse or neglect to act in the Execution of their respective Offices, or shall become incapable of acting therein, or shall be guilty of any other wilful Negligence or Misconduct, then and in every such Case, and from Time to Time, so often as there shall be Occasion, it shall and may be lawful for any Three or more Owners or Proprietors of any Messuages, Tenements, or Lands within the said Parish of *Llanasa*, to call a General Meeting of the Owners or Proprietors of Messuages, Tenements, and Lands within the same Parish, giving Notice in Writing, with their Names subscribed thereto, Ten Days at least before the Day proposed for the Meeting, on the principal Door of the Parish Church of *Llanasa* aforesaid, and in One or more of the Newspapers printed and circulated in the City of *Chester*; and the major Part in Value (such Value to be ascertained according to the Rate or Assessment made for the Relief of the Poor within the several Townships in the said Parish for that Year) of such Owners or Proprietors who shall be present at such Meeting in Person, or by their respective Agents and Proxies duly authorized for that Purpose, are hereby empowered summarily to examine into the Facts, and declare the respective Offices or Office vacant, if they shall so determine; and shall and may and they are hereby required, by Writing under the Hands of such major Part in Value of the said Owners and Proprietors, and Agents, present at such Meeting, appoint a new Com-

For appointing new Commissioners and Engineer.

missioner or Commissioners, Engineer or Engineers respectively, as the Vacancy may happen to be; and so from Time to Time as any Vacancy shall happen by Death, Incapacity, Refusal, Misconduct, or Neglect of any such new Officer or Officers, in like Manner appoint others; and the said Proprietors may either direct that such Office of Engineer may be executed by any or either of the said Commissioners so to be appointed as aforesaid, or such Proprietors may appoint any other Person as Engineer as they shall think fit; and every such new Commissioner or Engineer so to be appointed as aforesaid, shall and may proceed to execute this Act, and be invested with like Powers as if he had been originally hereby appointed, and shall respectively take and subscribe the Oath aforesaid, in Manner aforesaid, before he or they shall be capable of acting in his or their respective Offices, or in anywise interfering therein under this Act.

Refusal or
Neglect of
Commission-
ers to attend
Meetings to
vacate
Appoint-
ments.

IV. Provided also, and be it enacted, That if either of the said Commissioners and Engineer hereby appointed shall refuse or neglect to attend at the Meetings directed to be holden for carrying this Act, and the said recited Act into Execution, and duly qualify himself by taking the Oath herein-before prescribed in that Behalf; or if any new Commissioner or Engineer to be named and appointed in Manner by this Act directed, shall not attend at the First or Second Meeting of the Commissioners, after his or their Nomination or Appointment, (such Meeting to be appointed by the surviving or remaining Commissioner, in case of the Death or Discharge of the other of them), and duly qualify himself or themselves by taking the Oath herein-before prescribed in that Behalf; or if either or any of the said Commissioners hereby or hereafter to be appointed shall at any Time after the said Meetings wilfully absent himself or themselves from any Two following successive Meetings appointed to be holden by virtue of this Act, such Meetings being known to him or them, either by his or their being present at the Appointment thereof, or by Notice thereof in Writing having been given to him or them, or left at his or their last or usual Place of Abode by the Clerk to the said Commissioners, such Commissioner not being prevented by Sickness or other reasonable Cause, (to be allowed by the other Commissioner), from attending such Meetings; or if any Engineer hereafter to be nominated and appointed as aforesaid, shall not attend at the Meetings of the said Commissioners when thereunto required, by Notice in Writing given to him, or left at his last or usual Place of Abode by the Clerk to the said Commissioners, and such Engineer not being prevented by Sickness or other reasonable Cause (to be allowed by the said Commissioners) from attending at any such Meetings, then and in every such Case such Absence or Non-attendance shall be deemed and taken to be a Refusal to act within the Intent and Meaning of this Act.

For appoint-
ing an Um-
pire.

V. And for the Purpose of settling and determining any Difference or Dispute that may arise between the said Commissioners, touching or concerning any of the Matters or Things to be by them done and performed in pursuance of the said recited Act and this Act; be it further enacted, That it shall be lawful for the said Commissioners by any Writing under their Hands to nominate and appoint some proper Person (not interested in the said Division and Inclosure) as an Umpire, and all Differences and Disputes that may arise between the said Commissioners, touching

touching or concerning any of the Matters or Things to be by them done or performed in the Execution of the said recited Act and this Act, shall be by them referred to the said Umpire; and in case the said Umpire so nominated and appointed by the said Commissioners shall die, refuse, or neglect to act as such Umpire, within the Space of Fourteen Days after Application made to him for that Purpose by the said Commissioners, or any one or more of the Proprietors of Lands and Tenements in the said Parish, or shall become incapable of acting as such Umpire, then and in every such Case it shall and may be lawful to and for the said Commissioners to nominate and appoint, by any Writing under their Hands, any other Person (not interested in the said Division and Inclosure) to be such Umpire, and so from Time to Time as often as any Person so nominated and appointed an Umpire shall die, refuse, or neglect to act, or become incapable of acting in the Execution of the said recited Act and this Act; and every such Umpire so nominated and appointed, is hereby authorized and required to hear and determine all such Differences and Disputes; and the Judgement and Determination of the said Umpire therein shall be deemed, considered, and taken to be the Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgement and Determination of the said Commissioners are in such and the like Cases by the said recited Act and this Act declared to be final and conclusive.

VI. Provided always, and be it enacted, That in case the said Commissioners shall for the Space of Seven Days next after such Difference or Dispute shall have arisen, refuse, or neglect to, or shall not appoint such Umpire, or in case such Umpire, having been nominated and appointed by the said Commissioners in Manner aforesaid, shall die, refuse, or neglect to act, or become incapable of acting as such Umpire, and the said Commissioners shall, for the Space of Seven Days after such Death, Refusal, Neglect, or Incapacity shall be made known to them, refuse or neglect to, or shall not nominate and appoint another Person (not interested in the said Division and Inclosure) in the Room or Stead of the Umpire so dying, refusing, neglecting, or becoming incapable of acting, then and in every such Case the major Part in Value (such Value to be ascertained according to the several Rates or Assessments made for the Relief and Maintenance of the Poor of the several Townships in the said Parish of *Llanasa* for that Year) of the Owners and Proprietors of Lands and Hereditaments within the said Parish of *Llanasa*, who shall be present in Person, or by their respective Agents duly authorized for such Purpose, at a Meeting to be holden for that Purpose, of which Meeting Ten Days Notice in Writing, signed by any One or more of such Owners and Proprietors shall be given, by affixing the same on the principal outer Door of the Parish Church of *Llanasa* aforesaid, on some *Sunday* immediately after Divine Service, and also by Advertisement to be inserted in One or more of the Newspapers printed or circulated in the City of *Chester*, shall and they are hereby required to nominate and appoint, by any Writing under the Hands of the major Part in Value of them the said Owners and Proprietors and Agents, present at such Meeting as aforesaid, a proper Person (not interested in the said Division and Inclosure) to be such Umpire, and so from Time to Time as often as any such Case shall happen; and every such Umpire so nominated

How new
Umpire shall
be appointed.

and appointed, is hereby authorized and required to hear and determine all such Differences and Disputes as may arise between the said Commissioners; and the Judgement and Determination of the said Umpire thereon shall be deemed, considered, and taken to be the Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgements and Determinations of the said Commissioners are in such and the like Cases by the said recited Act or this Act declared to be final or conclusive.

Umpire to
take an Oath.

VII. And be it further enacted, That no Person shall be capable of acting as an Umpire in the Execution of the Powers given by this Act or the said recited Act, until he shall have taken and subscribed the Oath herein-before prescribed; which Oath the said Commissioners or either of them, are and is hereby authorized and required to administer; and the said Oath so taken and subscribed by such Umpire, and also the Appointment of every such Umpire, shall be annexed to and inrolled with the Award of the said Commissioners; and a Copy of the Inrolment thereof shall be admitted as legal Evidence thereof.

For appoint-
ing Assistant
Commissioner.

VIII. And be it further enacted, That the Commissioners of His Majesty's Woods, Forests, and Land Revenue, or the Surveyor General of His Majesty's Land Revenue for the Time being, may and shall, at any Time or Times hereafter, by Writing under their Hands, nominate and appoint an Assistant Commissioner to carry this Act into Execution, so far as relates to the Right of the King's Majesty in and upon the said Marshes, Commons, and Waste Lands, and also from Time to Time as often as there shall be Occasion, nominate and appoint a Successor or Successors to any such Assistant Commissioner or Commissioners who shall die or become incapable of acting, or shall decline, or neglect to act in the Execution of his said Office, with full Power for such Assistant Commissioner and his Successors, (after taking the said Oath, which he shall take and subscribe as herein-before directed, and which either of the Commissioners of Inclosure for the Time being is hereby empowered to administer to him), to examine, inquire into, and admit or object to, on the Part of His Majesty, the Limits and Boundaries of the said Parish of *Llanasa*, and the said Manor of *Picton* and *Anton*, and of the said respective Marshes, Commons, and Waste Lands within the same, or any Part thereof, and every or any Claim or Claims, of what Nature or Kind soever, to or in respect of or touching or concerning the said Marshes, Commons, and Waste Lands so to be inclosed as aforesaid, or any Part thereof respectively; and also, jointly with the said *John Calveley* and *Thomas Wedge*, and their respective Successors, to allot and set out the Portion and Portions of His Majesty of and in the said Marshes, Commons, and Waste Lands respectively, in respect of the said Rights; and that no Allotment or Allotments to or for the Use of His Majesty shall be made or be effectual, without the Concurrence and Approbation in Writing of such Assistant Commissioner.

Commission-
ers and Engi-
neer's Allow-
ance.

IX. And be it further enacted, That the said *John Calveley* and *Thomas Wedge*, and their respective Successors, to be appointed in Manner hereby directed, shall be allowed to retain out of the Money to be raised by virtue of this Act, to and for their own Use, and also shall, and he and they is and are hereby required to pay to the said Assistant Commissioner, and

and his Successors, to be respectively appointed in Manner herein-before mentioned, the Sum of Two Pounds Twelve Shillings and Sixpence each, and no more, for his and their Trouble and Expences for each and every Day he the said *John Calveley*, and the said Assistant Commissioner, or their respective Successors, shall respectively actually attend in the Execution of this Act, and also for each and every Day he the said *Thomas Wedge* shall actually attend in the Execution of this Act, in his Capacity of Commissioner, or as Engineer, inclusive of the Days of travelling to and from his and their respective usual Place or Places of Abode.

X. And be it further enacted, That the said Commissioners for Inclosure for the Time being, shall and they are hereby required to give or cause to be given public Notice by Writing, to be affixed on the principal outer Door of the Parish Church of *Llanasa* aforesaid, and on the great Doors of each of the Shire Halls in the Towns of *Flint* and *Mold*, and also by Advertisement in one or more of the Newspapers printed and circulating in the said City of *Chester*, of the Time and Place of their First and every other public Meeting for carrying this Act and the said recited Act into Execution, Fourteen Days at least before every such Meeting, (Adjournments of such Meeting from Day to Day only excepted); and in case both of the said Commissioners shall not attend at the Time and Place appointed for any such Meetings, or to which any such Meeting shall be adjourned, then and in every such Case it shall be lawful for the Commissioner who shall attend, and for the Person acting as Clerk to the said Commissioners, in case neither of the said Commissioners shall attend, to adjourn such Meeting to any future Day, not exceeding Fourteen Days from the Day of such Adjournment, such Meeting to be holden at the Place where the last preceding Meeting was held; and the said Commissioner or Clerk making such Adjournment is hereby required to give timely Notice thereof to the absent Commissioner or Commissioners, and also to cause Notices of such adjourned Meeting to be affixed on the Doors of the Parish Church and Shire Halls herein-before mentioned, and by Advertisement to be inserted in One of the *Chester* Newspapers, Six Days at the least before such adjourned Meeting: Provided always, that the Proprietors and Owners of Messuages, Lands, and Tenements within the said Parish, their Attornies and Agents, and each and every of them, and all other Persons, shall pay their own Expences when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this or the said recited Act.

Commissioners to give Notice of Meetings, &c.

XI. Provided always, and be it further enacted, That all other Notices requisite or necessary to be made or given by the said Commissioners, (the Manner of making and giving which shall not be otherwise provided for by this or the said recited Act), shall be made and given by public Advertisements in one or more of the Newspapers printed and circulating in the said City of *Chester*.

Other Notices how to be given.

XII. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, by Examination of Witnesses upon Oath or Affirmation, (which Oath or Affirmation the said Commissioners or either of them are and is hereby empowered to administer); and by such other legal Ways and Means as they shall think proper, to inquire into the respective Limits and Boundaries of the said Manor of *Picton* and *Axton*, and the Parish of

Commissioners to perambulate the Boundaries of the Manor and Parish, &c.

Llanasa

Llanasa aforesaid, and of the several and respective Townships, Hamlets, Parishes, or Districts adjoining thereto, and within the same; and in case it shall appear to such Commissioners that the Boundaries of the same respectively are not then sufficiently ascertained and distinguished, such Commissioners shall and they are hereby authorized and required to ascertain, set out, determine, and fix the same respectively; and after the said Boundaries shall be so ascertained, set out, determined, and fixed, the same shall and are hereby declared to be the Boundaries of such Manor, Parishes, Townships, Hamlets or Districts: Provided always, that the said Commissioners (before they proceed to ascertain and set out the Boundaries of the said Manor, Parishes, Townships, Hamlets or Districts) shall and they are hereby required to give public Notice by Writing under their Hands, to be affixed on the principal outer Door of the Parish Church of *Llanasa* aforesaid, and on the great Doors of each of the Shire Halls in the Towns of *Flint* and *Mold*, in the said County, and also by Writing, to be left at the usual Place of Abode of the Lord of the said Manor of *Picton* and *Axton*, or his Steward, and of the said Assistant Commissioner, and if such Assistant Commissioner shall not have been then appointed, then at the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenue, in the City of *Westminster*, as well as by public Advertisements in one or more of the *Chester* Newspapers, Ten Days at least before the Time of setting out such Boundaries, of their Intention to ascertain, set out, determine, and fix the same respectively; and the said Commissioners shall within One Month after their ascertaining and setting out the same Boundaries, cause a Description thereof in Writing to be delivered to or left at the Place and Places of Abode of One of the Churchwardens of the said Parish of *Llanasa*, and also of the said Lord of the said Manor of *Picton* and *Axton* aforesaid, or his Steward, and of the said Assistant Commissioner, and if he shall not then be appointed, then at the said Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenue.

Parties dissatisfied with the Boundaries as set out, may try their Rights at Law.

