



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.

Cap. 162.

An Act for inclosing Lands in the Parishes of *Dolgelley* and *Llangelynin*, commonly called *Celynin*, in the County of *Merioneth*. [10th June 1811.]

WHEREAS there are, within the several Parishes of *Dolgelley* and *Llangelynin*, commonly called *Celynin*, in the County of *Merioneth*, certain Commons, Marsh Lands and Waste Lands: And whereas the King's most Excellent Majesty, in right of his Crown, is Lord of all the Commons aforesaid, except such within the said Parish of *Dolgelley* as are within the Manors or reputed Manors of *Dolgelley* and *Gwanas*, in the said County, and is entitled to the Soil of the same Commons and Waste Lands, and also claims to be entitled to the Soil of the Commons and Waste Lands in the said Manors or reputed Manors: And whereas *Griffith Howel Vaughan* Esquire claims to be Lord of the said Manor or reputed Manor of *Dolgelley*; and *John Kennedy* Esquire, in right of *Jane* his Wife, claims to be Lord of the said Manor or reputed Manor of *Gwanas*, and claim to be entitled to the Soil of the Commons and Waste Lands within the said Manors or reputed Manors respectively, as Parcels thereof: And whereas *Sir Robert Williams Vaughan* Baronet, the said *Griffith Howel Vaughan*, *Richard Richards* Esquire, *Edward Edwards* Esquire, the said *John Kennedy*, in right of the said *Jane* his Wife, and several other Persons, are the Owners and Proprietors of all and every the Lands, Tenements, and Hereditaments within the said several Parishes of *Dolgelley* and *Llangelynin*, commonly called *Celynin*, and as such are entitled to Right of Common and other Rights in, over, and upon the said Commons, Marsh Lands and Waste Lands within the said Parishes: And whereas the said Commons,

[*Loc. & Per.*]

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Marsh

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sioner.

Marsh Lands and Waste Lands, being uninclosed, are in their present State incapable of Improvement, and it would be of great Benefit to the several Persons interested therein, and of public Utility, if the same were divided and allotted in specific Shares among the said Owners or Proprietors, according to their several and respective Rights and Interests therein, and such Allotments inclosed, and if certain Embankments, Cuts, Drains and other Works were made, to drain and prevent the said Marsh Lands from being overflowed; but such beneficial Purposes cannot be effected without the Aid and Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: May it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Josiah Boydell*, of *Kilbendre* in the County of *Salop*, Gentleman, and his Successor for the Time being, to be elected or appointed in Manner hereinafter mentioned, shall be and he is hereby appointed the Commissioner for setting out, dividing, allotting and inclosing the said Commons, Marsh Lands and Waste Lands, and for embanking and draining the whole or such Part or Parts thereof as shall be found necessary or expedient, and for putting this Act into Execution; subject to the Rules, Orders and Directions in this Act contained, and also subject to the Rules, Orders and Directions contained in the said recited Act, except in such Cases where the same are by this Act varied or altered.

Appoint-
ment of new
Commis-
sioners.

II. And be it further enacted, That in case the said *Josiah Boydell*, or any other Commissioner to be appointed in Manner hereinafter mentioned, shall die, refuse, neglect or become incapable to act for the Space of One Calendar Month, when Occasion shall require his Attendance on the Business of the said Inclosure, Embankment and Drainage, or shall become incapable of acting, it shall and may be lawful for the Majority in Value of the Proprietors of the Commons, Marsh Lands and Waste Lands hereby directed to be divided, allotted and inclosed, embanked and drained, or their respective Agents duly authorized in that Behalf, who shall be present at a Meeting to be holden for that Purpose at *Dolgelley*, in the said County of *Merioneth* (of which Meeting and the Purpose thereof Ten Days' Notice at least shall be given in Writing by any Three or more of such Proprietors, to be affixed to the principal Door of each of the Parish Churches of *Dolgelley* and *Celynin*, on some *Sunday* and to be inserted in some one Newspaper usually circulated in the said County), by Writing under their Hands, to appoint a new Commissioner (not interested in the said Inclosure, Embankment and Drainage,) in the Room and Place of the said *Josiah Boydell*, or any other Commissioner to be appointed in Manner aforesaid, who may die, refuse or neglect to act, or become incapable of acting as aforesaid.

Power for
the Crown to
appoint an
Assistant
Commis-
sioner.

III. And be it further enacted, That the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Land Revenue, for the Time being, may from Time to Time, by Writing under their or his Hands or Hand, nominate and appoint an Assistant Commissioner to carry this Act into Execution, as far as relates

to His Majesty's Rights and Interests to and in the said Commons and Waste Lands; and such Assistant Commissioner, before he proceeds to the Execution thereof, shall take the same Oath as the Commissioner hereby appointed or hereafter to be appointed is required to take, and shall be paid by and out of the Funds hereinafter provided for carrying this Act into Execution, at the Rate of Two Pounds Two Shillings for every Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, including the Days of travelling to and from his Place of abode, in full Satisfaction for his Trouble and Expences, and shall bear and pay his own Expences during the Time he shall be so employed.

IV. And be it further enacted, That every Survey, Admeasurement and Plan of the Lands and Grounds hereby directed to be divided, allotted and inclosed, and of all ancient inclosed Lands which shall be necessary for the Purpose of this Act, shall be made by such Person as the said Commissioner shall by Writing under his Hand nominate and appoint.

Appoint-
ment of a
Surveyor.

V. And be it further enacted, That the said Commissioners shall cause Notice to be given in Writing, to be affixed on the principal Door of each of the Parish Churches of *Dolgelly* and *Llangelynin*, commonly called *Celynin*, on some *Sunday*, of the Time and Place of his First Sitting, and all subsequent Sittings for the Execution of the Powers by this and the said recited Act vested in him, at least Ten Days before any such Sitting (Sittings by Adjournment only excepted); and it shall be lawful for the said Commissioner to adjourn his Sittings, and appoint the same to be held at such Time and Place, within Eight Miles of the said respective Parishes, as he shall from Time to Time see Occasion and think necessary.

Notice to be
given of
Commis-
sioner's
Sitting.

VI. And be it further enacted, That all Orders, Proceedings and Determinations of the said Commissioner, at any of his Sittings to be held in pursuance of this Act, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioner at such Sitting, and being so signed shall be deemed and taken for Originals; and all such Books shall and may be read in Evidence in all Cases of Appeal, Suits, Actions and other Proceedings, touching any Matter or Thing done in relation to or in pursuance of this Act.