XIII. Provided also, and be it further enacted, That if any Person or Persons, Body or Bodies Politic or Corporate, interested in the ascertaining of the Boundaries of the said Parish of *Llanasa*, and Manor of *Picton* and *Axton*, and of any Parish, Township or District respectively adjoining thereto or within the same, shall be dissatisfied with the Determination of the said Commissioners or Umpire, made in pursuance of the Directions of this or the said recited Act of the Forty-first Year of the Reign of His present Majesty, respecting such Boundaries, or any of them, and shall be desirous of having the Boundaries affected by such Determination tried at Law, and shall by themselves, or their respective Agents or Attornies, within One Calendar Month next after the Determination of the said Commissioners shall have been made, and published by them, give Notice in Writing to the said Commissioners of such his, her, or their Objection to the said Boundaries so determined by the said Commissioners, and of such Desire to have the same Boundaries settled by Trial at Law, then and in every such Case the said Commissioners shall and they are hereby required, immediately on Receipt of such Notice as aforesaid, or as soon afterwards as conveniently may be, to give Notice to One or more of the Party or Parties interested therein, who shall insist upon the Boundaries so determined by the said Commissioners or Umpire, or to the respective Agents or Attornies of such Person or Persons, by Writing under the Hand of

them the said Commissioners, to be delivered to or left at the usual Place of Abode of such Party or Parties, Agents or Attornies respectively; and it shall and may be lawful to and for the Person or Persons giving such Notice to the said Commissioners as aforesaid, or his or their Heirs, Successors or Assigns, after the Expiration of Two Calendar Months from the Time of such Notice being given to the said Commissioners as aforesaid, to proceed to Trial at Law for the ascertaining of such Boundaries so objected to as aforesaid, at the First or Second Assizes to be holden for the County of *Chester* next after the giving of such Notice to the said Commissioners, in an Action or Actions for that Purpose, to be commenced in one of His Majesty's Courts of Record at *Westminster*, by the Person or Persons giving such Notice to the said Commissioners as aforesaid, their respective Heirs, Successors or Assigns, against any such Person or Persons interested therein, who shall insist on the Boundaries so determined by the said Commissioners as aforesaid, and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies who shall file Common Bail, or appear, and accept one or more Issue or Issues, whereby all such Boundaries may be properly tried and determined, (such Issue or Issues, if the Parties differ about the same, to be settled by the proper Officer of the Court wherein such Action or Actions shall be commenced), and the Jury or Juries who shall try such Issue or Issues shall find the true Boundary or Boundaries of all or any of such Manor, Parishes, Townships, Hamlets or Districts so in Dispute, and the same shall under the Direction of the Judge who shall try the said Issue or Issues, be indorsed specially on the Postea, in case the same shall be thought necessary for ascertaining such Boundaries; and the Verdict or Verdicts which shall be given in any such Action or Actions shall be final and conclusive to every Person and Persons, Body and Bodies Politic and Corporate whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside the Verdict or Verdicts so to be given as aforesaid, and order a new Trial or Trials to be had, (which it shall be lawful for the Court to do, and also upon sufficient Cause shewn to put off the Trial of such Issue, or to change the Venue, as is usual in other Cases), and after any Verdict or Verdicts shall have been obtained, and not set aside by the Court as aforesaid, the said Commissioners shall and they are hereby authorized and required to conform to such Verdict or Verdicts, any Thing in the said Act or in this Act contained to the contrary notwithstanding; provided that the Defendant or Defendants in every such Action shall be by the said Commissioners reimbursed all the Costs, Charges, and Expences which he or they shall reasonably pay, expend, or be put unto, in the Defence of such Action or Actions, by and out of the Money to be raised for carrying this Act into Execution.

XIV. And be it further enacted, That it shall be lawful for the said Engineer, and his and their Agents, Workmen, and all other Persons by him employed, and he and they are hereby authorized and empowered from Time to Time and at all Times hereafter, for the Purposes and in Execution of this Act, to enter into and upon all, any, and every the Common Marshes within the said Parish, and also any Lands or Grounds adjoining thereto, and to make and erect, or cause to be made and erected in and upon the said Common Marshes, all such Banks, Fences, Dams, Tunnels, Floodgates, Culverts, Bridges and other Works, and of such Dimensions and Form, and in such Manner and Direction in every respect,

Power for
Engineer to
make Em-
bankments,
&c.

as the said Engineer shall think most effectual for the Purpose of embanking and defending such Common Marshes from the Sea; and also to make and erect such Banks, Fences, Dams, Tunnels, Flood-gates, Bridges, and other Works, in, through, over and upon any inclosed Lands or Grounds lying near or adjoining to the said Common Marshes, as shall be necessary for the Purpose of connecting such Banks and Fences, to be made upon such Marshes, with the High Lands or Grounds adjoining thereto; and from Time to Time to alter, enlarge, strengthen, remove, rebuild, and repair any such Banks, Fences, Dams, Tunnels, Floodgates, Culverts, Bridges, and other Works; and also to cut, dig, take, and carry away any Quantity of Earth and Materials for the Purpose of making, erecting, altering, enlarging, strengthening, repairing, supporting and maintaining the same, upon, out of, or from the said Common Marshes and the several Lands and Grounds adjoining or near to the said Banks and Fences, or to the Line and Direction in which the same may be intended to be carried; and likewise to cleanse, scour out, widen, enlarge, deepen and repair, or cause to be scoured out, widened, deepened, enlarged and repaired, all such ancient Streams, Drains, Brooks, Ditches, Watercourses, Plats, and Bridges in the said Parish of *Llanasa*, and to make, set out, order, and direct such new Ditches, Drains, Watercourses, Tunnels, Plats, and Bridges of such Width, Depth and Dimensions, and in such Directions and Situations as he the said Engineer shall think proper, as well in, through, over, and upon the said Marshes, Commons, and Waste Lands, hereby intended to be divided, allotted and inclosed, as also in, through, over, and upon any ancient Inclosures, or other Lands and Grounds in the said Parish of *Llanasa*, or any Part or Parts thereof, for the Purpose of effectually draining the said Marshes, Commons and Waste Lands, and such other Lands and Grounds, and carrying off and conveying the Land-Water and Streams therefrom into the Sea, through the Openings and Culverts to be left or made in the said Banks, or in such other Course or Direction as shall be necessary, without making any Recompence or Satisfaction for the Value of any Earth or Materials which may be taken for all or any of the Purposes aforesaid from the said Marshes, Commons, or Waste Lands intended to be divided, allotted or inclosed, or from and out of any Encroachment or Encroachments made therefrom respectively, within Twenty Years next previous to the passing of this Act, or for any Trespass or Damage to be occasioned by the getting such Earth and Materials, or for the Value of the Land which shall be taken or used for the Purpose of making such Works of Embankment, but making such Recompence and Satisfaction for such Earth and Materials as shall be used or taken for all or any of the Purposes aforesaid, from and out of any of the ancient inclosed Lands or Grounds in the said Parish, not hereby intended to be allotted and inclosed, and for such Damage as shall be occasioned thereto by the getting of such Materials, or by the making, erecting, altering, enlarging, strengthening, widening, deepening, repairing, supporting and maintaining the said Banks, Fences, Dams, Tunnels, Flood-gates, Culverts, Streams, Drains, Ditches, Plats, Bridges and other Works, or any of them, within the said inclosed Lands or Grounds, and for the Value of the Ground to be taken for the Purpose of making the same, or any of them, as herein-after is expressed; provided that no Earth and Materials for the Purpose of making any such Banks, Dams, Tunnels, Flood-gates, Culverts, Bridges, and other Works of Embankment, shall be dug or taken upon or from any of the Lands or Grounds adjoining or lying on

the

the Inshore or West Side of the said Banks, or the Line in which they may be intended to be carried, except in such Cases where sufficient Quantity of Earth and Materials proper for the Purposes aforesaid cannot be obtained with equal Convenience from the Foreshore, or the North-east or North-west Sides of the said Banks, adjoining to the Sea, and not in any Case, before all the Materials necessary and proper for the making, repairing, and maintaining of such Works of Embankment which can be conveniently obtained from such Foreshore, shall have been obtained for that Purpose.

XV. Provided always, and be it further enacted, That nothing in this Act contained, shall extend or be construed to extend to exonerate the Owners or Proprietors of any ancient inclosed Lands within the said Parish of *Llanasa*, not hereby intended to be divided, allotted and inclosed, who immediately before the passing of this Act were liable to cleanse, scour out, and keep in Repair any of such ancient Streams, Drains, Brooks, Ditches, Watercourses, Culverts, and other Works of Drainage, from the future Repair thereof; but that all such Costs, Charges, and Expences as shall be incurred in cleansing, scouring out, and putting the same into complete Repair, in the Directions in which they at present run, and according to the Dimensions which the same now are or ought to be of, or as the several Persons chargeable therewith were before the passing of this Act liable to support and preserve the same, shall be paid, borne, and defrayed by the Person and Persons subject or liable to the Repair and cleansing of the same, in respect of any Lands or Grounds held by them adjoining thereto, or otherwise, according and in Proportion to the Parts and Shares of such Streams, Drains, Brooks, Ditches, Watercourses, Culverts, and other Works of Drainage which such Person or Persons were or would have been liable to repair, support, and maintain respectively, if this Act had not been passed; and all such further and additional Charges and Expences as shall from Time to Time be occasioned by the widening or deepening such ancient Streams, Drains, Brooks, Ditches, Watercourses, Culverts, and other Works of Drainage beyond the Dimensions which the same now are or ought to be of as aforesaid, and of changing and altering the Direction and Course thereof respectively, and of making any such new Works of Drainage as the said Engineer shall think necessary, and the future Repairs thereof; and also of cleansing and maintaining such of the ancient Ditches, Drains, and Watercourses, the Direction and Course whereof may be so changed or altered as aforesaid, shall be paid and discharged by the several Persons interested in the Lands and Grounds, which shall by the said Commissioners, in pursuance of the Directions herein-after mentioned, be adjudged liable to be charged and assessed for the making, preserving, and supporting of the said Works of Embankment; and by the several Person and Persons whose ancient inclosed Lands may be benefited by any such new Works of Drainage, in such Shares and Proportions, and within such Time as the said Commissioners shall direct and appoint; and the said Commissioners are hereby directed and required to consider and determine in and by their Award herein-after mentioned, in what Proportion all future Expences of cleansing, scouring, supporting, and maintaining the said ancient or new Streams, Drains, Brooks, Ditches, Watercourses, Culverts, Plats, Bridges, and other Works of Drainage, shall be paid, borne, and discharged by the several Persons now chargeable with the repairing and supporting the same, their Heirs, Successors,

Persons liable to repair Watercourses, &c. not to be exempted.

Additional Expences of repairing Watercourses, &c. how to borne.

Commissioners to ascertain their Proportions by their Award.

Commissioners to distinguish the several Persons liable to future Repairs, and the distinct Parts to be done by them.

Engineer may stop up old Drains, substituting others.

and Assigns; and what Proportion thereof by the Persons chargeable with the making and Repair of the said Works of Embankment, and by the Owners or Proprietors of the other Lands or Grounds to be benefited by such new Drains and Watercourses; and the Share and Proportion of the Persons chargeable with the making and Repairs of the said Works of Embankment, of and in such Costs, Charges, and Expences as aforesaid, shall be considered as forming Part of the general Expences of the Works of Embankment hereby authorized to be made, and shall be paid and defrayed in Manner herein-after mentioned; and the said Commissioners shall also in and by their said Award describe and distinguish the several Persons now liable to cleanse, repair, and support the said ancient Streams, Drains, Brooks, Ditches, Watercourses, Culverts, Plats, and Bridges, and the Lands and Grounds in respect whereof such Persons are now so chargeable, and the separate and distinct Parts and Shares of such Streams, Drains, Brooks, Ditches, Watercourses, Culverts, Plats, and Bridges, which such Persons are now so liable to repair and support respectively; and also the separate and distinct Parts and Shares thereof, and of any new Works of Drainage which the several Persons who shall be chargeable to the making and Repair of the said Works of Embankment, and also the several Persons whose Lands or Grounds may be benefited by such new Drains and Watercourses shall for the future be liable to cleanse, repair, and support respectively; and in case any Person who shall by the said Commissioners be adjudged to be liable to the widening, deepening, cleansing, varying, altering, making, and Reparation of any such Streams, Drains, Brooks, Ditches, Watercourses, Culverts, Plats, and Bridges, in respect of his or her Occupation of any ancient inclosed Lands adjoining thereto as aforesaid, or in respect of any Lands or Grounds benefited by any new Works of Drainage, shall neglect or refuse to pay his or her Share or Proportion of the Costs, Charges, and Expences thereof, within the Time to be appointed by the said Commissioners as aforesaid, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Person, by Warrant under the Hands and Seals of the said Commissioners, and the Overplus (if any) after deducting the Charges of such Distress and Sale, shall be returned to the Person whose Goods and Chattels shall have been distrained and sold: Provided also, that in case the said Engineer shall find it necessary or expedient to stop up any ancient Ditch, Drain, or Watercourse, and to substitute or set out any other in its Stead, (which he is hereby authorized and empowered to do), the Person or Persons who before the passing of this Act were liable to cleanse, scour out, and maintain such ancient Ditch, Drain, or Watercourse which may be so stopped up as aforesaid, shall be liable from Time to Time to cleanse, scour out, and maintain such new Ditch, Drain, or Watercourse, which may be so substituted or set out in lieu thereof as aforesaid, and any Culverts, Plats, and Bridges in or over the same, in such Proportions as the said Commissioners shall in their said Award direct and appoint; provided also, that it shall be lawful for the said Commissioners to cause a proper Dwelling House to be erected on some convenient Part of the said Common Marshes, for the Residence of the Person who shall for the Time being be appointed to attend to the State and Condition of the said Works of Embankment, when made and completed; and the Expence of erecting the said Dwelling House, (not exceeding Two hundred Pounds,) and of repairing and upholding the same, shall be borne and defrayed by such Person and Persons as shall be liable to contribute to the making

making and maintaining of the said Works of Embankment, and the Right and Property of the said Dwelling House, and of the Materials of the same, shall be and hereby are vested in the said Commissioners and their Successors, until the Powers hereby given to them shall cease, and afterwards in the Trustees to be appointed for superintending the future Repairs of the said Works of Embankment, as herein-after mentioned, and their Successors to be from Time to Time appointed; and the said Commissioners or Trustees, as the Case may be, and their respective Successors, are hereby authorized and empowered to bring or cause to be brought any Action or Actions, or to prefer or prosecute any Bill or Bills of Indictment, against any Person or Persons who shall damage or destroy the same, or any Part thereof, or disturb them the said Commissioners or Trustees, as the Case may be, or their respective Successors, or the Occupier thereof, in the Possession of the same.

XVI. And be it further enacted, That all and every the Costs, Charges, and Expences of making and erecting such Banks, Dams, Tunnels, Flood-gates, Culverts, Bridges, and other Works, for the Purpose of embanking and defending the said Common Marshes from the Sea, and of cleansing, scouring out, widening, deepening, making, altering, and repairing such Proportion of any Streams, Drains, Watercourses, and other Works of Drainage as aforesaid, as shall in pursuance of the Directions herein-before contained, be fixed and determined by the said Commissioners to be done by and at the Expence of the several Persons interested in the Lands and Grounds liable to be charged and assessed for the making, preserving, and supporting the said Works of Embankment; and also the Costs, Charges, and Expences of making Compensation for any Trespas and Damages as herein-before mentioned, and of executing the several Powers hereby vested in the said Engineer, and defraying the other Expences incident thereto, (including therein the Recompence or Allowance to be paid to the said *Thomas Wedge*, for his Trouble and Expences whilst employed as Engineer only in carrying this Act into Execution, and a proper Allowance to his Successors for his and their Trouble and Expences), shall from Time to Time be borne and defrayed by all and every the Person and Persons, Bodies Politic and Corporate, (except the King's most Excellent Majesty, His Heirs and Successors, and the Vicar of *Llanasa* aforesaid, for the Time being, and his Successors), to whom any Allotment or Allotments in or upon the said Common Marshes so to be embanked and defended from the Sea as aforesaid shall be made by virtue of this Act, and also by all and every Person and Persons, Bodies Politic or Corporate, (except as aforesaid), entitled to Right of Common of Pasture, or other Rights in and upon the said Common Marshes, to whom an Allotment or Allotments of any other Part or Parts of the said Commons and Waste Lands within the said Parish shall by virtue of this Act be made in respect of such Right of Common of Pasture, or other Rights in or upon the said Common Marshes, and shall be levied and raised by a Rate or Rates, Assessment or Assessments, to be by them the said Commissioners from Time to Time made upon such Person or Persons respectively, in Proportion to the Value of their respective Allotments, such Proportions to be settled and ascertained by the said Commissioners and their Successors, and to be paid to such Person or Persons, and at such Time or Times, as the said Commissioners and their Successors shall order and direct; and in case any Person or Persons shall neglect to pay his, her, or their Proportion of the said

Expence of making the Embankments how to be defrayed.