Proceedings
to be entered
in a Book.

VII. And be it further enacted, That the said Commissioner, and the Surveyor to be appointed as aforesaid, their Servants and Assistants, and all Persons employed by them respectively for the Purposes and in Execution of this Act, shall have and they are hereby vested with full Power and Authority, at any Time or Times whatsoever, to enter into, view and examine, survey and admeasure, all and every the Lands and Grounds hereby directed to be divided and inclosed, embanked and drained; and also the other ancient inclosed Lands and Grounds having Right of Common upon the Lands and Grounds hereby directed to be divided, allotted or inclosed, or any Part thereof, for the Purposes of this and the said recited Act.

Commis-
sioner and
Surveyor to
have Power
to enter upon
Lands to
survey.

VIII. And be it further enacted, That in case any Dispute shall arise between any of the Parties interested, touching their Rights or Claims, Estates or

Interests
Commis-
sioner to
settle Dis-
putes, &c.

Interests in any of the Lands or Grounds hereby directed to be divided, allotted or inclosed, the said Commissioner is hereby authorized to determine the same, on giving or causing previous Notice to be given in Writing to the Parties in Difference, or to their known Agents: Provided always, that nothing herein contained shall authorize or empower the said Commissioner to determine any Disputes that shall affect the Right or Title to any Lands, Tenements, or Hereditaments within the said Parishes, or either of them.

Power to
assess Costs.

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

Power to try
disputed
Rights by,
an Action at
Law.

X. Provided always, and be it further enacted, That in case any of the Parties making any Claim in, upon, or out of any of the said Lands intended to be divided and inclosed in pursuance of this Act, or the Person or Persons objecting thereto, shall be dissatisfied with the Determination of the said Commissioner, and shall by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their known Agent, signifying the same to the said Commissioner within Two Calendar Months next after such Determination shall be made, in such Case, and not otherwise, it shall be lawful for the Person or Persons so dissatisfied with such Determination to have the Subject of such Claim or Objection, in respect of which such Determination shall be made, tried at Law, by an Action to be brought by him, her, or them against any Person or Persons in whose Favour any Determination shall have been so made, upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties shall differ about the same, such Action to be brought within Six Calendar Months next after any such Determination shall have been made; and the Defendant or Defendants in such Action shall and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action so as to have the same tried and determined at the then next or second Great Session to be holden for the said County of *Merioneth*; and the Verdict of the Jury on such Trial, if the same shall be satisfactory to the Court, shall be binding,

final, and conclusive upon all the Parties interested therein, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had thereupon, which it shall be lawful for the Court to do; and also upon sufficient Cause shewn to put off the Trial of such Issue, as is usual in other Cases; and that after such Verdict shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in conformity to the Verdict or Verdicts thereupon given, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that all such Determinations of the said Commissioner as shall not be objected to, or being objected to, and shall not be litigated and brought to Trial as aforesaid, shall be absolutely binding, final, and conclusive.

XI. 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 between his and their Heirs, Assigns, and the other Party, as if no such Event had happened.

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

XII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any Determination of the said Commissioner 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 hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioner 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 be thereupon incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, on having Notice of such Process, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had 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.

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

XIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties, (except in cases of Encroachments made within the Period of Twenty Years,) but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon, until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

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

XIV. And be it further enacted, That it shall be lawful for the said Commissioner to divert, stop up, or change any of the public Roads (not

Commissioner may divert or turn Roads.

[Loc. & Per.]

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being

being a Turnpike Road,) passing or leading through any of the old Inclosures, or any other Part of the said Parishes, by and with the Concurrence and Order of Two of His Majesty's Justices of the Peace for the said County of *Merioneth*, and subject to an Appeal and in Manner provided by the said recited Act.

Encroachments made Twenty Years before the passing of this Act to be Property of the Persons who received Rent for the same.

XV. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Lands for Twenty Years or upwards before the passing of this Act, shall, with the Cottages and Buildings thereon, be deemed to belong to, and are hereby declared to be the Property of the Person or Persons in his, her, or their own Right occupying or receiving Rent for the same, but he, she, or they shall in no Case be entitled to any Allotment or Allotments in respect thereof under this Act.

Encroachments made within Twenty Years before the passing of this Act.

XVI. And be it further enacted, That all Encroachments upon or from any of the said Commons and Waste Lands, by any Person or Persons entitled to any Allotment or Allotments from the same by virtue of this Act, or by his, her, or their Ancestor or Ancestors, or Testator or Testators, and which shall have been made within Twenty Years next before the passing of this Act, shall be deemed Part of such Commons and Waste Lands; but all such last-mentioned Encroachments, with the Buildings thereon, subject to any Right of Way leading through the same, and subject also to the Right of raising Turf on such Encroachments, shall be allotted to the Person or Persons who at the Time of making the Allotments under this Act shall in his, her, or their own Right be in Possession or Receipt of the Rents and Profits of such Encroachments, for his, her, or their Share or Proportion of the said Commons and Waste Lands to be inclosed by virtue of this Act, so far as the same will extend in Value, according to its original State when inclosed, or the then Value of the Waste Lands adjoining; but in case any such last-mentioned Encroachments shall in the Judgment of the said Commissioner be of greater Value than the Share or Proportion of the said Commons and Waste Lands which the Person or Persons so entitled ought to have by virtue of this Act, then and in such Case the said Commissioner is hereby authorized to sell and allot such Encroachments or Parts of Encroachments to such Person or Persons at such Sum or Sums of Money as the said Commissioner shall adjudge to have been the Value thereof, to be estimated as aforesaid; but if such Person or Persons should decline so to do, then every such last-mentioned Encroachment shall be also sold by the said Commissioner at its actual improved Value, and the said Commissioner shall receive and apply such Purchase Monies for the Purposes of this Act, in Aid of the other Monies hereinafter directed to be raised for such Purposes, and if the Money so to be received shall be more than sufficient for those Purposes, the Surplus thereof shall be paid and applied in the Manner hereinafter directed; and if any such last-mentioned Person or Persons shall neglect or refuse to pay such Sum or Sums of Money as the said Commissioner shall so adjudge, order, or direct, and at the Time fixed by him for that Purpose, then such Encroachments which shall not be so paid for as aforesaid shall be deemed, and they are hereby declared to be Parts of the said Commons and Waste Lands, and shall be surveyed, measured, and allotted as Part thereof.