Rates and Assessments so to be from Time to Time made as aforesaid, then and in such Case the same shall be raised, levied, and recovered in such and the same Manner as the Costs, Charges, and Expences of obtaining and carrying this Act into Execution, or any Part thereof, can or may be raised, levied, and recovered, as herein-after directed.

Commissioners to distinguish in their Award what Lands shall be liable to the Repair of Embankments, and the Value thereof, as a Rule for future Assessments.

XVII. And be it further enacted, That the said Commissioners shall set down in Writing, according to the Survey by the said recited Act directed to be taken, an Account of the Number of Acres, Roods, and Perches, of the said Common Marshes so to be inclosed and embanked from the Sea, and of the several Allotments or Portions of Allotments of the other Commons and Waste Lands in the said Parish, which shall be chargeable to such Rate and Rates to be by them the said Commissioners made for the Purpose of defraying the Expences of making and erecting such Works of Embankment as aforesaid, and of the Annual Values of such Allotments, Lands, and Grounds respectively; and the Names of the Proprietors to whom the same shall respectively be allotted by virtue of this Act; and shall also well and sufficiently describe and distinguish the particular Parts of the Allotment or Allotments of the said Commons and Waste Lands (other than and except the said Common Marshes), which shall be chargeable as aforesaid for the Purpose of ascertaining and determining the Rates and Proportions according to which the said several Allotments shall at all Times thereafter be charged and assessed for preserving and supporting such Works of Embankment as aforesaid; and such Particulars and Valuation shall be inserted in the Award of the said Commissioners herein-after directed to be made, and shall be the Rule and Proportion by which all Rates and Assessments to be hereafter made, for preserving and supporting such Works of Embankment, shall be assessed, charged, and regulated by the Trustees to be hereafter appointed for preserving and supporting the same by virtue of this Act, (except as herein-after excepted): Provided always, that the making and erecting the said Banks, Fences, Dams, Culverts, and other Works necessary for embanking the said Common Marshes, and preserving the same from the Sea, or for draining the same, and for carrying off the Land Water therefrom, as herein-before mentioned, shall not delay or retard the Division and Allotment of the said other Commons and Waste Lands within the said Parish; and to prevent Loss to the Persons who will be entitled to the Allotments of the said Marshes, the said Commissioners shall allot the same to the Person or Persons entitled thereto, who shall have the exclusive Right of Pasturage thereon, and the sole Benefit of the Produce thereof, in the Proportion, and subject to the Rules, Regulations, and Directions to be fixed, made, and given by the said Commissioners; and no Person or Persons shall turn into or upon the said Marshes, any more or other Stock than the said Commissioners shall so fix; and the said Common Marshes, although not inclosed, shall from thenceforth be considered as private Property to all Intents and Purposes, and be protected and defended against all Persons and Trespasses; and every or any Person having such open Allotment or Allotments in the said Common Marshes may inclose the same, giving up his and their Right of Pasture and Produce in and upon the Remainder of the said Marshes.

Embanking the Marshes not to delay the Allotment of the Commons.

Management of future Repairs of the Works of

XVIII. And be it further enacted, That when and so soon as the Award by the said recited Act directed to be made by the said Commissioners shall have been duly made and deposited in the Manner in the said Act, and herein-

after

after mentioned and provided, the several Powers and Authorities in and by the said recited Act or this Act given to and vested in the said Commissioners and Engineer herein-before named, and their respective Successors to be elected and appointed as aforesaid, or any of them, of any Nature or Kind whatsoever, touching or concerning the Execution of this or the said recited Act, or any Part thereof respectively, shall absolutely cease and determine, any Thing herein-before contained to the contrary in anywise notwithstanding; and from thenceforth the future Preservation and Support of all the said Works of Embankment and Drainage so to be made as aforesaid, shall devolve upon and for ever thereafter be vested in Three Persons to be elected and appointed in Manner following; (that is to say), all and every the Proprietors and Owners of the Lands and Grounds within the said Parish of *Llanasa*, which by the said Commissioners hereby appointed, or their Successors, shall in pursuance of the Direction for that Purpose herein-before contained, be declared liable to be charged or assessed for the preserving and supporting such Works of Embankment as aforesaid, or their Deputies or Agents, to be appointed by Writing under their Hands respectively, or the major Part of them in Value, (such Value to be ascertained according to the respective Rates or Assessments made for the Relief and Maintenance of the Poor within the several Townships in the said Parish in that Year), shall at a Meeting to be held at *Llanasa* aforesaid for that Purpose, by the Commissioners hereby appointed, or their Successors, at the Time of or within Three Calendar Months previous to the Execution of their said Award, (of which Meeting One Month's Notice shall be given by the said Commissioners in the Manner that other Notices are in and by this Act directed to be given by the said Commissioners), by Writing under the Hands of the said Proprietors, their Deputies or Agents, or the major Part of them in Value (to be so ascertained as aforesaid), nominate and appoint Three Persons to be Trustees for the Purpose of maintaining, supporting, and preserving the said Works of Embankment and Drainage, which said Trustees shall continue to act in the Execution of this Act until the Election of others in their Stead, as herein-after is mentioned; and it shall be lawful for any Three Proprietors of the Lands and Grounds subject to and chargeable with the repairing and supporting of the said Works of Embankment, at any Time after the Expiration of Three Years from the Election of the said Trustees as before mentioned, and so from Time to Time, and at all Times after the End of Three Years from the Time of every Election of Trustees, (or sooner in case and when and so often as any Trustee or Trustees shall die, or refuse to act, or become incapable of acting), by Writing under the Hands of such Three Proprietors, to cause One Month's public Notice to be given in such Manner as Notices are directed to be given by this Act, by the said Commissioners, of a Meeting of the Proprietors of such Lands and Grounds so chargeable as aforesaid, to be held at *Llanasa* aforesaid, for the Election of new Trustees, or of a new Trustee (as the Case may be) for the Purposes aforesaid; and such Proprietors and their Deputies and Agents, or the major Part of them in Value (such Value to be so ascertained as aforesaid), shall and may at every such Meeting, choose new Trustees or a new Trustee for the further putting this Act into Execution (as the Case may require), in such and the same Manner, and under the same Regulations as the original Trustees are hereby directed to be chosen, provided that no Person chargeable with any Rate by virtue of this Act shall be capable of being appointed a Trustee as aforesaid; and all and every such Trustee and Trustees so to

Embankment
to devolve on
Trustees.

be

be elected shall continue to act in the Execution of this Act until the Election of others in their Stead in Manner before mentioned, and no longer; and such several Trustees shall and are hereby declared to be Trustees for putting in Execution the Powers and Authorities hereby given to them as herein-after is expressed; and where in this Act Power is given to the said Trustees to do any Act or Thing, or make any Order, Rule, or Regulation, such Power shall be considered to be vested in the said Trustees, or any Two of them; but no Person shall act as a Trustee in the Execution of any of the Powers hereby given, except the Power of administering the Oath herein-after directed, until he shall have taken and subscribed an Oath in the following Words; *videlicet*,

‘ I *A. B.* do swear, [*or*, being One of the People called *Quakers*, do
 ‘ solemnly affirm], that I will faithfully, impartially, and honestly, ac-
 ‘ cording to the best of my Skill, Judgment, and Ability, execute and
 ‘ perform the several Trusts, Powers, Duties, and Authorities vested and
 ‘ reposed in and prescribed to me as a Trustee, by virtue of an Act
 ‘ passed in the Fifty-first Year of the Reign of King *George* the Third,
 ‘ intituled, *An Act for inclosing and draining Lands in the Parish of Llan-*
 ‘ *nasa, in the County of Flint*, according to Equity and good Conscience,
 ‘ and without Favour or Affection, Prejudice, or Partiality to any Person
 ‘ or Persons whomsoever [and *not being One of the People called Quakers*
 ‘ the following Words,] ‘ So help me GOD.

And it shall be lawful for any One of the said Trustees to administer the same to any other of them; and every such Oath so taken and subscribed by the said Trustees shall be inrolled in the same Manner as the Award of the said Commissioners is herein-after directed to be inrolled, and a Copy thereof, signed and certified by the Clerk of the Peace for the said County of *Flint*, shall be deemed legal Evidence; and the said several Trustees so to be elected shall be paid and allowed out of the Rates and Taxes so to be charged and assessed by them as herein-after is mentioned, such Sum and Sums of Money for their Time, Trouble, and Expences in the Execution of this Act, as the Proprietors so electing such Trustees respectively, shall determine and agree upon at the Time of such Election, and which Allowance shall be specified in the Instrument or Writing whereby such Trustees shall be elected as aforesaid.

Powers of the
Trustees.

To repair and
change Em-
bankments,
&c.

XIX. And be it further enacted, That the said Trustees so to be appointed shall and they are hereby directed and empowered, from Time to Time and at all Times for ever hereafter, by themselves, or by such Agents or Workmen, and with the Advice of such Engineer or Engineers as they shall think proper to employ and consult, to inspect, view, and examine the State and Condition of the said Banks, Fences, Dams, Tunnels, Floodgates, Culverts, Bridges, and other Works of Embankment, as shall have been made and executed, and shall remain and continue at the Time of the Execution of the said Award; and to repair, amend, enlarge, change, alter, and improve the same, or any of them; and also to make such other new Works as they shall judge necessary for the Purpose of preserving and supporting such Works of Embankment as aforesaid; and also from Time to Time to view and examine, cleanse, scour out, widen, deepen, repair, alter, and change the Direction of such Part and Parts of the said Streams, Drains, Ditches, Watercourses, Culverts, Plats, Bridges, and other Works of Drainage, as the said Commissioners shall
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in pursuance of the Directions herein before contained have described as the separate and distinct Portions thereof to be repaired, maintained, and supported by the several Persons chargeable with the Repair of the said Works of Embankment, in such Manner as the said Trustees shall think necessary, (but making Satisfaction and Recompence for all Trespas or Damages to be occasioned by or in Consequence of any such Works to be by them made or done, in like Manner as is herein before directed), with respect to the Works to be made and executed by the said Engineer hereby appointed; and the said Trustees are hereby also empowered and directed, for the Purpose of defraying the Expence of making any such Works as aforesaid, and of compensating any Trespas or Damage to be occasioned thereby, to assess, tax, and charge all and every the said Lands and Grounds so liable to be charged to such Works of Embankment, and the Owners and Occupiers thereof respectively, by a proportionable Rate or Assessment, according to the Value of such Lands or Grounds so to be determined and ascertained by the said Commissioners, in and by their said Award as aforesaid, in such Sum or Sums of Money as shall from Time to Time be necessary for the several Purposes before mentioned, and for executing the other Powers hereby vested in them the said Trustees, and the necessary Expences incident thereto, and by Writing under their Hands from Time to Time to appoint such Days for the Payment of such Sum and Sums respectively to them the said Trustees, or such Person or Persons as they shall appoint to receive the same, as they the said Trustees shall think proper: Provided always, that in Cases of extraordinary or uncommon Damage to the said Works of Embankment, or where new or unusually expensive Works shall be deemed necessary by the said Trustees, and shall be accordingly made and executed for changing, altering, or enlarging the said Works of Embankment, or the Course and Direction of such Portion of the said Streams, Drains, and Watercourses as before mentioned, the said Trustees shall not be bound to adhere to or observe the Valuation that shall have been made by the said Commissioners of the Lands and Grounds so liable to be charged to such Works of Embankment as aforesaid, as a Rule for assessing the Charges and Expences of supporting, altering, and improving the said Works of Embankment; but the said Trustees may and are hereby empowered and directed to assess, tax, and charge all and every such Lands and Grounds, and the Owners and Occupiers thereof respectively, for the Expence of making such last-mentioned Works, and the Damages to be occasioned thereby, by a proportionable Rate or Assessment, according to the actual Value of such Lands and Grounds at the Time of making such Assessment or Assessments, (such Value to be ascertained by Reference to the Rates made within the several Townships wherein such Lands and Grounds shall be situate, for the Payment of the Land Tax for that Year, or by such other Method as the said Trustees shall think equitable); and in case the Sum or Sums of Money to be from Time to Time raised by any such Assessment or Assessments shall not be paid on Demand, then and in such Case the same shall and may be raised, levied, and recovered in such and the same Manner as the Costs, Charges, and Expences of obtaining and carrying this Act into Execution, or any Part thereof, can or may be raised, levied, and recovered as herein after, or in and by the said recited Act of the Forty-first Year of the Reign of His present Majesty is directed: Provided also, that it shall and may be lawful to and for the said Trustees, from Time to Time to view and examine the Condition and State of Repair

To make Assessments according to Commissioners Valuation.

In Cases of extraordinary Repairs the Commissioners Valuation not to be the Rule of Assessment.

Trustees may view the State of Repair of such Parts of

the Water-courses as are to be repaired by particular Persons, and give Notice of Defects.

And if not repaired by such Persons, Trustees may repair them.

The Expences thereof to be paid by Persons liable to Repair.

pair of the other Portions of the Streams, Drains, Watercourses, and other Works of Drainage, the Repairs whereof shall have been by the said Commissioners directed to be borne by any Person or Persons, (other than and except the Persons so chargeable with the Repair of the said Works of Embankment as aforesaid), and from Time to Time as often as Occasion shall require, to give Notice in Writing under their Hands of any Defect or want of Reparation or Amendment in such Streams, Drains, Watercourses, and other Works of Drainage, and of any Alteration in the Direction or Course thereof, which the Trustees, or the Engineer by them employed, shall deem necessary, to the Person or Persons so liable to repair the same as aforesaid; and if the same be not sufficiently cleansed, scoured out, repaired, altered, or amended within One Calendar Month next after such Notice or Notices shall have been given to or left at the usual Place or Places of Abode of the Person or Persons so liable as aforesaid, then the said Trustees shall and may and they are hereby empowered and directed, from Time to Time as often as Occasion shall require, to cause such last-mentioned Streams, Drains, and Watercourses, and other Works of Drainage to be well and effectually cleansed, scoured out, amended, and repaired, or the Course and Direction thereof, altered and varied, and all Works necessary for such Purposes to be made and erected, making such Compensation for any Trespass or Damage to be occasioned thereby as herein-before directed; and the Expences which shall be incurred in cleansing and scouring out, and putting such Streams, Drains, Watercourses, and other Works of Drainage, into complete Repair, according to the Dimensions which the Persons so respectively chargeable with the Repair thereof shall be then liable to keep, maintain, and amend, shall be paid, borne, and defrayed by such Person or Persons in the Proportions in which such Person or Persons shall have been adjudged by the said Commissioners liable to contribute thereto; and such additional Expences as shall be incurred by the widening, deepening, or altering the Directions of such Streams, Drains, or Watercourses, and other Works of Drainage, beyond the Dimensions of which the Persons so liable as aforesaid shall be then bound to keep or maintain the same, or of altering the Course and Direction thereof, and by making any new Ditches, Drains, or Watercourses, or other Works of Drainage, and by the future Repairs thereof respectively, and by making such Compensation for Trespass or Damage as aforesaid, shall be paid and discharged by the several Persons chargeable to the Repair of the said Works of Embankment as aforesaid, and by the several Person and Persons whose Lands or Grounds shall be benefited by any such new Ditches, Drains, and Watercourses, or any Alteration in the Dimensions, Course, and Direction of the ancient Streams, Drains, and Watercourses, in such Shares and Proportions, and within such Time as the said Trustees shall direct and appoint; and the said Trustees shall and are hereby directed by Writing under their Hands, to be deposited with and annexed to the Award of the said Commissioners, to fix and ascertain the respective Proportions in which the Person and Persons whose Lands or Grounds may be so benefited as herein-before is mentioned; and also the Persons so chargeable with the Repair of the said Works of Embankment as aforesaid, shall respectively contribute to the Expence of and be chargeable with the supporting and maintaining of such new or enlarged Streams, Drains, Watercourses, and other Works of Drainage, and the Proportions in which the Person and Persons chargeable with the Repair and Support of such Streams, Drains, and Watercourses, at the Time of
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the same being widened, deepened, enlarged, or altered as aforesaid, shall respectively continue to contribute to and be chargeable with the future Support and Repair thereof; and the said Trustees shall have the like Powers of stopping up any ancient Streams, Drains, and Watercourses, and substituting others in their Stead, and under the like Provisions as to the future Support and Repair of the Streams, Drains, and Watercourses so substituted as aforesaid, as the said Engineer is herein-before authorized and empowered to do; and if any Person shall neglect or refuse to pay his or her Share of the Expence of cleansing, scouring out, repairing, and amending such Streams, Drains, Watercourses, and other Works of Drainage, in the Proportions in which he or she shall by the said Commissioners have been adjudged liable to contribute thereto, or shall neglect or refuse to pay his or her Share of the Expences of widening, deepening, altering, repairing, and amending such Streams, Drains, Watercourses, and other Works of Drainage, in the Proportion in which he or she shall be by the said Trustees adjudged liable to contribute thereto as aforesaid, for One Calendar Month next after the same shall have been demanded; then and in either of the said Cases it shall and may be lawful for the said Trustees, by Warrant under their Hands and Seals, to recover and levy the same, and all Costs, Charges, and Expences to be incurred by such Neglect or Refusal, by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing as aforesaid.

And may be recovered by Distress.

XX. Provided always, and be it further enacted, That the said Trustees for the Time being shall and they are hereby required to keep an Account of all Monies received and disbursed by them in pursuance of the Powers and Authorities to them herein-before or herein-after given, and shall permit any of the Persons interested in the said Lands and Grounds liable to be assessed to the Repairs of the said Works of Embankment, and benefited thereby, at any reasonable Time or Times, to inspect and copy all such Accounts; and the said Trustees respectively shall from Time to Time, at the Election of Trustees to succeed them as aforesaid, or within Seven Days next after such Election, deliver such Accounts with all the Vouchers thereto, and all Books and Writings relating to their said Offices, and make Payment of all the Money arising and paid to them by virtue of any of the Powers or Provisions of this Act, and then in their Hands, to such succeeding Trustees; or to such Person or Persons as they shall appoint to receive the same, which Money shall be by such last-mentioned Trustees laid out and disposed of for the Purposes of this Act; and in case any such Trustee or Trustees shall refuse or neglect to give in and make such Account and Payment as aforesaid, or to deliver up all such Vouchers, Books, and Writings to such succeeding Trustees, or to such other Person or Persons as they shall appoint to receive the same, then and in either of the said Cases, it shall be lawful for One or more Justice or Justices of the Peace for the said County of *Flint*, (not interested in such Works of Embankment as aforesaid, or the Lands benefited thereby), to make Inquiry of such Default in a summary Way, and if such Trustee or Trustees shall be thereof convicted, either by Confession of the Party, or by the Testimony of One or more Witness or Witnesses upon Oath, (which Oath the said Justice or Justices is and are hereby authorized and required to administer), such Justice or Justices shall condemn the Party or Parties in such Penalty, not exceeding Fifty Pounds, as such Justice or Justices shall think proper and adequate to the Offence; and shall and may cause any

Requiring Trustees to account.

Sum

Sum and Sums of Money collected or received by such Person or Persons under the Provisions of this Act, which may appear to such Justice to be still remaining in the Hands of such Person or Persons, and also the said Penalty, to be recovered by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, in like Manner as other Penalties are recoverable by virtue of this Act.

Banks, Culverts, &c. to be vested in Commissioners, Engineers, and Trustees,

who may give Directions as to the stocking and pasturing of Marshes until the Embankment shall be completed.

XXI. And be it further enacted, That all and every the Banks, Fences, Dams, Tunnels, Floodgates, Culverts, Drains, Bridges, and other Works of Embankment, and also all and every the said Streams, Drains, Watercourses, and other Works which shall be made, erected, supported, and maintained by virtue and in pursuance of this Act, for the Purpose of embanking and defending from the Sea the said Common Marshes, and for draining the same, and the other Commons, Waste Lands, and other Lands and Grounds in the said Parish, and carrying off the Land-Water therefrom, and the Materials of which the same shall respectively consist, shall be and hereby are vested in the said Commissioners and Engineer hereby nominated, and their Successors, until the Power and Authority of the said Commissioners and Engineer in executing this Act shall cease, and until the Trustees herein-before directed to be chosen shall be appointed by virtue of this Act; and after such Appointment shall be made as aforesaid, then all and every the said Works, Streams, Drains, and Watercourses, and the Right and Property to and in the same, and the Materials of which the same shall respectively consist, shall be and are hereby vested in the said Trustees; and the said Commissioners and Engineer and Trustees respectively are hereby authorized to make such Rules, Regulations, and give such Directions, touching the stocking and depasturing of the said Common Marshes so to be embanked and defended from the Sea, until such Works of Embankment shall be made, defended, and sufficiently fenced and protected from Injury or Trespass by Cattle; and also for the stocking and depasturing of such Part of the Common Marshes which shall not be included within the said Works of Embankment; and also to remove, abate, take away, or destroy any Matter or Thing whatsoever, in or upon such uninclosed Part of the said Common Marshes, or any Common Marshes adjoining thereto, as shall in their Opinion respectively be likely to destroy or injure the same Works; and to bring and prosecute or cause to be brought and prosecuted, any Action or Actions in their own Names, or in the Name of any One or more of them, or to prefer or order and direct the preferring of any Indictment or Indictments, Complaint or Complaints, or other Prosecutions against any Person or Persons who shall dig up, break, pull down, steal, take, carry away, destroy, spoil, or injure the said Works and Materials, or any of them, or any Part thereof, or who shall fail to conform to such Rules, Regulations, and Directions, as shall be so made by them the said Commissioners, Engineer, or Trustees as aforesaid.

No Person to carry Gravel from the Banks near the Sand Hills.

XXII. And whereas the Banks and Beds of Gravel lying in front of the Sand Hills in the said Parish, adjoining the Sea, will be a great Protection and Defence to the said Works of Embankment so to be made as aforesaid, and the Common Marshes so to be embanked and inclosed thereby; be it therefore further enacted, That no Person or Persons shall at any Time or Times hereafter take, remove, or carry away any Stones, Gravel, or other Materials, from such Banks and Beds of Gravel for any Purpose

Purpose whatever, without the Licence or Consent in Writing of the said Commissioners or Engineer, until the Powers hereby in them respectively vested shall cease, and until the said Trustees shall be appointed in Manner herein-before mentioned; and after the Appointment of such Trustees, then without the Licence or Consent in Writing of them or any Two of them first had and obtained for that Purpose.

XXIII. And be it further enacted, That if any Person shall at any Time or Times hereafter wilfully or maliciously cut, throw down, destroy, or injure any of the Streams, Drains, Ditches, Watercourses, Culverts, Plats, Bridges, or other Works of Drainage hereby authorized to be made as aforesaid, or shall take or carry away any Stones, Gravel, or other Materials from the said Banks or Beds of Gravel in front of the Sand Hills in the said Parish adjoining the Sea, without such Licence and Consent of the said Commissioners, Engineer, and Trustees as herein-before is mentioned, or shall maliciously destroy or injure any of the Mell-grass or Star-grass growing upon the said Sand Hills or any of them, or shall fail to abide by and conform to such Rules and Regulations as they the said Commissioners, Engineer, and Trustees shall respectively from Time to Time make as aforesaid, as to the stocking or depasturing of such Common Marshes so to be embanked and defended from the Sea as aforesaid; and also of such Part thereof as shall not be included within the said Works of Embankment; and shall be convicted of such Offence or Offences, upon the Oath of One or more credible Witness or Witnesses, before any One or more Justice or Justices of the Peace for the said County of *Flint*, (not interested in the said Works of Embankment, or the Lands benefited thereby), every Person so convicted shall forfeit for every such Offence any Sum not exceeding the Sum of Fifty Pounds, at the Discretion of the said Justice or Justices, to be levied by Distress and Sale of the Goods and Chattels of such Offender, by Warrant under the Hand and Seal, or Hands and Seals of any One or more of the said Justices before whom such Conviction shall be had, which Sum so forfeited shall be paid to the said Commissioners or Trustees respectively, and applied for the Purpose of carrying on, repairing, or amending the said Works of Embankment; and for want of such sufficient Distress, such Offender shall by the said Justice or Justices be committed to the Common Gaol of the said County, there to remain without Bail or Mainprize, for any Term not exceeding Twelve Calendar Months, at the Discretion of the said Justice or Justices, unless he or she shall sooner pay the same Penalty: Provided always, that no Person or Persons shall, by reason of his, her, or their being employed by or acting under the Authority of the said Commissioners, Engineer, or Trustees, or any of them, or being rated and assessed for the making or supporting of such Works of Embankment, or being liable to such Rates and Assessments, be deemed incompetent to give Evidence against any Person or Persons so charged with any of the Offences aforesaid.

For punishing Persons destroying the Works, &c.

Witnesses not incompetent by reason of their paying Rates.

XXIV. Provided always, and be it further enacted, That it shall and may be lawful for the said Commissioners and Engineer, (until the several Powers and Authorities to them respectively given for the executing of this Act shall cease, and until the Trustees so directed to be chosen as aforesaid for the Management of the future Repairs of the said Works of Embankment shall be appointed), and after such Appointment shall be made

Commissioners and Engineer, and the Trustees, may agree for Compensation for Damage

done by the
Embank-
ments.

as aforesaid, then for the said Trustees, and they are hereby respectively authorized and required to make such Recompence and Satisfaction to any Person or Persons, Bodies Politic, Corporate or Collegiate, in and through whose ancient inclosed Lands or Grounds any such Banks, Fences, Dams, Tunnels, Floodgates, Culverts, Bridges, Drains, and other Works of Embankment, and Drainage, and also after the Inclosure and Allotment of any of the said Marshes, Commons, and Waste Lands so to be embanked from the Sea, and inclosed as aforesaid, but not before, then to the Person or Persons, Bodies Politic, Corporate or Collegiate, Owner and Owners of any such Allotment and Allotments, in and through which such Banks, Fences, Dams, Tunnels, Floodgates, Culverts, Bridges, Drains, and other Works of Embankment and Drainage, shall be carried or made as aforesaid, or who may be prejudiced by the repairing, altering, or amending thereof, for the Value of the Land or Ground which shall be used for the Purpose of making, repairing, and altering from Time to Time such Works of Embankment and Drainage, or which shall be laid open to the Sea by any Alteration in the Line of the said Works of Embankment; and all such other Trespas and Damages as such Person or Persons shall respectively sustain thereby, as shall or may be agreed upon between the said Commissioners and Engineer, or the said Trustees (as the Case may be), and such Owner or Owners, or Person or Persons so prejudiced as aforesaid; and it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Femes Covert, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for and on Behalf of their *Cestuique* Trusts, whether Infants or Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons who are or shall be seised or interested in their own Rights, and to and for all and every other Person and Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Lands or Hereditaments, to contract for, sell, and convey to the said Commissioners and Engineer, or Trustees (as the Case may be), or to such Person or Persons as they respectively shall appoint, any such Lands or Hereditaments for the Purposes aforesaid, or to agree with the said Commissioners, Engineer, or Trustees (as the Case may be), for any Recompence or Compensation to be made for the Damages which may be done to any such Lands and Hereditaments by the Means aforesaid, and all such Contracts, Sales, Conveyances, and Agreements, shall be valid and effectual in Law to all Intents and Purposes whatsoever; and such Recompence and Satisfaction shall and may be raised and paid as the other Expences of making, altering, or repairing the said Works of Embankment and Drainage, are herein-before directed to be paid, and shall be made and accepted in full Satisfaction for the Purchase of such Lands and Hereditaments, and all such Damage as aforesaid; and if the said Commissioners and Engineer, or the said Trustees (as the Case may be), and such Person or Persons, Bodies Politic, Corporate or Collegiate, so prejudiced as aforesaid, cannot agree concerning the Amount of such Satisfaction or Damages, then and in such Case the said Commissioners, Engineer, and Trustees (as the Case may be), may and they are hereby respectively authorized and required, Fourteen Days at least before they shall make the Application to the Justices of the Peace herein-after mentioned, and within Twelve Calendar Months after the Lands or Grounds shall have been taken, cut, or used, or shall have

And in case
of Disagree-
ment, to cause
such Compens-
ation to be
ascertained by
a Jury;

have sustained such Damage or Injury as aforesaid, leave or cause to be left at the last or usual Place or Places of Abode, of the Person or Persons so dissatisfied with the Compensation offered them as aforesaid, or at the Place or Places of Abode of the Tenant or Tenants in Possession of the Premises, a Notice in Writing, purporting that the Value of such Land or Ground, and the Amount of the Damage or Injury sustained, will be adjusted and settled by a Jury, and thereupon the said Commissioners, Engineer, and Trustees (as the Case may be) shall, and they are hereby respectively empowered and required, forthwith to apply to any Two or more Justices of the Peace for the said County of *Flint* (not being interested in the Matter in Question), which said Justices are hereby authorized and required to issue their Warrant or Warrants under their Hands and Seals to the Sheriff of the said County for the Time being, (or if such Sheriff shall be immediately interested in the Matter in Question), then to One of the Coroners of the said County (not immediately interested in the Matter in Question), commanding such Sheriff or Coroner to impanel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required to impanel, summon, and return a sufficient Jury, qualified according to the Laws of this Realm to serve on Juries in the Trial of Issues, to appear before the said Justices of the Peace, at such Time and Place as in such Warrant or Warrants shall be appointed; and the said Justices of the Peace are hereby empowered, out of the said Jury to swear Twelve, who shall be a Jury to inquire touching the Matters in Question; and in case a sufficient Number of Jurymen shall not appear at such Time or Place as aforesaid, the said Sheriff or Coroner shall return other qualified and indifferent Men, who may speedily be procured to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen; and the said Justices of the Peace are hereby also empowered and required by Warrant or Warrants under their Hands and Seals, from Time to Time to summon before them, or before any Two Justices who may attend, all such Persons who shall be thought necessary to be examined as Witnesses touching the Matters in Question, as well upon the Application of the Parties interested or otherwise; and also to examine such Witnesses upon Oath, which Oath the said Justices of the Peace are hereby empowered to administer, touching the Matters in Controversy; and the said Justices may by Order in Writing direct the said Jury, or any Six or more of them, to view the Place or Places, and Matters in Question, and the said Jury shall inquire of and assess the Sum or Sums of Money to be paid for Satisfaction or Damages as aforesaid, and shall ascertain in what Proportion the Sum or Sums so assessed shall be paid to the several Persons interested; and the said Justices of the Peace shall give Judgment for such Sum or Sums of Money accordingly, which said Verdict, and the Judgement thereupon pronounced, shall be final and conclusive upon all Parties interested; and being put into Writing under the Hands and Seals of the said Justices shall be delivered to the Clerk of the Peace for the said County, to be kept among the Records of the Sessions of the Peace for the said County; and a true Copy thereof shall be admitted as Evidence in all Courts of Justice; and the said Clerk of the Peace shall be paid Five Shillings, and no more, for the depositing and keeping of every such Verdict and Judgment, which said Copy the said Clerk of the Peace or his Deputy is hereby required to make and deliver to any Person or Persons requiring the same, he, she, or they

Whose Verdict, and the Judgment thereon, shall be final.

they paying for such Copy after the Rate of Two-pence for every Seventy-two Words, and no more.