XVII. And

XVII. And be it further enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act until the Execution of the Award of the said Commissioner, to cut, dig, pare, grave, flay, or carry away any Turf or Flags, in, upon, or from the said Commons, Marsh Lands, and Waste Lands, or any Part thereof, (other than and except in, upon, or from the *Turbary* Ground hereinafter directed to be set apart and allotted,) without the Leave and Licence of the said Commissioner first had and obtained in Writing under his Hand, which Leave and Licence he the said Commissioner is hereby empowered to grant under such Rules, Regulations, and Restrictions as he shall think proper; and if any Person shall, after the passing of this Act, cut, dig, pare, grave, flay, or carry away any Turf or Flags, in, upon, or from the said Premises, or any Part thereof, (except as aforesaid,) without the Leave and Licence of the said Commissioner, or having obtained such Leave and Licence shall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Restrictions therein contained, every such Person being convicted thereof, either by his or her own Confession, or upon the Oath of One credible Witness, before One of His Majesty's Justices of the Peace for the said County of *Merioneth* (not being interested), who may summon the Parties concerned, and examine Witnesses upon Oath relating to the said Complaint, shall for every such offence forfeit and pay such Sum of Money as the said Justice shall appoint, not exceeding the Sum of Five Pounds; and it shall be lawful for such Justice, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause the same Penalty to be raised and levied by Distress and Sale of the Goods and Chattels of the Person offending, (Demand having been first made thereof,) rendering the Overplus (if any), after deducting the Costs and Charges of such Distress and Sale, to the Person so offending; and the said Penalty when raised and levied shall be applied by the said Commissioner for the Purposes of this Act.

No Flags to be cut without Leave of the Commissioner.

XVIII. And be it further enacted, That the said Commissioner shall in the first Place, and before any Allotment for Sale, or any other Purpose, shall be set out and allotted, assign, set out, and allot unto and for the King's most Excellent Majesty, his Heirs and Successors, with the Concurrence and Approbation in Writing of the said Assistant Commissioner, and not otherwise, for and in lieu of his Right and Interest in the Soil of such of the said Commons, Marsh Lands, and Waste Lands in the said Parishes, as are not within the Manors or reputed Manors of *Dolgelley* and *Gwanas* aforesaid, so much and such Part or Parts of the same Commons, Marsh Lands, and Waste Lands, as shall, in the Judgment of the said Commissioner, be equal in Value to One full Twentieth Part or Share of the whole of such Commons, Marsh Lands, and Waste Lands.

Allotment to His Majesty in lieu of his Right to the Soil.

XIX. And be it further enacted, That the said Commissioner shall in the next Place, and after setting out the necessary and proper Roads pursuant to the said recited Act, assign, set out and allot unto and for the King's most Excellent Majesty, his Heirs and Successors, or the said *Griffith Howel Vaughan*, his Heirs and Assigns, so much and such Part or Parts of the said Commons and Waste Lands within the said Manor or reputed Manor of *Dolgelley* hereby directed to be divided and inclosed, as in the Judgment of the said Commissioner shall be equal in Value to One-twentieth Part of the whole of the same Commons and Waste Lands; and

Allotments to His Majesty out of the Manors of *Dolgelley* and *Gwanas*.

and that the said Commissioner shall in the like Manner assign, set out and allot unto and for the King's most Excellent Majesty, his Heirs and Successors, or the said *John Kennedy*, and the Heirs and Assigns of the said *Jane* his Wife, so much and such Part and Parts of the said Commons and Waste Lands within the said Manor or reputed Manor of *Gwanas* hereby directed to be divided and inclosed, as in the Judgment of the said Commissioner shall be equal in Value to One-twentieth Part of the whole of the said last-mentioned Commons and Waste Lands, and which respective Allotments so to be made in Manner aforesaid shall be in lieu of and as a Recompence and Compensation for the respective Rights and Interests of the Lord or Lords of the said Manors or reputed Manors in, to and upon the Soil of the said Commons and Waste Lands within their said respective Manors or reputed Manors: Provided that no Allotment shall be made to His Majesty, his Heirs and Successors, without the Concurrence and Approbation in Writing of the said Assistant Commissioner.

Allotment of Land whereon the Gaol stands for Scite thereof.

XX. And be it further enacted, That the said Commissioner shall and he is hereby required and directed to set out, allot and award all that Piece or Parcel of Land or Ground whereon the Gaol for the County of *Merioneth* and Buildings belonging to such Gaol now stand, as and for the Scite of the said Gaol, and shall in his Award specify the Quantity and Abuttals of such Land or Ground, and the same shall from and after the Execution of the Award of the said Commissioner be and remain vested in the Clerk of the Peace for the Time being of the said County of *Merioneth*, in Trust for the said County; and the said Commissioner shall also set out a convenient Road or Approach to the said Gaol and Premises.

General Allotments.

XXI. And be it further enacted, That the said Commissioner shall, after making such Allotments as aforesaid, and the Allotments hereinafter mentioned, divide, set out and allot the Residue of the said Commons, Marsh Lands and Waste Lands, intended by this Act to be divided and inclosed, unto, for and amongst the several Persons and Parties who at the Time of making such Division shall be Proprietors of Lands, Tenements or Hereditaments in the said several Parishes of *Dolgelley* and *Llangelynin*, commonly called *Celynin*, or either of them, or in any adjoining Parish, and in respect thereof entitled to Rights of Common and other Rights upon the said Commons, Marsh Lands and Waste Lands, hereby directed to be divided, allotted and inclosed, or any of them, in proportion to and in full Satisfaction of and for such several Rights and Interests (except such Right of *Turbary* as hereinafter mentioned), to be ascertained and adjudged by such Ways and Means, and in such Manner as to the said Commissioner shall seem just and expedient, and under and subject and liable to such Rules and Regulations as he shall, in and by his Award, to be made in Manner hereinafter and in the said recited Act mentioned, in that Behalf, order, settle and direct.

Rights of Common may be compensated for by a Common Pasture

XXII. And be it further enacted, That in case any of the Proprietors entitled to Right of Common in or over the Lands and Grounds hereby directed to be divided and allotted, or any Part thereof, shall request to have their Common Rights compensated by a Common Pasture, instead of distinct Allotments of Lands, and shall give Notice thereof to the

said

faid Commissioner, within such Time as the said Commissioner shall appoint, then it shall be lawful for the said Commissioner and he is hereby required to set out and allot to and for the Proprietors making such Request, from and out of such Part of the Commons and Waste Lands aforesaid, most convenient for that Purpose, such Parcel or Parcels thereof as shall in the Judgment of the said Commissioner be an Equivalent and Compensation for the Rights of Common to which the Proprietors making such Request shall be entitled; and the Lands so to be allotted for Common Pasture shall be used and enjoyed accordingly, by the respective Proprietors to whom the same shall be allotted, their respective Heirs and Assigns, and stocked with such Kinds and Number of Cattle or Sheep, and at such Seasons and Times of the Year, and subject to such Regulations and Orders as the said Commissioner by his Award shall settle and direct.

instead of
separate
Allotments.