Penalty on
Sheriff,
Coroner,
Witnesses,
&c. making
Default.

XXV. Provided always, and be it further enacted, That if such Sheriff or Coroner, or his Under Sheriff or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid on such Jury shall not appear, or appearing shall refuse to be sworn, or being sworn shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act; or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn or examined, or to give Evidence, every Person so offending, having no reasonable Excuse, to be allowed by the said Justices of the Peace, shall for every such Offence forfeit and pay such Sum as the said Justices shall adjudge, not exceeding Ten Pounds for any one Offence.

Expence of
the Jury.

XXVI. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies, as a Recompence or Satisfaction for any Lands or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons than had been previously offered by or on Behalf of the said Commissioners, Engineer, or Trustees, (as the Case may be), as aforesaid, then all the Expences of taking such Inquests shall be settled by the said Justices, and be defrayed by the said Commissioners or Trustees, (as the Case may be), out of the Monies to be raised by virtue of this Act; but if any Verdict shall be given or made for the same or a less Sum than had been previously offered by or on Behalf of the said Commissioners, Engineer, or Trustees, (as the Case may be), as aforesaid, or in case no Damages shall be given by the Verdict, where the Dispute is for Damages only, then and in every such case the Costs and Expences of taking such Inquest shall be settled in like Manner by the said Justices, and be borne and paid by the Owner or Owners, Proprietor or Proprietors of, or other Person or Persons interested in the Lands or Hereditaments in Question, which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies, shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the Whole Sum or Sums so assessed or adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the said Commissioners and Engineer, or Trustees, (as the Case may be), in and by such Ways and Means as are in and by the said herein-before recited Act provided for the Recovery of Rates, Taxes, and Assessments, to be made by Commissioners under Inclosure Acts: Provided always, that whenever any Person or Persons shall by Reason of Absence, or other sufficient Cause, have been prevented from entering into such Treaty or Agreement as aforesaid, such Costs, Charges, and Expences shall be borne and defrayed by the said Commissioners and Engineer, or Trustees, (as the Case may be); and all and every Sum and Sums of Money which may be so awarded or agreed

Persons prevented by
Absence from
agreeing with
Commissioners,
not to be
liable to Costs.

to be paid for the Purchase of any such Lands and Hereditaments so taken and used for the Purpose of making or repairing any such Works of Embankment or Drainage as aforesaid, or for any Damages done to any such Lands and Hereditaments as herein-before mentioned, to any Bodies Politic, Corporate, or Collegiate, Femes Covert, Infants, Lunatics, or other Person or Persons under any Disability or Disabilities, shall be paid and applied to or for the Benefit of such Person and Persons, and in such and the same Manner, and under the like Provisions and Regulations as in the said recited Act of the Forty-first Year of the Reign of His present Majesty are directed and provided, touching the Application of any Sum or Sums of Money which may be paid for the Purchase or Exchange of any Lands, Tenements, and Hereditaments, under any of the Provisions of the said Act.

Application
of the Money
to be paid or
awarded as a
Compen-
sation for Da-
mages, &c.

XXVII. And be it further enacted, That it shall be lawful for the said Commissioners, until the Powers and Authorities hereby given to them for the executing of this Act shall cease, and until the Trustees so directed to be chosen as aforesaid, for the Management of the future Repairs of the said Works of Embankment shall be appointed, and after such Appointment shall be made as aforesaid, then for the said Trustees from Time to Time, by Writing under the respective Hand and Hands of them the said Commissioners, and the said Trustees, (as the Case may be), to nominate and appoint a Clerk or Clerks, Surveyor or Surveyors, Assessor or Assessors, Collector or Collectors, of the Rates and Taxes to be levied by virtue of this Act, and all such other Officers as the said Commissioners or Trustees shall think necessary, and from Time to Time to remove all or any of such Officers as he or they shall think fit, and appoint others in the Room of such of them as shall be so removed, or shall die, or resign their Office or Offices, or become incapable of performing the same, and shall and they are hereby respectively required to take such Security for the due Execution of such respective Office and Offices, and for the Payment and due Application of the Money to be by them respectively received, as they the said Commissioners or Trustees shall think proper, and the said Commissioners and Trustees shall and may, by and out of the Monies to arise and be collected by virtue of this Act, allow and pay to such Clerks, Surveyors, Assessors, Receivers, Collectors, and to such other Person or Persons by them respectively appointed, as shall be aiding or assisting them, or any of them, in their respective Offices, or that shall any ways be employed in the Execution of this Act, such reasonable Yearly or other Salary or Salaries, Rewards and Allowances for their respective Attendance, Care, and Service, as to the said Commissioners and Trustees respectively shall seem reasonable; and all such Officers and Persons shall from Time to Time, when there-
unto required by the said Commissioners or Trustees respectively, deliver to such Commissioners or Trustees, or to such Person or Persons as he or they shall for that Purpose respectively appoint, a true and perfect Account in Writing under their respective Hands, of all Monies which shall have been by them respectively had, collected, or received, and how, and to whom, and for what Purposes the same and every Part thereof hath been disposed of, together with proper Vouchers and Receipts for such Payments, and shall verify the Account upon Oath or Affirmation, (which Oath or Affirmation the said Commissioners and Trustees are hereby respectively empowered to administer); and all such Officers

Appointment
of Officers by
the Commis-
sioners.

Officers to
give Security.

Officers to
account,

or be pu-
nished.

and Persons shall and they are hereby required to pay all such Monies as upon the Balance of such Account or Accounts shall appear to be in their Hands, to such Person or Persons as the said Commissioners or Trustees shall from Time to Time appoint to receive the same; and deliver up the said Vouchers, and all Books and Writings relating to the said Offices, to the said Commissioners or Trustees; and if any such Officers or Persons shall refuse or neglect to render and give such Accounts as aforesaid, or to produce and deliver up the Vouchers and Receipts relating to the same, or to verify the Articles thereof on Oath or Affirmation, or to pay the Balance remaining in their Hands, when thereunto required in Manner aforesaid, or if any such Officers or Persons shall refuse or neglect to deliver up to the said Commissioners or Trustees, or to such Person or Persons as they shall respectively from Time to Time appoint, within Ten Days after being thereunto required, all Books, Accounts, Papers, and Writings, in their respective Custody or Power, any Way relating to the Execution of this Act, every such Person shall forfeit and pay for every such Offence any Sum not exceeding Fifty Pounds, to be paid to the said Commissioners or Trustees, (as the Case may be), and applied towards the general Purposes of this Act; and if Complaint shall be made of any such Neglect or Refusal to any Justice of the Peace for the County or Place where the Officer or Officers, Person or Persons, so neglecting or refusing, shall live or reside, such Justice may and he is hereby authorized and required by a Warrant or Warrants, to cause such Officer or Officers, Person or Persons, to be brought before him, and upon his, her, or their appearing, or not appearing, (without some reasonable and sufficient Excuse), to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account or Accounts, if produced, in such Manner as the said Commissioners or Trustees might have done; and if upon the Confession of the Officer or Officers, Person or Persons, against whom any such Complaint shall be made, or by the Oath or Affirmation, or Oaths or Affirmations, of any credible Witness or Witnessess, (which Oath or Affirmation the said Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of such Officer or Officers, Person or Persons, such Justice may and he is hereby authorized and required, upon Non-payment thereof, by Warrant or Warrants under his Hand and Seal, to cause such Money, and also such Penalties as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of such Officer or Officers, Person or Persons respectively; and if no Goods and Chattels can be found sufficient to answer and satisfy the said Money and Penalty, and the Charges of distraining and selling the same, or if such Officer or Officers, Person or Persons, shall not appear before the said Justice at the Time and Place by him appointed for that Purpose (except for some sufficient Cause), or if appearing shall refuse or neglect to give or deliver to such Justice an Account or Accounts of the Receipts and Payments as aforesaid, or to verify the Truth of such Accounts, and of the Articles thereof on Oath or Affirmation, (which Oath or Affirmation the said Justice is hereby also empowered to administer), or to produce and deliver up to the said Justice the several Vouchers and Receipts relating to such Accounts respectively, or the Books, Accounts, Papers, and Writings in their Custody or Power, relating to the Execution of this Act, then and in either of the Cases aforesaid, the said Justice may and he is hereby authorized.

authorized and required, by Warrant or Warrants under his Hand and Seal, to commit such Officer or Officers, Person or Persons, to the Common Gaol of the County where he, she, or they shall reside, there to remain without Bail or Mainprize, until he, she, or they shall have delivered and settled his, her, or their Accounts, and have verified the same on Oath or Affirmation, and shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in his, her, or their respective Hands, and such Penalty as aforesaid, and the reasonable Charges of such Distress and Sale, as shall in that respect have been made, or until he, she, or they shall have compounded with the said Commissioners or Trustees for the same, and paid to the Commissioners or Trustees, or to such Person or Persons as they shall respectively appoint to receive the same, (and which Composition the said Commissioners and Trustees are hereby respectively empowered to make), or until he, she, or they shall deliver up such Books, Accounts, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Commissioners or Trustees: Provided always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Time than Six Calendar Months.

XXVIII. Provided always, and be it further enacted, That for and notwithstanding the said Power and Authority herein-before given to the said Commissioners and Trustees respectively to appoint and remove such Officer and Officers as aforesaid, it shall and may be lawful for any Three or more of the Proprietors of Messuages, Tenements, and Lands in the said Parish of *Llanasa*, in case of Negligence, Misconduct, or Incapacity in any such Clerk or Clerks, Surveyor or Surveyors, Assessor or Assessors, or other Officer or Officers so to be appointed as last herein-before mentioned, to give Notice in Writing under their Hands of such Negligence, Misconduct, or Incapacity, to the said Commissioners, until the Powers and Authorities to them given for the executing of this Act shall cease, and until the Trustees so directed to be chosen for the Management of the future Repairs of the said Works of Embankment shall be appointed; and after such Appointment shall be made as aforesaid, then it shall and may be lawful for any Three or more of the Proprietors of Messuages, Tenements, and Lands in the said Parish, chargeable to the repairing of such Works of Embankment, to give the like Notice to the said Trustees, and to require the said Commissioners or Trustees (as the Case may be) to remove such Clerk or Clerks, Surveyor or Surveyors, Assessor or Assessors, or other Officer or Officers so guilty of Negligence or Misconduct, or so becoming incapable of acting as aforesaid, from his and their respective Office or Offices, and to appoint some other Person or Persons in their Place; and in case the said Commissioners or Trustees (as the Case may be) shall neglect or refuse to discharge such Person or Persons so guilty of Negligence or Misconduct, or becoming incapable of acting as aforesaid, from his or their respective Office or Offices within Two Calendar Months from the Time of such Notice being so given as aforesaid, it shall and may be lawful for any Three or more of the said Proprietors of Messuages, Tenements, and Lands in the said Parish of *Llanasa*, in case the Powers of the said Commissioners shall not have then ceased, and such Trustees shall not have been then appointed as aforesaid, to call a General Meeting of all the

In case of Misconduct in any Officer, the Freeholders, or Neglect of the Commissioners or Trustees to remove him, may do so, and appoint another in his Place.

Proprietors of Messuages, Tenements, and Lands within the said Parish, (of which Meeting and its Purport Fourteen Days Notice shall be given in the Manner in which other Notices are by this Act directed to be given); and in case the said Trustees shall have then been appointed, then it shall and may be lawful for any Three or more of the Proprietors of Messuages, Tenements, and Lands chargeable to the Repair of such Works of Embankment as aforesaid, by like Notice, to call a General Meeting of the Proprietors of such Messuages, Tenements, and Lands so contributing, or liable only; and the Proprietors who shall respectively assemble at such Meeting shall proceed to examine summarily into the Facts, and the major Part in Value of such Proprietors (such Value to be ascertained by Reference to the Poor Rates of the said Parish of *Llanasa* as herein-before mentioned), shall be and hereby are authorized and empowered to declare the Appointment of such Person or Persons so offending or becoming incapable of acting as aforesaid, vacant, and shall and may proceed immediately to appoint One or more other Officer or Officers in their or his Place or Stead, in the Manner herein-before directed as to the Appointment of a new Commissioner or Engineer, and to fix and allow such reasonable Salary, Salaries, or Compensations to such Officer or Officers so to be appointed, as the major Part in Value (such Value to be ascertained as aforesaid) of the said Proprietors shall at their respective Meetings think fit, which Salaries and Allowances shall be expressed in the Instrument or Instruments by which such new Officer or Officers shall be appointed.

Officers to
take the
Oath.

XXIX. Provided always, and be it further enacted, That all and every such Clerk or Clerks, Surveyor or Surveyors, Assessor or Assessors, or other Officer or Officers so to be appointed by the said Commissioners, Trustees, or Proprietors as aforesaid, shall, before he or they proceed to act in their respective Offices, take and subscribe the Oath herein-before directed to be taken by the said Commissioners and Engineer as aforesaid, which Oath it shall be lawful for the said Commissioners or Trustees, or any One of His Majesty's Justices of the Peace acting for the said County of *Flint* to administer.

Commissioners to settle
Differences;

XXX. And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons, or Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Inclosure of the said Marshes, Commons, and Waste Lands, or any of them, concerning the respective Shares, Rights, or Interests which they or any of them shall have or claim to have in, upon, or over the said Marshes, Commons, and Waste Lands, or any Part thereof, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall and may be lawful for the said Commissioners to examine into and determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners to determine the Title to any Messuages, Tenements, Lands, or Hereditaments whatsoever.

but not to
decide on
Titles.

Persons in
Possession not
to be molested
without due
Course of
Law.

XXXI. 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 any of such Parties, except in Cases of Encroachments made within the Period of
Twenty

Twenty Years; but in case the said Commissioners shall be of Opinion against the Right of the 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.