XXIII. And be it further enacted, That after the said Commons, Marsh Lands and Waste Lands shall have been divided and allotted as aforesaid, it shall and may be lawful for the Person or Persons to whom any such Allotment or Allotments shall have been made, and his, her or their Heirs, or Assigns, to fence and inclose the same accordingly, at his, her or their Convenience; and that he, she and they, and their respective Heirs and Assigns, shall from thenceforth for ever maintain and keep in Repair all such Fences when so made, at his, her and their Expence.

Proprietors
to fence and
keep in Re-
pair their
own Allot-
ments.

XXIV. And be it further enacted, That all such Parts of the Commons and Waste Lands hereby directed to be divided and inclosed (including Encroachments thereon within Twenty Years next before the passing of this Act) which have been and now are used as a Turbary, shall be specified and set apart by the said Commissioner in his said Award, to be used in the first Instance by all Persons entitled to Common of Turbary therein and subject thereto, and to all necessary Rights of Entry and Way in respect thereof, such last-mentioned Parts of the said Commons and Waste Lands shall be divided and inclosed in the same Manner as the other Parts thereof, due Allowance being made in allotting the same for such Right of Turbary therein.

Lands to be
set out for a
Turbary.

XXV. And be it further enacted, That the said Commissioner shall and he is hereby directed, in dividing, setting out and allotting the said Commons and Waste Lands, to have due Regard to the Situations and Aspects thereof, and with that View to divide, set out and allot the same in such Manner that each and every Allotment may have, as far as the Size thereof and the Nature of the said Lands will admit, the greatest possible and other Accommodation and Shelter for Cattle and Sheep to be depastured thereon, consistently with the Advantage and Convenience of the Proprietors in general.

Commis-
sioner to
have Regard
to the
Accommo-
dation and
Shelter for
Cattle, &c.

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

Allotments
to enure to
the same
Tenures.

[Loc. & Per.]

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shall

shall be made, are now subject, or such of them as are applicable thereto.

Wills and
Settlements
not to be
affected.

XXVII. And be it further enacted, That nothing in this 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 or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances, out of, upon or affecting the Lands or Grounds to be divided, allotted, inclosed or exchanged, in pursuance of this or of the said recited Act, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in exchange by virtue of this or the said recited Act, shall be seised thereof, to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Rents, Charges and Incumbrances, and no other, as the Lands, Grounds and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioner, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to be charged with, or affected by in case this Act had not been made.

Drainage
Powers.

XXVIII. And be it further enacted, That for the Purpose of preventing Damage by Water upon any Part of the said Commons, Marsh Lands and Waste Lands, and other Low Lands and Grounds within the said Parishes, and for effectually carrying off the same, and for the Improvement of such Lands and Grounds, it shall be lawful for the said Commissioner, by such Agents, Workmen and Labourers as he shall think fit to employ, to take down, remove or alter any Dams, Weirs and other Impediments within the said Parishes, or so much thereof, and in such Manner as shall in his Opinion be necessary and expedient, making full and ample Compensation for the same, and for the Damage to be done thereby, to the respective Owners thereof; and such Commissioner shall and may also widen, deepen, alter, enlarge, contract, turn, change, discontinue, stop or alter the present Course of any Stream, Rivulet or Brook, and of the present Watercourses, Drains and Banks within the said Parishes or either of them, in such Manner as he shall see convenient and necessary; and shall and may make such new Watercourses, Sluices, Drains, Ditches, Cuts, Dams, Tunnels, Culverts or subterraneous Tunnels, Banks, Bridges, Outlets, Weirs, Engines, Embankments, Fences and other Works in, through and over as well the Lands and Grounds hereby directed to be allotted and inclosed, as also in, through and over any ancient inclosed Lands within the said Parishes, or either of them, as he shall think necessary or proper; provided that no such Works shall be made upon any inclosed Lands without the previous Consent of the Owners or Persons seised of such inclosed Lands; and that no Stream, Rivulet or Brook shall be diverted or altered without the Consent of the Owner or Owners of the Lands from which any such Stream, Rivulet or Brook shall be diverted, and into which the same shall be turned (such Consent to be testified in Writing under their respective Hands); and the said Commissioner shall make full and ample Satisfaction to the Owners of the said ancient inclosed Lands within the said several Parishes who shall be injured thereby; and such Streams, Rivulets and Brooks, Watercourses, Sluices, Drains, Ditches, Cuts, Dams, Tunnels, Culverts or subterraneous Tunnels,
Banks,

Banks, Bridges, Outlets, Weirs, Engines, Embankments, Fences, and other Works, which shall be so widened, altered, changed, set out, appointed, and made respectively, shall from Time to Time for ever afterwards be preserved, cleansed, scoured, amended, maintained and kept in Repair as often as Occasion shall require, by a Surveyor to be elected and appointed for that Purpose as hereinafter is mentioned; and the Expences of such Repairs, including a reasonable Allowance to the said Surveyor, or any Person or Persons to be employed by him, for his and their Time and Trouble therein, to be ascertained and allowed by the Majority in Value, such Value to be ascertained by the then last Land Tax Assessment of the said respective Parishes, of the Proprietors of Lands within the said respective Parishes, or their respective Agents, who shall be duly authorized in that Behalf, who shall be present at a Meeting to be from Time to Time called for that Purpose, of which at least Ten Days' Notice shall be affixed upon the principal Door of each of the said Parish Churches, and in Default of any such Proprietors attending at such Meeting so to be called, then to be allowed by one of His Majesty's Justices of the Peace for the said County of *Merioneth* from Time to Time as the same shall be incurred; and all such Accounts being verified on Oath by the said Surveyor, before the said Justice, or any other Justice of the Peace for the said County of *Merioneth*, shall be reimbursed and repaid to the said Surveyor upon Demand by the Owners or Occupiers of such Lands within the said several Parishes as shall be benefited by such Works of Drainage or Embankment (but not by any Owner or Occupier of such Lands as shall receive no Benefit thereby), in proportion only to the Benefit they shall respectively receive; which Proportion, and Lands liable to be charged, shall be ascertained and settled by the said Commissioner in and by his Award, to be made as herein and in the said recited Act mentioned, and in the Meantime, and until such Award shall be so made, by any Writing or Writings under his Hand (which Writing or Writings shall be binding and conclusive); and such Occupiers shall have a written Receipt or Discharge for the Money so by them paid, and may deduct the same out of the Rents and Profits payable to his, her or their respective Landlords; and such Landlords are hereby required, upon Production of such Receipts or Discharges, to allow such Deductions accordingly.