XXXII. And be it further enacted, That in case the said Commissioners shall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of this Act or of the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioners, upon any Application made to them for that Purpose, to assess and award such Costs and Charges as they shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons, Bodies Politic, Corporate, or Collegiate, whose Claim or Claims, Objection or Objections shall be thereby disallowed or overruled; and in case the Person or Persons, Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, it shall be lawful for the said Commissioners, and they are hereby authorized by Warrant under their Hands and Seals, 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, Body or Bodies Politic, Corporate, or Collegiate, 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.

May award
Costs.

XXXIII. Provided always; and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with the Determination of the said Commissioners or Umpire, touching or concerning any Right of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matter so determined by the said Commissioners or Umpire, at the then next Assizes to be holden for the County Palatine of *Chester*, in case the same shall not be holden within Three Calendar Months next after such Determination; but if the next Assizes for the said County shall be holden within Three Calendar Months after such Determination, then at the following Assizes to be holden for the same County, and for that Purpose the Person or Persons, Body and Bodies Politic, Corporate, or Collegiate, who shall be so dissatisfied with the Determination of the said Commissioners or Umpire, shall cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination shall have been made, within Two Calendar Months next after such Determination of the said Commissioners or Umpire, and shall also within One Calendar Month after such Determination, give Notice in Writing to the said Commissioners, of his, her or their being so dissatisfied; and the Defendant or Defendants

Parties may
try their
Rights by a
feigned Issue
at *Chester*.

in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted on, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding and conclusive upon all and every Person and Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioners 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, which Allowances and Disallowances shall be final and conclusive upon all Parties: Provided always, that in case the Determination of such Commissioners or Umpire touching such Right of Common, or other Rights and Interests in, over, and upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, shall not be objected to, or being objected to, the Party or Parties objecting, shall not cause such Action at Law to be brought and proceeded in within the Time and in the Manner herein for that Purpose appointed, such Determination shall be final and conclusive upon all Parties.

Actions not to impede Proceedings of Commissioners.

XXXIV. Provided always, and be it further enacted, That no such Difference, Action, Suit or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding touching or concerning the Title to any Lands, Tenements or Hereditaments, shall impede, delay or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by the said recited Act and this Act, but the said Division and Allotments shall be proceeded in notwithstanding such Differences, Suits, Actions or Proceedings; and the said Commissioners shall, by proper Marks and Bounds, set out the Lands and Grounds which shall be allotted in respect of such litigated Property, so that the same may be distinguished from any other Lands and Grounds, and may be had and taken by the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who upon the Determination of such Difference, Suit, Action or Proceeding, shall be entitled to the same.

Actions not to abate by Deaths of Parties.

XXXV. And be it further enacted, That if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

In case of Deaths of Parties before Actions brought, the same to be carried on and defended in their Names.

XXXVI. 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 such 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 herein before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who might

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 said Commissioners or their Clerk, 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, or in his, her or their own Name or Names, and Proceedings shall be had therein 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.

XXXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized and empowered, in case they shall think proper, to stop up, turn, or divert any old or accustomed Road or Roads, Way or Ways, Path or Paths, Track or Tracks, passing or leading through or over the said Marshes, Commons and Waste Lands, subject nevertheless to such Provisions, and under such Regulations, Directions and Conditions, as are contained in the said recited Act of the Forty-first Year of the Reign of His present Majesty, respecting the stopping up of any old accustomed Road or Roads, and the several Roads, Ways, Paths and Tracks so stopped, shall be and be deemed to be Part of the Lands and Grounds to be divided, allotted and inclosed by virtue of this Act: Provided always, that none of the present Roads, Ways, Paths, or Tracks leading through or over the said Marshes, Commons and Waste Lands, shall be shut up or discontinued, until the several Roads and Ways intended to be and remain public Roads or Highways shall be set out in Manner by the said recited Act directed, and until the same shall be properly formed and made safe and convenient for the Passage of Horses, Cattle, and Carriages.

Old Roads
and Ways
may be stop-
ped up.

XXXVIII. And be it further enacted, That all Encroachments which have been made upon or taken out of the said Marshes, Commons, or Waste Lands hereby directed to be divided, allotted, and inclosed within the Space of Twenty Years next before the passing of this Act, shall be deemed Part and Parcel of the Marshes, Commons and Waste Lands from which the same were respectively taken or made, and shall, with all the Buildings and Erections thereon, be set out and allotted unto such Person or Persons entitled to Right of Common upon the said Marshes, Commons, and Waste Lands, as shall be in the Possession thereof respectively, in Part or in full of the Allotment or Allotments to be made to him, her, or them respectively by virtue of this Act, so that the same shall not in the Judgment of the said Commissioners or Umpire be more than equivalent thereto, (in which latter Case a competent Part thereof only shall be so set out and allotted); provided nevertheless, that in the Valuation of such Encroachments and Inclosures to the Person or Persons to whom they may be respectively allotted, the Buildings or Erections thereon shall not be included, nor the Lands estimated at any higher Rate than the same would have been if they were in their original uninclosed and unimproved State; and in case any Dispute or Question shall arise touching any such Encroachment or Inclosure, or the Extent thereof, or the Number of Years that

Encroach-
ments.

the same has been made or taken in, every such Dispute or Question shall be finally determined by the said Commissioners.

Allotments
for Materials
to repair
Roads, &c.

XXXIX. And be it further enacted, That the said Commissioners shall set out and allot a Portion or Portions of the said Marshes, Commons, and Waste Lands, not exceeding in the whole Ten Statute Acres, in such Places as they shall judge most convenient, (except the Beds and Banks of Gravel in front of the Sand Hills adjoining the Sea), for the Accommodation of every Part of the said Parish of *Llanasa*, to be used and enjoyed for ever thereafter by the Proprietors of Messuages, Lands and Tenements within the said Parish, in Common for the Purposes of getting Limestone; Building Stone, Gravel, Sand, Earth, Marl and Clay to make Bricks for the Use of Lands in the said Parish of *Llanasa* only; or in the Repairs of the Highways and private Roads and Paths within and throughout the said Parish only, but not to be sold or conveyed out of the said Parish on any account; and the Herbage of such Portion or Portions of Ground so to be set out as aforesaid, shall be deemed to belong to the Lord or Lords of the Manors, Seignories, or Lordships within which such Portion or Portions shall be respectively situate; and the said Commissioners shall also set out and appoint Springs and Pools, and other Watering-Places for Cattle and Beasts, and puddling Pools and Places for cleansing and washing Minerals, upon the said Marshes, Commons, and Waste Lands, or any Part thereof, for the Common Use and Benefit of all Occupiers of Messuages, Lands and Tenements in the same Parish respectively.

Penalties for
selling Stone,
&c. for
public Allot-
ments.

XL. And be it further enacted, That if any Person or Persons shall carry or convey out of the said Parish of *Llanasa*, or sell, bargain, or agree for the Sale of any Limestone or other Stone, Gravel, Sand, Earth, Marl or Clay, or Brick made of any Earth, Marl or Clay, which shall be found, hewn, dug, or raised in or upon the said Allotments to be set out for the common Use and Supply of the said Parish, or in or upon the Lands to be exchanged for that Purpose as aforesaid, he, she or they, in any of the said Cases offending, shall forfeit and pay any Sum not exceeding Forty Shillings for every Offence, to be recoverable in Manner hereinafter mentioned.

Allotment to
His Majesty.

XLI. And be it further enacted, That the said Commissioners shall and they are hereby authorized and required, after setting out the Highways and Roads, and the Allotments for Materials for the Reparation thereof, and also for the other Purposes herein-before mentioned, to set out, allot, and appoint unto the King's most Excellent Majesty, His Heirs and Successors, such Part or Parts of the said Commons and Waste Lands within the said Parish of *Llanasa* so intended to be inclosed as aforesaid, as do not lie within the said Manor of *Piston* and *Axton*, other than and except the said common Marshes called *Gronant* and *Gwesbyr* Marshes, as shall in the Judgment of the said Commissioners or Umpire be equal in Value to One Twentieth Part thereof, in Lieu, Satisfaction, and Extinction of His Majesty's Right and Interest in the Soil of the same Commons and Waste Lands, and for his Consent to the Division and Inclosure thereof.

Allotment to
the Lord of
the Manor

XLII. And be it further enacted, That the said Commissioners shall in the next Place set out, allot, and appoint unto the said *Sir Piers Moltyn*,

as Lord of the Manor of *Picton* and *Axton* aforefaid, and in refpect of his Right to the Soil of the faid Common Marfhes called *Gronant* and *Gwesbyr* Marfhes, fo much and fuch Part or Parts of the faid Marfhes, Commons and Wafte Lands, within the faid Manor, and alfo of the faid Common Marfhes called *Gronant* and *Gwesbyr* Marfhes, as fhall in the Judgment of the faid Commissioners or Umpire be equal in Value to One-fifteenths Part of the whole of the fame Marfhes, Commons and Wafte Lands, (Quantity, Quality, and Situation confidered), and in Lieu, Satisfaction, and Extinction of his Right and Intereft in the Soil of the fame Marfhes, Commons and Wafte Lands, as Lord of the faid Manor of *Picton* and *Axton*, or otherwife.

of *Picton* and *Axton*.

XLIII. And be it further enacted, That the faid Commissioners fhall in the next Place fet out, allot, and appoint unto the faid *Sir Pyers Mostyn*, fo much and fuch Part of the Common Marfhes in the faid Parifh, called *Gwesbyr* and *Picton* Marfhes, as fhall in the Judgment of the faid Commissioners or Umpire be of the annual Value of Ninety Pounds, in lieu and Satisfaction of and for, and in Extinction of his Right to a certain Rabbit Warren upon the faid laft-mentioned Marfhes, which is now of the annual Value of Ninety Pounds.

Allotment to *Sir Pyers Mostyn* in refpect of his Rabbit Warren.

XLIV. And be it alfo further enacted, That the faid Commissioners fhall in the next Place fet out, allot, and appoint unto the faid *Henry Parry*, and his Succelfors, Vicars for the Time being of the faid Parifh of *Llanafaw*, fo much and fuch Parts of the faid Marfhes, Commons and Wafte Lands, as fhall in the Judgment of the faid Commissioners or Umpire, (Quantity, Quality, and Situation confidered), be in Proportion to the Value of the Common Rights appurtenant to the Glebe Lands in the faid Parifh, belonging to the faid Vicarage of *Llanafaw*.

Allotment to the Vicar in refpect of the Glebe.

XLV. And be it further enacted, That the faid Commissioners fhall and they are hereby authorized and required to fet out, allot, and award all the Refidue and Remainder of the faid Marfhes, Commons and Wafte Lands by this Act authorized and intended to be divided, allotted, and inclofed, unto and amongst the feveral and refpective Perfons, Bodies Politic, Corporate and Collegiate, who at the Time of making fuch Allotments refpectively fhall be entitled to any Eftate, Property, Common Right, or other Intereft therein, (other than and except the faid *Sir Pyers Mostyn*, in refpect of his Right to the Soil of the Marfhes, Commons, and Wafte Lands within the faid Manor of *Picton* and *Axton*, as Lord of the faid Manor, and in refpect of his Rabbit Warren, and alfo other than and except the faid *Henry Parry*, and his Succelfors), in fuch Quantities, Shares, and Proportions as the faid Commissioners or Umpire fhall adjudge and deem to be a full Satisfaction and Compenfation for their feveral and refpective Eftates, Rights and Interefts in the faid Marfhes, Commons, and Wafte Lands.

Allotment to the Refidue.

XLVI. Provided always, and be it further enacted, That the faid Commissioners fhall fet out, allot, and appoint unto the faid *Sir Pyers Mostyn*, his Heirs and Affigns, in Severalty, and as in Part of the Allotments to be made to him in lieu and Satisfaction of his Right to the Soil of the Commons and Waite Lands within the faid Manor of *Picton* and *Axton* aforefaid (as Lord of the fame Manor), and in refpect of his Right to the Soil

Gronant Moor and the *Towyn* Pools to be allotted to *Sir Pyers Mostyn* in Part of his Allotment.

of the said Common Marshes, called *Gronant* and *Gwesbyr* Marshes, and also in Part of the Allotment to be made to him in and upon the Residue and Remainder of the Marshes, Commons, and Waste Lands within the said Manor of *Picton* and *Axton*, and Parish of *Llanasa* aforesaid, in Right of the Messuages, Lands, and Tenements, in respect whereof he is now entitled to Right of Common upon the same Marshes, Commons, and Waste Lands, a certain Piece of Common Marsh or Waste Land in the said Parish called *Gronant Moor*, and also Two certain Pools or Pieces of Water in the Township of *Gwesbyr*, in the said Parish of *Llanasa*, called the *Towyn Pools*; and that the said Commissioners shall set out, allot, and appoint the Residue of the Allotment or Allotments to be made to the said Sir *Pyers Mostyn* in such respective Rights as herein-before mentioned, and also the Allotment to be made to him as a Compensation for his said Rabbit Warren as aforesaid, in One entire Plot or Parcel of Ground in and upon the said Common Marshes called *Gwesbyr* and *Picton* Marshes, and as near as may be to the antient inclosed Lands of him the said Sir *Pyers Mostyn*, in *Talacre* aforesaid, called the *Lodge Fields*.

And Residue of his Allotment to be set out in one Plot, as near as may be to his ancient inclosed Lands in *Talacre*, called the *Lodge Fields*.

No Allotment for Encroachments.

Commissioners not to allot any of the Lands on the outside of the Banks.

XLVII. Provided always, and be it further enacted, That no Allotment shall be made by virtue of this Act for or in respect of any Inclosure or Encroachment made on the said Marshes, Commons, and Waste Lands, either with or without the Consent of the Lord or Lords of the Manors, Lordships, or Seigniories, within which the same shall respectively lie, or of any other Person or Persons: Provided always, and it is hereby declared, that nothing herein contained shall extend or be construed to extend to authorize and empower the said Commissioners to set out or allot such Part of the said Common Marshes as shall lie on the North-East or North-West Sides of the said Works of Embankment so to be made as aforesaid, and which are not intended to be hereby embanked and defended from the Sea.

Works of Embankment and other Works not to be subject to Commissioners of Sewers.

No Tythes to be paid to the Improprator for the Two first Crops if got within Three Years.

XLVIII. Provided also, and be it further enacted, That the said Works of Embankment and other Works authorized to be made by this Act, shall not be subject to the Controul, Direction, Survey, or Order of any Commissioners of Sewers, or to any Law or Statute relating to Sewers; any Thing, or any Law or Statute to the contrary, notwithstanding.

XLIX. And be it further enacted, That it shall not be lawful for the said *William* Lord Bishop of *Saint Asaph*, or his Successors, or his or their Lessees or Assigns, to demand or take any Tythes of Corn or Grain whatsoever, or any Composition, Satisfaction, or Compensation in lieu thereof, from the Owner or Owners, Occupier or Occupiers of any Part or Parts, Allotment or Allotments of the said Marshes, Commons, and Waste Lands hereby authorized to be divided and inclosed, to the Tythes whereof he the said Lord Bishop, or his Successors, or his or their Lessees or Assigns, would otherwise be entitled, for or in respect of the Two first Crops of Corn or other Grain, arising, renewing, or increasing in, upon, or out of any such Part or Parts, Allotment or Allotments, so that the same be raised and gotten within the Term of Three Years, to be computed from the passing of this Act; but that the said Part or Parts, Allotment or Allotments of the said Marshes, Commons, and Waste Lands shall be held and enjoyed, freed and discharged, of and from all Tythes of Corn or Grain, and all Dues, Payments, and Compositions in lieu thereof, for
and

and in respect of such Two first Crops of Corn or Grain for the said Term of Three Years as aforesaid, and no longer.