XXIX. And be it further enacted, That if by means of embanking and draining the said Commons and Marsh Lands any Cattle which used to depasture on the Lands and Grounds adjacent to any of the Rivulets, Streams, and Brooks intended to be embanked, or in any other Lands and Grounds within the said Parishes, shall be deprived of their accustomed or usual Watering-places, then and in every or any such Case the said Commissioner shall and he is hereby required, at the Costs and Charges of the Proprietors of the Lands and Grounds within the said Parishes, to make such new Watering-places, and to lay such and so many Tunnels as shall be necessary through the Banks of such Rivulets, Streams, Watercourses, or Drains, and make Cuts therefrom to communicate with such Watering-places as aforesaid, or otherwise set out and provide proper and convenient Places in the said Rivulets, Streams, Watercourses, or Drains, whereby the said Cattle may be properly and conveniently supplied with Water.

Watering-places for Cattle to be made and maintained.

XXX. And be it further enacted, That such last mentioned Surveyor shall from Time to Time for ever hereafter be elected and appointed, and shall

Appoint-ment of Surveyor.

shall be removeable and may be removed, and another appointed in his Stead at a public Meeting or Meetings to be held at some Place within Eight Miles of the said Parishes or either of them (of which Meeting, and of the Purpose for holding the same, such previous Notice shall be given by Five or more of the Freeholders or Proprietors of Lands within the said respective Parishes, or other Persons interested in the said Embankments and Drainage as is hereinbefore required to be given of the Sittings of the Commissioner), by such of the said Freeholders and other Persons interested as aforesaid, liable to the Payment of the aforesaid Shares and Proportions, as shall attend either personally or by their respective Husbands, Guardians, Trustees, Committees, Attornies or Agents, or the major Part in Value of them, such Value to be ascertained by the Rate specified and set forth in the Award or Writing of the said Commissioner as aforesaid; and such Freeholders and other Persons interested as aforesaid, or such Part of them, may at any Meeting or Meetings from Time to Time allow the said Surveyor such reasonable Salary for his Trouble in the Execution of his Duty as shall at any such Meeting be thought proper, which shall be and is hereby declared to be Part of the Expences of cleansing, repairing, and maintaining the said Watercourses, Floodgates, Sluices, Drains, Banks, and other Works aforesaid.

Persons interested may stop sudden Breaches.

XXXI. And be it further enacted, That if any sudden Breach or Injury shall happen to the said Watercourses, Sluices, Drains, Weirs, Floodgates, Bridges, Embankments, Fences, and other Works, or any of them, which may require an immediate Stoppage, Repair, or Amendment, then any Owner or Occupier of any Land or Tenement liable to contribute thereto may, without Delay, upon giving or sending Notice of such Breach or Injury to the said Surveyor, proceed to and in the said Stoppage, Repair, and Amendment until the Surveyor shall come and take the Direction and Management thereof; and if the said Surveyor shall not without Delay do or cause to be done such Acts, Deeds, and Things as shall be necessary and proper for the effectual Preservation, cleaning, amending, maintaining, and keeping in Repair the said Watercourses, Sluices, Drains, Weirs, Floodgates, Embankments, Fences, and other Works after taking such Direction and Management as aforesaid, or after having had Three Days' Notice in Writing of any Matter or Thing defective or wanting therein, then any such Owners or Occupiers may do or cause the same to be done, and as well the Expence thereof as of any such Stoppage, Repair, and Amendment of any such Breach or Injury as aforesaid (including a reasonable Charge for Trouble and Loss of Time), shall be ascertained in Manner aforesaid, and shall be repaid unto him, her, or them by the said Surveyor; and every such Surveyor who shall neglect or refuse to do his Duty in the Premises, and who shall be convicted thereof, either by his own Confession, or on the Oath of a credible Witness, before any Justice of the Peace for the said County of *Merioneth* (who is hereby authorized to hear and determine the same), shall forfeit and pay any Sum not exceeding Twenty Pounds, as such Justice shall adjudge and order; and such Penalty shall be paid into the Hands of such Owner or Occupier, as the said Justice shall direct or appoint, to be applied towards the Expence of preserving, repairing, or maintaining the Embankments, Floodgates and other Works aforesaid.

XXXII. And

XXXII. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees, or Attornies of or Persons acting as Guardians, Trustees, Committees or Attornies, for the Owners or Proprietors of the said Lands, being under Coverture, Minors, Lunaticks, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for every of them for the Time being, and to and for any of the said Owners or Proprietors, being Tenants in Tail, or for Life only, and to and for every of them respectively for the Time being, by and with the Consent of the said Commissioner, in Writing under his Hand and Seal, from Time to Time to charge the said Lands and Grounds which are intended to be divided, allotted and inclosed, under and by virtue of this and the said recited Act, with any Sums of Money not exceeding Five Pounds an Acre over and above and in addition to the Sums authorized to be raised by virtue of and under the said recited Act, for defraying the Charges and Expences herein provided for, in relation to the said Embankment and Drainage, and for securing the Re-payment of all and every such Sum and Sums of Money with Interest, to grant, mortgage, lease or demise, or otherwise subject the said Lands hereinbefore directed to be divided, allotted, embanked and drained, unto such Person or Persons as shall advance and lend such Sum and Sums of Money respectively, for any Term or Number of Years, so as every such Grant, Mortgage, Lease or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered when such Sum or Sums of Money thereby to be secured, with the Interest thereof, shall be fully paid and satisfied, and so as every such Grant, Mortgage, Lease or Demise, do also contain a Proviso that the Person or Persons entitled in Remainder or Reversion to any of the Lands shall not be liable upon his, her or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for One Year preceding the Time that his, her or their Title to such Possession shall have commenced.

Power
to borrow
Money.

XXXIII. And be it further enacted, That it shall be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies, or any Tenant or Tenants in Tail, or for Life, of any of the said Lands, by any Deed or Deeds in Writing, or by his, her or their last Will and Testament duly executed according to Law, to charge such Lands so to be embanked and drained as aforesaid as shall not have been so mortgaged, with such Sum or Sums of Money as shall be appointed by the Commissioner for putting this Act into Execution to be paid, and which by any Writing or Writings under the Hand of the said Commissioner shall be certified to have been accordingly paid by such respective Tenant or Tenants in Tail or for Life or for his, her or their Share and Proportion of the Costs, Charges and Expences of the said Embankments and Drainage, which Sum and Sums of Money so to be charged as aforesaid, shall be payable within One Year next after the Decease of every such Tenant in Tail or for Life, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, to be computed from his, her or their respective Deceases, unto such Person or Persons as such Tenant or Tenants in Tail or for Life shall by such Deeds, or Wills and Testaments respectively direct or appoint; and in Default of such Direction and Appointment, to his, her or their respective Executors and Administrators; and every such Grant, Mortgage, Lease or Demise, and every such Charge as aforesaid, to be made of or upon any of the said Lands, shall be good, valid and effectual in the Law for the Purposes hereby intended.

Tenants in
Tail, &c.
may charge
Money ad-
vanced by
them.

Money advanced to be repaid with Interest.

XXXIV. And be it further enacted, That the Money which shall be advanced by any Person or Persons for the Purposes of defraying the Expences of applying for and obtaining this Act, and of carrying the same into Execution, shall be repaid with lawful Interest to the Person or Persons advancing the same, out of the first Monies to be raised for defraying the Expences of obtaining and executing this Act.

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

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or for the said Surveyor General of His Majesty's Land Revenue, at any Time before or after the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Politic, Corporate or Collegiate, 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 or 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 Sales of certain Parts of the Property of the Crown, authorised by the Act passed in the Forty-eighth Year of His present Majesty, intituled *An Act to improve the Land Revenue of the Crown in England, and also of His Majesty's Duchy of Lancaster*, are directed to be paid; and the Sale of such Allotments or Allotment shall be made in the same Manner and Form, and under the like Rules, Regulations and Provisions, and shall be to all Intents and Purposes as valid and effectual as if the same were made under the said last recited Act; and if such Sale shall be made before the Execution of the said Award, it shall be lawful for the said Commissioner hereby appointed, and he is hereby authorised and required to assign, set out, and allot such Allotments, or Allotment to the Purchasers or Purchaser thereof, their Heirs and Assigns, 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 Rights or Interest in or to any Mines, Ores, Minerals, Coal, Limestone, or other Stone or Matter whatsoever, in or under the same, as hereinafter saved and reserved to His Majesty, his Heirs and Successors.

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

XXXVI. And be it further enacted, That it shall be lawful for any Person or Persons who shall be entitled to any Allotment to be made by virtue of this Act, to sell, mortgage, demise, and dispose of all his, her or their Estate, Right, Title, and Interest therein at any Time before the Execution of the Award, and on a proper Conveyance, Surrender or Disposition being executed or passed, every such Sale and Disposition shall be good, valid, and effectual in the Law; and also that it shall and may be lawful for any Person or Persons interested in the said Allotment, Division and Inclosure, at any Time not less than Three Calendar Months before the Execution of the Award, to sell and dispose of all such Estate, Right, Title, Interest and Property, which he, she or they shall then have in or to the said Commons or Waste Lands, or in or to any Allotment or Allotments to be made in respect thereof by virtue of this Act, separate from
the

the Estate in right of which he, she or they shall be so entitled; and it shall be lawful for the said Commissioner and he is authorized and required to allot the same to the Purchaser or Purchasers thereof respectively.

XXXVII. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and required to set out and allot such Part or Parts of the said Commons and Waste Lands within the said reputed Manor or Township of *Dolgelley*, as in his Judgment will be equal in Value to the Sum of One hundred Pounds, and shall expose the same Allotment or Allotments to public Sale by Auction, and on Payment of the Purchase Money for such Allotment or Allotments shall convey the same to the Purchaser or Purchasers thereof, in the same Manner as he is hereinafter directed to convey Lands to be sold for the Purposes of this Act and the said recited Act; and that the said Commissioner shall and he is hereby authorized to pay the said Sum of One hundred Pounds towards the embanking, draining, planting, ornamenting, improving and inclosing a certain Piece or Parcel of Common Land in the said reputed Manor or Township of *Dolgelley*, called *Marian Mawr*, directed to be allotted in Manner and for the Purposes hereinafter mentioned.

Lands to be sold for the Improvement of *Marian Mawr*.

XXXVIII. And be it further enacted, That in case such Part or Parts of the said last-mentioned Commons and Waste Lands shall be sold for more Money than the Sum of One hundred Pounds, to be paid and applied as aforesaid, then and in such Case the Surplus Money shall be disposed of in like Manner as the Surplus Money to arise by Sale of Lands hereinafter directed to be sold for Payment of the Charges and Expences of applying for, obtaining and passing this Act, and carrying the same and the said recited Act into Effect.

Application of Surplus Money.

XXXIX. And be it further enacted, That after setting out proper and convenient Roads, the said Commissioner shall and he is hereby authorized and required to set out and allot the said Piece or Parcel of Common Land called *Marian Mawr*, in the said reputed Manor or Township of *Dolgelley*, to the Use of the said *Sir Robert Williams Vaughan, Griffith Howel Vaughan, Richard Richards* and *Robert Nauney* Clerk, and their Heirs, Proprietors of the Mansion Houses of *Nannau, Hengwrt, Caerynwch* and *Llwyn*, and the Rector of *Dolgelley* aforesaid, and his Successors Rectors of the same Parish for ever, in Trust for the Recreation of the Public, and subject thereto, that they the said Trustees, or any Person to be by them authorized, shall from Time to Time set or let the said Piece or Parcel of Common Land for the best and most improved Rent or Rents that can be gotten for the same, and shall receive such Rent or Rents, and apply the same, or any Part thereof, when they shall deem it necessary so to do, and as Occasion shall require, for the further Improvements of the same Piece or Parcel of Common Land, and the Reparation of the Embankments and Fences thereof; and in case of any Overplus, to pay and apply the same annually, for ever, in aid of the Rates or Assessments to be made and allowed for the Relief of the Poor of the said reputed Manor or Township of *Dolgelley*; but in case the said Overplus shall in any One Year be more than sufficient to discharge the Expences of the said Improvements, and the Poor Rates of the said reputed Manor or Township, then such last-mentioned Overplus shall be paid to and divided amongst the Proprietors of Lands within the same reputed Manor or Township in proportion to the Value of their respective Estates to be ascertained by the Land Tax Assessment.