L. And be it also enacted, That it shall not be lawful for the said *Henry Parry*, or his Successors, Vicars of the said Parish of *Llanasa* aforesaid, or his or their Lessees or Assigns, to demand or take any Tythes of Corn or Grain whatsoever, or any Composition, Satisfaction, or Compensation in lieu thereof, from the Owner or Owners, Occupier, or Occupiers of any Part or Parts, Allotment or Allotments of the said Marshes, Commons, and Waste Lands hereby authorized to be divided and inclosed (to the Tythes whereof he the said *Henry Parry*, or his Successors, or his or their Lessees or Assigns, would otherwise be entitled,) for or in respect of the Two first Crops of Corn or other Grain, arising, renewing, or increasing in, upon, or out of any such last-mentioned Part or Parts, Allotment or Allotments, so that the same be raised and gotten within the Term of Four Years, to be computed from the passing of this Act; but that the said Part or Parts, Allotment or Allotments of the said Marshes, Commons, and Waste Lands, shall be held and enjoyed, freed and discharged of and from all Tythes of Corn and Grain, and all Dues, Payments, and Compositions in lieu thereof, for and in respect of such Two first Crops of Corn or Grain for the said Term of Four Years as aforesaid, and no longer.

No Tythes to be paid to the Vicar for the Two first Crops if got within Four Years.

LI. And be it further enacted, That the said Commissioners shall and they are hereby required by their Award to direct and declare how, and in what Manner, and by whom, the Fences between the several Allotments to be made and set out under and by virtue of this Act shall be made, and by whom the same shall for ever thereafter be kept in Repair.

Commissioners to declare by their Award how Fences are to be made.

LII. Provided always, and be it further enacted, That in case through the Necessity of Situation, or any other Accident or Circumstance, it shall happen that One or more of the said Proprietors shall not have an equal or proportionable Share of Boundary Mounds or Fences allotted to him, her, or them, on the said intended Inclosure, then and in such Case it shall and may be lawful to and for the said Commissioners, when they shall judge it necessary and reasonable, to award, order, ascertain, and appoint what Sum or Sums such Proprietor or Proprietors shall respectively pay and contribute towards making the Mounds and Fences of the Allotment or Allotments of such other Proprietor or Proprietors, who shall or may have a greater Proportion of Mounding or Fencing allotted to him, her, or them, by virtue of this Act; and in case the Money so ordered, directed, or appointed, shall not be paid on Demand, then and in such Case such Money shall be raised, levied, and recovered in such and the same Manner as the Costs, Charges, and Expences of obtaining and executing this Act, or any Part thereof, can or may be raised, levied, and recovered as herein-after, or in and by the said recited Act is directed: Provided always, that the Allotment which shall be made to the said *Henry Parry*, and his Successors, Vicars of *Llanasa* aforesaid, or his or their Lessees or Assigns, for or in respect of the Glebe Lands of the said Vicarage as aforesaid, shall in the first Instance be inclosed, hedged, ditched, and fenced in a proper and substantial Manner by an outward Ring Fence; and the Costs, Charges, and Expences thereof shall be paid out of the Monies herein-after directed

Satisfaction for unequal Share of Fencing.

Allotment to Vicar to be fenced at general Expence.

directed to be raised and provided for defraying the Expences of obtaining and executing this Act.

Power to
make Ex-
changes.

LIII. And be it further enacted, That it shall and may be lawful for the said Commissioners and their Successors, at any Time or Times, to set out, allot, and award any Lands, Tenements, and Hereditaments whatsoever within the said Parish of *Llanasa*, as well ancient inclosed Lands, as those intended to be divided, allotted, and inclosed, in lieu of and in Exchange for other Lands, Tenements, and Hereditaments whatsoever within the same Parish, or within any adjoining Parish, Hamlet, Township, or Place; provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, or their Successors, 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 on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Purposes, Husbands, Committees, or Attornies of or acting for any such Owner or Owners, Proprietor or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other 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 lie and be situate.

Costs and
Expences of
making Ex-
changes, &c.
to be paid by
the Persons
making the
same.

LIV. And be it further enacted, That the Expences attending every Exchange or Partition which shall be made by virtue or in pursuance of the said recited Act of the Forty-first Year of the Reign of His present Majesty, or of this Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges or Partitions, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioners shall order and direct.

Leases at
Rack Rent
to be void.

LV. And be it further enacted, That every Lease and Agreement for a Lease or Leases at Rack Rent of any Messuages, Lands, and Tenements, within the said Parish of *Llanasa* shall, so far as such Lease or Leases, Agreement or Agreements, affect or concern any Allotment or Allotments to be made of the said Marshes, Commons, and Waste Lands hereby authorized to be divided, allotted, and inclosed, in respect of any such Messuages, Lands, and Tenements comprized in such Leases or Agreements respectively, or any Right of Common or other Rights appendant or appurtenant thereto, be and the same is and are hereby declared

clared to be null and void as to such Allotment or Allotments of the said Marshes, Commons, and Waste Lands, and such Allotment or Allotments shall be made and awarded unto the Landlord or Landlords, and not to the Tenant or Tenants, Lessee or Lessees, freed and discharged from all Right and Interest which may or otherwise might be claimed in or to the same by virtue of such Lease or Leases, Agreement or Agreements; and the Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom the Messuages, Lands, or Tenements comprized in such Lease or Leases, Agreement, or Agreements respectively shall belong, as Landlord or Landlords, shall make such Compensation to the Person or Persons entitled to the same under such Lease or Leases, Agreement or Agreements, as the said Commissioners shall by Writing under their Hands adjudge and determine to be adequate to the Benefit and Interest which the said Lessee or Lessees, Tenant or Tenants, had or derived under the said Leases and Agreements respectively, upon and from the said Marshes, Commons, and Waste Lands intended to be divided and inclosed before the passing of this Act, and would have continued to derive in case this Act had not been made; and in case such Satisfaction shall not be made accordingly, then it shall be lawful for such Lessee or Lessees, Tenant or Tenants, to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt, or on the Case: Provided always, that nothing in this Act contained shall extend or be construed to extend to revoke, make void, or alter any Lease or Leases, or any Agreement for a Lease or Leases, of any ancient Messuages, Lands, and Tenements within the said Parish of *Llanasa*, further or otherwise than as aforesaid.

Not to vacate
Leases except
of Allotments
of Common.

LVI. Provided always, 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 or Settlement, or to prejudice any Person having or claiming any Jointure, Dower, Debt, Portion, or Incumbrance out of, upon, or affecting any of the Marshes, Commons, and Waste Lands to be divided, allotted, and inclosed in pursuance of this Act, or any Part thereof respectively, or which shall be exchanged by virtue of the said recited Act; but that the several Marshes, Commons, and Waste Lands so to be allotted or given in Exchange as aforesaid, shall from thenceforth be, remain, and enure, and the several Persons to whom the same shall be allotted or given in Exchange as aforesaid, shall stand and be seised thereof to such and the same Uses, Trusts, and Estates, and subject to the same Wills, Settlements, Limitations, Remainders, Charges, and Incumbrances, as the several Lands, Tenements, and Hereditaments, for or in respect of which or in lieu whereof such Allotments or Exchanges shall be made as aforesaid, would have been subject and liable to be charged with or affected by in case this Act had not been made.

Wills and
Settlements
not to be
affected.

LVII. And be it further enacted, That if any Person or Persons hath or have sold, or shall at any Time prior to the Execution of the Award of the said Commissioners sell his, her, or their Right, Interest, and Property in the said Marshes, Commons, and Waste Lands intended to be divided and inclosed, or any Part thereof, or his, her, or their Allotment or Allotments, to any Person or Persons, then and in every such Case it shall be lawful for the said Commissioners and they are hereby authorized and required to make an Allotment or Allotments of Land unto the Vendee or

In case any
Person shall
sell his Right
in the Lands
to be inclosed,
the Allot-
ment to be
set out to the
Purchaser.

Purchaser, Vendees or Purchasers, in every such Sale, or to his, her, or their Heirs or Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid; or in case such Allotment or Allotments shall have been already made, to award the same to such Vendee or Purchaser, Vendees or Purchasers, his, her, or their Heirs and Assigns; and every such Vendee and Purchaser, and his or her Heirs or Assigns shall and may from and after the Execution of the said Award hold and enjoy the Lands so to be allotted and awarded to him or her as aforesaid, in the same Manner to all Intents and Purposes as the Vendor or Vendors in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been or remained vested in such Vendor or Vendors at the Time of making such Allotment or Allotments as aforesaid.

For paying
the Expences
of this Act.

LVIII. And be it further enacted, That the Charges and Expences incident to and attending the obtaining and passing this Act, and of surveying, admeasuring, planning, dividing, and allotting the said Marshes, Commons, and Waste Lands as aforesaid, and of planning, forming, and completing the necessary Roads in, through, and over the same, and of stopping up and diverting any of the Roads and Ways through and over the Marshes, Commons, and Waste Lands hereby directed to be divided and inclosed, and of setting out and appointing other convenient Roads and Ways in lieu thereof, and of preparing and depositing the Award of the said Commissioners, and all other the necessary Charges and Expences attending the Execution of this Act, (except the Expence of making and erecting the said Works of Embankment and Drainage, and all such other Charges and Expences for the defraying of which a Provision is herein-before made), and also the Recompence and Allowance to be paid to the said *John Calveley*, and to the said *Thomas Wedge*, whilst he shall be employed as a Commissioner only in carrying this Act into Execution, and of the said Assistant Commissioner, and their respective Successors, for their respective Trouble and Expences, and the necessary and reasonable Charges and Expences of every other Person employed in and about the Execution of this Act, except such of them as are herein-before provided for, shall from Time to Time be borne, defrayed, and paid by the respective Persons to whom Allotments shall be made, under and by virtue of this Act, (save and except the King's Majesty, His Heirs and Successors, and the Vicar of *Llanasa* aforesaid, and his Successors,) and be levied and raised by a Rate or Assessment, or Rates or Assessments, upon such Person and Persons, in Proportion to the Value of their respective Allotments, such Proportions to be from Time to Time settled and ascertained by the said Commissioners and their Successors, and to be paid to such Person or Persons, and at such Time or Times, as the said Commissioners and their Successors shall order and direct, with such and the like Powers and Authorities for the said Commissioners, and their Successors, to levy and enforce the Payment of such Rates or Assessments, by Distress or otherwise, as are in and by the said recited Act of the Forty-first Year of the Reign of His present Majesty, provided and contained, relative to the Payment of Assessments made by Commissioners under Inclosure Acts; and every Occupier or Tenant of any Lands or Tenements who shall at any Time or Times hereafter make any Payment under any Distress or Distresses, or otherwise, by the Order of the said Commissioners, or by Order of the said

said Trustees so to be appointed as herein-before mentioned, is hereby authorized to deduct and retain out of his, her, or their next Payment of Rent or Rents, so much Money as he, she, or they shall so pay on that Account.

LIX. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby authorized, from Time to Time to borrow and take up at Interest, of any Person or Persons willing to advance and lend the same, such Sum and Sums of Money (not exceeding in the Whole the Sum herein-after mentioned), which they the said Commissioners shall think expedient and necessary for defraying the Charges and Expences of obtaining and passing this Act; and carrying into Execution such of the Provisions thereof as do not relate to the making and maintaining the said Works of Embankment and Drainage; and also such Sum and Sums of Money (not exceeding in the Whole the Sum herein-after mentioned), which they the said Commissioners shall think expedient and necessary for defraying the Charges and Expences of making and erecting the said Works of Embankment and Drainage so to be made as aforesaid, until the same several Sums can with Convenience be respectively raised and repaid by and out of the Monies to be collected and raised by virtue of the Rates and Assessments herein-before directed to be from Time to Time made for the especial Purpose of defraying such respective Charges and Expences as aforesaid; and all the Sum and Sums of Money which shall be so respectively borrowed by the said Commissioners for any or either of the Purposes aforesaid, together with all the Expences of borrowing and securing the same, shall be a Charge and Charges on the Credit of the Rates and Assessments herein-before authorized to be made especially applicable to the particular Purposes for which such Sum and Sums of Money shall have been so borrowed, and on the Money to be from Time to Time raised and levied by such Rates and Assessments respectively, until the Sum and Sums of Money so respectively borrowed shall be repaid, with lawful Interest for the same; and the said Commissioners are hereby accordingly authorized and empowered to raise the said Money so deemed necessary by them for either or any of the said Purposes upon Credit of the said respective Rates and Assessments as aforesaid, and also to mortgage and demise the particular Rates and Assessments on the Credit whereof such Sum and Sums of Money shall have been so borrowed, and the Money to be from Time to Time raised by any such Rates and Assessments to any Person or Persons for all and every such Sum and Sums of Money as he, she, or they shall agree to advance and lend thereon, and which said Sum or Sums of Money so to be respectively borrowed, together with all the Expences of borrowing and securing the same, shall be repaid by and out of the first Money that shall, after the Date and Execution of such Mortgage or Mortgages, be raised and levied by such of the said respective Rates and Assessments as shall be charged with the Payment thereof.

Commissioners may borrow Money on Mortgage of the Rates.

LX. And be it further enacted and declared, That the Rates and Assessments to be respectively raised and levied by virtue of this Act, for the several Purposes aforesaid, and mentioned or specified in such Mortgage or Mortgages, shall be charged and chargeable with the Payment of the Principal Money intended to be secured by such Mortgage or Mortgages, together with lawful Interest for the same, and shall respectively vest in such Mortgage or Mortgagees, or in Default of Payment of such Principal Money,

Rates to be chargeable with the Money borrowed and invested.

And in De-
fault of Pay-
ment may be
levied by
Creditors.

But not to
exceed 5l. per
Acre.

Husbands,
Guardians,
&c. may
charge Al-
lotments with
their Propor-
tion of the
Expences.

Money and Interest at the Time or Times in such Mortgage or Mortgages to be appointed for Payment thereof, until the same and every Part thereof shall be fully paid and satisfied, together with the Costs and Charges occasioned by the Non-payment thereof; and the Person and Persons so advancing and lending such Sum and Sums of Money, his, her, or their Executors, Administrators, and Assigns respectively, shall have the same Powers, Rights, and Privileges of receiving, levying, and recovering the said several Rates and Assessments in such Mortgage or Mortgages mentioned and specified in respect and to the Extent of his, her, and their said Principal Monies and Interest, in case of such Default of Payment thereof as aforesaid, as the said Commissioners or their Collectors or other Officers would or could have had by virtue and under the Authority of this Act, in case such Principal and Interest had been regularly and fully paid and satisfied: Provided always, that nothing in this Act contained shall extend or be construed to extend to authorize the said Commissioners, for all or any of the Purposes aforesaid to borrow and take up at Interest, or to charge the said several Rates and Assessments, and the Money to be thereby respectively raised, with any further or larger Sum of Money than will amount in the Whole to the Sum of Five Pounds *per Acre* for every Acre of the said Marshes, Commons, and Waste Lands so intended to be inclosed as aforesaid.