Allotment of *Marian Mawr*.

XL. And

Allotment
for Burial
Ground in
Dolgelley.

XL. And be it further enacted, That after setting out proper and convenient Roads, the said Commissioner shall and he is hereby authorized and required to set out and allot a certain Piece or Parcel of Common Land called *Marian Bach*, in the Parish of *Dolgelley* aforesaid, to the Intent and Purpose that the same may be consecrated for a Burial Ground for the Use of the same Parish of *Dolgelley* for ever.

Lands to be
sold for Pay-
ment of Ex-
pences.

XLI. And be it further enacted, That the said Commissioner shall from Time to Time set out and allot such Part or Parts, and Parcels of the said Commons and Waste Lands as he shall adjudge sufficient in Value when sold to defray the necessary Charges and Expences attending the applying for and obtaining and passing this Act, and carrying the same and the said recited Act into Effect, and of surveying, measuring, mapping, planning, valuing, dividing and allotting the said Commons and Waste Grounds, and of inclosing and ring-fencing such Part or Parts thereof so intended to be sold in pursuance of this Act as aforesaid, (if he shall deem it necessary so to do) and of inclosing and ring-fencing such other Part or Parts of the said Commons and Waste Grounds as hereinafter mentioned and directed to be paid thereout, and of scouring, widening and repairing all such ancient Bridges, Brooks, Rhines, Ditches and Watercourses as shall be deemed necessary; and also the Costs, Charges and Expences of first forming and making such public and private Roads as are directed to be made by the said recited Act, and of preparing, executing and in-rolling the Award in the same Act mentioned, and all other the necessary Charges and Expences arising and accruing in the Course of carrying the Powers herein and in the said recited Act contained into full and complete Execution and Effect, and shall expose the said Allotment or Allotments to public Sale by Auction or otherwise, in Manner and subject to the Directions and Regulations mentioned in the said recited Act; and that the said Commissioner hereinbefore appointed, or his Successor to be appointed as aforesaid, shall, on Payment of the Purchase Money for such Allotment or Allotments so to be sold for the Purposes aforesaid, by Indentures under his Hand and Seal, to be by him executed in the Presence of and attested by Two or more credible Witnesses, convey, assure and confirm, by way of Lease and Release, the same Allotment or Allotments unto and to the Use of the Purchaser or Purchasers thereof, his, her or their Heirs and Assigns for ever, or unto such Person or Persons, for such Use or Uses, upon such Trust or Trusts, and for such Limitation or Limitations, as such Purchaser or Purchasers shall direct or appoint, such Direction or Appointment to be in Writing under his, her or their Hands and Seals respectively.

Application
of Surplus
Money.

XLII. And be it further enacted, That in case any Part or Parts of the said Commons and Waste Grounds shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then and in such case such surplus Money shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided and inclosed, according to their several and respective Interests therein, and paid to them, in case they shall be seized in Fee-Simple of their several Allotments, or otherwise such Surplus Money shall be paid into the Bank of *England* in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments to be settled to the same Uses.

XLIII. And

XLIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, such Year to be computed from the Day of the passing thereof, the said Commissioner shall and he is hereby required to make a just and true Statement, or Account of all Sums of Money by him received and expended in the Execution of this Act, and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before one of His Majesty's Justices of the Peace for the said County of *Merioneth* (not interested in the Premises), to be examined and balanced, and such Balance shall be stated in the Book of Accounts to be kept by the Clerk to the said Commissioner, and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justice.

Commis-
sioner to lay
Accounts
before a
Justice.

XLIV. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever within the said Parishes of *Dolgelly* and *Llangelynin* commonly called *Celynin*, in lieu of and in exchange for any other Lands, Tenements or Hereditaments whatsoever within the said Parishes, 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 Commissioner, 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 Uses, Husbands, Committees or Attornies of or acting for such Owners 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 always, 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 or be situate.

Exchanges
may be
made.

XLV. And be it further enacted, That all the Costs, Charges and Expences attending the making and completing of any Exchanges and Partitions which shall be made under or by virtue of the said recited Act or this Act, shall be paid and borne by the several Persons making such Exchanges and Partitions, in such Manner and in such Proportions as the said Commissioner shall by his Award order and direct.

Expences of
Exchanges
and Parti-
tions how
be paid.

XLVI. Provided always, and be it further enacted, That if the Majority in Value, to be ascertained by the Land Tax Assessment, of the Proprietors interested in the said Commons, Marsh Lands and Waste Lands within the said Parishes, or their respective Agents duly authorized in that

Rate may be
agreed upon
for ascertain-
ing the
annual

Value of
Estates.

Behalf, who shall be present at a Meeting to be holden for that Purpose in One of the Churches of the said Parishes, or at *Dolgelley* aforesaid, within the Space of Three Calendar Months next after the passing of this Act (of which Meeting at least Seven Days' Notice shall be given in the Manner hereinbefore directed to be given of the First Sitting of the said Commissioner) shall agree upon any Rate, or the Proportion in which their respective Estates, having Right of Common upon the Lands hereby directed to be divided, allotted and inclosed, bear to each other in point of annual Value, that then and in such Case such Rate or the annual Value of the Estates of the Proprietors so to be agreed upon as aforesaid, shall be accepted by the said Commissioner; and he is hereby authorized and directed to make the Allotments by this Act directed, and to ascertain and apportion all the Costs, Charges and Expences, each Proprietor of Estates having Right of Common as aforesaid, ought to bear and pay for and towards the obtaining this Act and carrying the same into Execution, according to such Rate, or the annual Value of the said several Estates, to be ascertained as aforesaid, and in no other Manner whatsoever, any Thing in this Act contained to the contrary notwithstanding.

Award to be
made.

XLVII. And be it further enacted, That within the Space of Six Calendar Months after the Division and Allotment of the said Lands and Grounds, and the said Embankments and Drainage shall be finished, and before the Expiration of Six Years from the passing of this Act, the said Commissioner shall form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity of Acres, Roods and Perches in Statute Measure contained in the said Lands and Grounds so intended to be divided, allotted, inclosed, embanked and drained, or assigned and exchanged, and the Situations and Descriptions of the same respectively, and the Quantity and Contents of each Owner's Property therein, and proper Orders and Directions for and concerning the laying out, making, maintaining, cleansing and keeping in Repair the Watercourses, Sluices, Drains, Ditches, Cuts, Dams, Tunnels, Culverts, subterraneous Tunnels, Banks, Bridges, Outlets, Weirs, Engines, Embankments, Fences and other necessary Works in, upon and over or through the Lands so intended to be divided, allotted, embanked and drained, and all such other Rules, Orders, Agreements, Regulations, Directions and Determinations, as are in and by this Act mentioned, declared, required or authorized to be made and established, and such other Orders and Regulations as the said Commissioner shall think necessary and proper, conformable to the Tenor of this Act and the said recited Act.

Commissioner
to make an
Extract of
the Award
for His Ma-
jesty.

XLVIII. And be it further enacted, That the said Commissioner shall and he is hereby required to make an Extract on Parchment under his Hand, of so much of his Award as relates to any Allotment or Allotments to be made to His Majesty, or to any other Rights or Interests of His Majesty, and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Commissioners of His Majesty's Woods, Forests and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue for the Time being, within One Calendar Month after the making and executing of the said Award, to be by them or him filed and kept among the Muniments of their or his Office.

Award to be
deposited.

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

L. And

L. And be it further enacted, That all Persons who shall think ^{Appeal.} themselves aggrieved by any Thing which shall be done in pursuance of this Act or the said recited Act (except in Cases where the Orders and Determinations of the said Commissioner are herein or by the said recited Act declared to be final, binding and conclusive, and also except in such Cases wherein an Issue at Law is hereby directed to be tried,) may appeal to the Justices of the Peace at some General Quarter Sessions to be held within Four Calendar Months next after the Cause of such Complaint shall have arisen for the County of *Merioneth*; the Person or Persons so appealing, first giving Fourteen Days' Notice thereof in Writing to the Party or Parties appealed against, and entering into a Recognizance with Two sufficient Sureties to prosecute such Appeal with Effect, and to pay the Costs which shall be awarded by such Justices to be paid by such Appellants respectively; and the Justices in their said General Quarter Sessions are hereby authorized and required to hear and determine such Appeal, and to give such Costs to either Party as they shall think reasonable, and to make such Order therein as to them shall appear just, which Order shall be final and conclusive to all Parties, and shall not be removed or removable by any Writ of *Certiorari* into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

LI. And be it further enacted, That if any Action, Suit or Information, ^{Limitations of Actions.} shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities hereby given, every such Action, Suit or Information shall be commenced or made within Six Calendar Months next after the Fact committed, and not afterwards, and shall be laid and brought in the said County of *Merioneth* and not elsewhere.

LII. Provided also and be it further enacted, That nothing in this Act ^{Saving the Rights of His Majesty, and the Lord of the Manor.} contained shall prejudice or defeat the Right or Interest of His Majesty, his Heirs or Successors, and the Lord or Lords of the said Manors or reputed Manors of *Dolgelly* and *Gwanas*, in and to all Mines, Ores, Minerals, Coals, Beds, and Quarries of Limestone, Slate, and other Matters of what Nature or Kind soever, in or under the said Common Marsh and Waste Lands, but His said Majesty, his Heirs and Successors, and his and their Lessee and Lessees, Agents, Servants, Colliers, Miners, and other Workmen, and the Lord or Lords of the said Manors or reputed Manors, and their Lessees, Tenants, Agents, Servants, Miners, and Workmen, shall and may, from Time to Time and at all Times hereafter, enter into, have, hold, enjoy, search, and work all Mines and Mine-works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, and Coal, and Quarries of Stone whatsoever, as fully and effectually, to all Intents and Purposes, as they could have had, held, and enjoyed the same before the passing of this Act, and for that Purpose shall and may use all Pits, Shafts, Levels, Soughs and Tunnels, already opened and sunk in the said Common, and Waste Lands; and all Machines, Engines, and Buildings thereon erected or standing, together with full and free Liberty, Power and Authority, to and for his said Majesty, his Heirs and Successors, and his and their Lessee and Lessees, and their and every of their Agents, Servants, Miners, Colliers, and other Workmen, and the Lord or Lords of the said Manors or reputed Manors, and their Lessees, Tenants, Agents, Servants, Miners and Workmen, to sink, dig, delve, drive and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, and open and work all and all Manner of Lime, or other Stone Quarries,

Quarries, which they shall think necessary, for raising or getting any Mines, Ores, Minerals, Coals, Lime or Stone whatsoever, in or under the said Common, Marsh and Waste Lands, as well before as after the same shall have been inclosed, and also to erect any Number of Steam and other Engines, Machine and Machines of what Nature or Kind soever, which they shall think necessary for the Use, Convenience or Advantage of any Mine or Mines whatsoever, in or upon the said Premises, or any Part thereof, and to place, stack up, and lay all Lead, Copper, Iron, and other Ore, Coals, and other Minerals, Lime and other Stone and Matters which shall be gotten and raised, and all Rubbish, Earth, and Soil upon the said Common, Marsh and Waste Lands, and also to have, make and use, all convenient Roads, Ways and Railways, in, upon, and over the said Common Marsh and Waste Lands when inclosed for the Use of any Colliery or Mines sunk or made in any Part or Parts thereof, and for working and carrying on the same, and with Carts, Waggon, and other Carriages, to fetch, take, and carry away the Lead, Copper, Iron, Ores, and Coal, Lime and all other Stone, Mines and Minerals whatsoever there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon the same Common, Marsh and Waste Lands when inclosed, for the discovering, getting, working, converting, removing, carrying away, selling and disposing of all Mines, Coal and other Minerals, Lime and Stone whatsoever, without any Molestation or Interruption whatsoever, in the same Manner, as fully and effectually to all Intents and Purposes, as he, she, or they, or any of them, could or might have done in case this Act had not been made, making reasonable Compensation and Satisfaction for all and every such Damage, Trespass, and Injury, as shall and may arise or happen to any Allotment or Allotments which shall be set out under this Act to the Owners and Occupiers thereof.

General
Savin g.

LIII. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all other Persons, Bodies Politic and Corporate, their Heirs, Successors, Executors, Administrators, and Assigns, (other than except the several Persons, Bodies Politic or Corporate, to whom any Allotment or other Compensation shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, their Heirs, Successors, Executors, Administrators and Assigns respectively, and except such other Rights and Interests as the Intent and Purpose of the Inclosure hereby authorized shall absolutely require to be barred, destroyed, or extinguished by virtue of this Act,) all Estates, Rights, Titles, and Interests, as they, every or any of them had or enjoyed of, in, to or out of the said Commons, Marsh Lands, and Waste Lands hereby directed to be divided, allotted, and inclosed, embanked and drained, before the passing of this Act, or could or might have had or enjoyed if this Act had not been made.

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