LXI. Provided always, and it is hereby further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of any Person or Persons to whom any Allotment or Allotments of any of the said Marshes, Commons, and Waste Lands so to be inclosed shall be made, being under Coverture, Minors, Lunatics, Persons beyond the Seas, or under any Disability, or for any of the said Owners or Proprietors, being Tenants in Tail, or for Life, or Years determinable on Lives, or any other Contingencies, (except the Vicar of the said Parish of *Llanasa*), from Time to Time, with the Consent of the said Commissioners, until the Powers and Authorities hereby vested in them shall cease, and until the Trustees so directed to be chosen for the Management of the future Repairs of the said Works of Embankment shall be appointed, and after such Appointment, then with the Consent of such Trustees for the Time being, from Time to Time and as often as Occasion shall require, to charge all, every, or any Part or Parts of such Allotment or Allotments with any Sum or Sums of Money, not exceeding in the Whole Five Pounds for every Acre of such Allotment or Allotments, for the Purpose of paying and discharging any Assessment or Assessments which may from Time to Time be made by the said Commissioners or Trustees, either for the Purpose of defraying the Expences of obtaining and passing this Act, and carrying into Execution such of the Provisions thereof as do not relate to the Works of Embankment and Drainage hereby authorized to be made, or for the Purpose of defraying the Expences of making and afterwards repairing and maintaining the said Works of Embankment and Drainage; and also to mortgage such Allotment or Allotments so to be charged as aforesaid from Time to Time, to any Person or Persons who shall be willing to advance the Sums of Money so to be charged thereon, and his, her, or their Executors, Administrators, or Assigns, for any Term or Number of Years, in such Manner and under the like Provisions and Regulations as such Person and Persons is and are in and by the said recited Act authorized and empowered to do, with the Con-
sent

sent of the said Commissioners, for the Purpose of paying his, her, and their respective Share and Shares of the Expences of obtaining and passing Inclosure Acts, and carrying the same into Execution; and in case any Person or Persons in Possession of any such Allotment or Allotments, who may be liable from Time to Time to be charged with a Share of such Expences as aforesaid, shall choose to pay the same, the said Commissioners until the several Powers hereby to them respectively given shall cease, and the said Trustees after their Appointment shall from Time to Time and as often as Occasion shall require, have the like Power of mortgaging such Allotment or Allotments to such Person so paying any such Sum of Money as aforesaid, his, her, and their Executors, Administrators, and Assigns, for any Term or Number of Years, to commence on the Determination of his, her, or their Right in the Premises, for securing the Re-payment thereof, with lawful Interest, in such Manner and under the like Provisoos and Regulations as Commissioners under Inclosure Acts are by the said recited Act authorized and empowered to do, for securing to any Persons so in Possession as aforesaid the Re-payment of any Sum or Sums of Money by him or her advanced for defraying the general Expences of carrying Inclosure Acts into Execution.

LXII. Provided always, and be it further enacted, That out of the first Money which shall be raised by a general Assessment on all and every the Messuages, Lands, Tenements, and Hereditaments in the said Parish of *Llanasa*, for the Purpose of defraying the Expences of obtaining and passing this Act, and of carrying the general Provisions thereof into Execution; (except such of them as relate to making the said Works of Embankment and Drainage), or which shall be borrowed on Mortgage of such general Assessments, or the Monies to be raised thereby, the said Commissioners shall and they are hereby required in the first Place to pay and defray the Charges and Expences incident to and attending the soliciting, obtaining, and passing this Act, together with Interest for the same, after the Rate of Five Pounds *per Centum per Annum* from the Time such Money shall be so laid out.

The Expences of this Act to be paid out of first Monies received.

LXIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of the passing thereof), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all Sums of Money by them received or expended, or due to them for their own Trouble and Expences in the Execution of this Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by them laid before any One or more of His Majesty's Justices of the Peace for the Time being for the said County of *Flint*, (not interested in the said intended Division and Inclosure), to be by such Justice or Justices examined and balanced; and such Balance shall be by him or them stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioners; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice or Justices.

Commissioners to account.

LXIV. And be it further enacted, That all Orders, Acts, and Proceedings of the said Commissioners and Trustees shall be signed by them respectively, and entered in separate Books, to be kept by them for that Purpose,

Proceedings to be entered in a Book.

[*Loc. & Per.*]

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which

which Books shall be severally received in Evidence in all Suits and Actions concerning any Thing which shall be done in pursuance of this Act.

Allowing
Appeal.

LXV. 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, or by any Assessment or Assessments made under any of the Powers and Authorities therein and herein contained, (except in such Cases where the Orders or Determination of the said Commissioners and their Successors, and of the said Trustees, or any Officers to be by them appointed, or any Justice or Justices of the Peace, are herein-before or in the said recited Act declared to be final and conclusive, and also except in such Cases where an Issue or Issues at Law shall be tried as herein-before mentioned, or where a Jury or Juries shall be summoned for the Purpose of ascertaining Damages as herein-before mentioned), he, she, or they may appeal to the First or Second Great Session or Assizes to be holden in and for the said County of *Flint*, next after the Cause of Complaint shall have arisen, every such Appellant giving Ten Days previous Notice in Writing to the Party or Parties to be appealed against, of his, her, or their Intention of bringing such Appeal, and within Ten Days after such Notice, entering into a Recognizance before some Justice of the Peace for such County, with Two sufficient Sureties to try such Appeal, and to abide the Order and Award of the said Court therein; and the Judges of Assize at such Great Sessions are hereby empowered and required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy or cause to be levied the Costs which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties ordered or made liable to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Costs and Expences of every such Levy, Distress, and Sale; and every Order and Determination of the said Judges upon such Appeal, shall be final and conclusive upon all Parties concerned, and shall not be removed by *Certiorari*, or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Judges to be frivolous, vexatious, and without Foundation, then the said Judges of Assize 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 and recovered in Manner aforesaid.

Directing
where the
Award shall
be deposited.

LXVI. And be it further enacted, That Two Parts of the Award directed by the said recited Act to be made by the said Commissioners, together with a reduced Map or Plan thereto annexed of the said Marshes, Commons, and Waste Lands hereby authorized and directed to be embanked from the Sea, divided, allotted, and inclosed, in the State in which the same will be, after they shall have been so embanked from the Sea, divided, allotted, and inclosed, shall within Three Years next after the passing of this Act be fairly ingrossed, or written on Parchment, and signed and sealed by the said Commissioners and Assistant Commissioner, and shall within One Month after the Execution thereof, be delivered to, and deposited with and in the several Persons and Places herein-after mentioned; that

that is to say, One Part thereof shall be deposited and kept in a Box or Chest in the Parish Church of *Llanasa* aforesaid, and the other Part thereof shall be delivered to and deposited with the Clerk of the Peace for the County of *Flint*, or his Deputy for the Time being, who is hereby required to receive and deposit the same among the Records of the Peace of the said County, upon being paid the Sum of Two Pounds and Two Shillings as a Fee for so doing; and the Person or Persons who from Time to Time shall have the Care or Custody of the said Box or Chest in the said Parish Church, and also the Clerk of the Peace for the said County of *Flint*, or his Deputy for the Time being, shall permit the said Part of the said Award to be inspected by any Person or Persons whomsoever, from Time to Time and at all seasonable Times for ever, such Person or Persons paying respectively to the Clerk of the Peace, or his Deputy, for every such Inspection, the Sum of One Shilling, and no more; and any Part of the said Award, or a Copy of that Part which shall be deposited with the Clerk of the Peace for the said County, attested by him or his Deputy, shall from Time to Time and all Times hereafter be admitted and allowed in all Courts whatsoever as legal Evidence, which Copy the said Clerk of the Peace or his Deputy is hereby required to make, certify, and deliver to any Person or Persons requiring the same; he, she, or they paying for such Copy after the Rate of Two-pence *per* Sheet, reckoning Seventy-two Words to each Sheet, and no more.

LXVII. And be it further enacted, That the said Commissioners and Assistant Commissioner shall and they are hereby required to make an Extract on Parchment, under their respective Hands and Seals, of so much of the General Award directed to be made by the said recited Act, as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights or Interests of His Majesty as may be contained in such Award; and also a Copy signed by the said Commissioners of the Plan annexed to the said Award, and transmit the said Extract and Plan to the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenue, or to the Office of the Surveyor General of His Majesty's Land Revenue, in the City of *Westminster*, within Six Calendar Months after the making and executing the said Award, to be by them filed and kept among the Muni-ments of their Office.

Commissioners to make an Extract of so much of their Award as describes His Majesty's Allotment, and transmit the same to the Commissioners of His Majesty's Woods, Forests, and Land Revenue.

LXVIII. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenue, or for the Surveyor General of His Majesty's Land Revenue, at any Time before or after the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Politic or Corporate, for the Sale of all or any Allotments or Allotment to be made to His Majesty, His Heirs and Successors, by virtue of this Act, for the best Prices or Considerations in Money which the said Commissioners of His Majesty's Woods, Forests, and Land Revenue, 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 an 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*

The King's Allotments may be sold before the Execution of the Award.

also

also of His Majesty's Duchy of Lancaster, are directed to be paid; and the Sale of such Allotment or Allotments 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 Award, and it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and required to assign, set out, and allot such Allotments or Allotment to the Purchaser or Purchasers thereof, or other Persons or Person who shall be entitled thereto by virtue of such Sale, and he, she, or they shall immediately after the Execution of the said Award 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, and other Stone, or Matters whatsoever, in or under the same, as herein-after saved and reserved to His Majesty, His Heirs and Successors.

Penalties and Forfeitures, the Recovery whereof is not before provided for, how to be recovered.

LXIX. And be it further enacted, That all Penalties and Forfeitures inflicted and imposed by, or which shall or may be incurred under or through this Act, the Recovery and Application whereof is not herein-before particularly directed and provided for, shall be levied and recovered before One Justice of the Peace for the said County of *Flint*, not interested in the Matter in Question, in such and the same Manner, and such Justice of the Peace shall have such and the same Powers and Authorities to summon and examine Witnesses upon Oath, and to give Judgment, and on Conviction of the Offender to levy such Penalties and Forfeitures, together with all reasonable Costs, by Distress and Sale of the Offender's Goods and Chattels, in such and the like Manner as in and by the said recited Act of the Forty-first Year of the Reign of His present Majesty is directed, provided, and declared, touching and concerning all Penalties and Forfeitures thereby imposed; and such Penalties and Forfeitures when levied, shall be paid and applied for such Uses, Intents, and Purposes as the said Commissioners herein-before appointed shall by Writing under their Hands, or by their Award direct or appoint.

Distress not unlawful.

LXX. And be it further enacted, That where any Distress or Distresses shall be made for any Money or Penalty under or by virtue of this Act, such Distress or Distresses shall not be deemed unlawful, nor the Person or Persons making the same a Trespasser or Trespassers *ab initio*, or for Defect of Form in any Summons, Conviction, or Warrant of Distress, or other Proceeding therein, or any Irregularity in the Execution thereof; but the Person or Persons aggrieved by any Irregularity, may recover Satisfaction for the special Damage by Action upon the Case.

Persons forswearing themselves to be deemed guilty of Perjury.

LXXI. And be it further enacted, That if any Person or Persons shall in any Examination, Affidavit, Deposition, or Affirmation to be had or taken in pursuance of this or the said recited Act, before the said Commissioners, Trustees, or any Justice or Justices of the Peace herein-before authorized to administer any Oath or Affirmation, wilfully or corruptly swear or affirm any Matter or Thing which shall be false or untrue, every such

such Person so offending shall on Conviction thereof be deemed guilty of Perjury, and shall suffer the like Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now subject or liable to.

LXXII. Provided always, and be it further enacted and declared, That nothing in this Act contained shall prejudice or defeat the Right or Interest of His Majesty, His Heirs or Successors, or of the said Sir *Thomas Hanmer* and Sir *Pyers Mostyn*, their respective Heirs or Assigns, or any Person or Persons claiming or to claim by, from, or under, or in Trust for them, or either or any of them, or any of the Ancestors of the said Sir *Thomas Hanmer* and Sir *Pyers Mostyn*, or either of them, in and to all Mines, Ores, Minerals, and Coals of what Nature or Kind soever, in or under the said Marshes, Commons, and Waste Lands; but His said Majesty, His Heirs and Successors, and the said Sir *Thomas Hanmer* and Sir *Pyers Mostyn*, their respective Heirs and Assigns, and such other Person and Persons as aforesaid, and 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 for, and work all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ore, Minerals, and Coal whatsoever, as fully and effectually to all Intents and Purposes as they could have had, held, or 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 Marshes, 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 the said Sir *Thomas Hanmer* and Sir *Pyers Mostyn*, their respective Heirs and Assigns, and all other Persons who shall hereafter for the Time being be entitled to the Mines and Minerals therein, and their respective 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 Marshes, Commons, and Waste Lands, and to dig and raise Clay for making and burning of Bricks, Tiles, Gutters, and Ridges in and upon any Part or Parts of the said Marshes, Commons, and Waste Lands, 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 Buildings 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 or 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 Marshes, Commons, and Waste Lands, and to make, burn, or convert Coal and Culm into Charcoal or Cokes, and also to have, make, and use all convenient Ways, Roads, and Railways in, upon, and over the said Marshes, Commons, and Waste Lands when inclosed, for the Use of any Colliery or Mines sunk or made,

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Saving the Right of His Majesty, Sir Thomas Hanmer, and Sir Pyers Mostyn, their Heirs and Assigns, to the Minerals under the Lands to be inclosed.

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, or other Carriages to fetch, take, or carry away the Lead, Copper, and Iron Ores and Coal, 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 said Marshes, Commons, and Waste Lands when inclosed, for the discovering, getting, working, converting, removing, carrying away, selling, and disposing of all Mines, Coal, and other Minerals whatsoever, without any Molestation or Interruption whatsoever, in such and the like Manner as if this Act had not been made.

Limitation of
Actions.

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

Manorial and
other Rights
saved.

LXXIV. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the King's most Excellent Majesty, or the said Sir *Pyers Mostyn*, as Lord of the Manor of *Picton* and *Axton* aforesaid, or otherwise, of, in, and to the Seigniories or Royalties to them respectively belonging, except as herein-after mentioned; but that His Majesty, His Heirs and Successors, and the said Sir *Pyers Mostyn*, his Heirs and Assigns, may from Time to Time and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquisites, and Profits of Courts, Free Warren, Wrecks of the Sea, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, Pre-eminences, Manerial Jurisdictions, and Appurtenances whatsoever, (other than and except any Rights to the Soil of the said Marshes, Commons, and Waste Lands intended to be inclosed by virtue of this Act), and also all Quarries, Springs, and other Matters, besides Mines or Minerals now belonging to or which may hereafter belong to His said Majesty, His Heirs or Successors, or to the said Sir *Pyers Mostyn*, his Heirs or Assigns; which Quarries, Springs, and other Matters (not being Mines or Minerals) shall belong to the several Persons, Bodies Politic or Corporate, to whom any Allotment or Allotments shall be made by virtue of this Act, in as full, ample, and beneficial a Manner to all Intents and Purposes as they or any of them could or might have held or enjoyed the same if this Act had not been passed.

General
Saving of all
Rights, &c.

LXXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every other Person and Persons, or Bodies Politic, Corporate or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest,
(other

(other than such as are intended to be barred and destroyed by this and the said recited Act), of, in, to, or in respect of the Marshes, Commons, and Waste Lands, to be divided and allotted by virtue of this Act, as he, they, or any of them could or might have had or enjoyed if this Act had not been made.

LXXVI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded. Public Act.

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