



ANNO QUINQUAGESIMO PRIMO

GEORGI III. REGIS.



Cap. 165.

An Act for inclosing Lands in the Parishes of *Llanarthney*, *Llanon*, *Llandebye* and *Llanfihangel Aberbythick*, in the County of *Carmarthen*.

10th June 1811.]

WHEREAS there are within the several Parishes of *Llanarthney*, *Llanon*, *Llandebye*, and *Llanfihangel Aberbythick*, in the County of *Carmarthen*, divers Parcels of Commons and Waste Lands: And whereas the Right Honourable *John Lord Cawdor* is or claims to be Lord of the Manor or Lordship of *Kidwelly*, in the said Parishes of *Llanarthney*, *Llanon*, *Llandebye* and *Llanfihangel Aberbythick*: And whereas the Right Reverend *Thomas Lord Bishop of Saint David's* in right of his See is or claims to be the Lord of the Manor or Lordship of *Treclafe*, in the said Parish of *Llanarthney*, and also Lord of the Manor or Lordship of *Llanllyan*, in the said Parishes of *Llanarthney* and *Llanon*, and as such are or claim to be Owners of the Soil of the said Commons and Waste Lands within their said Lordships or Manors respectively: And whereas the said *John Lord Cawdor*, the Right Honourable *George Talbot Lord Dinevor*, Sir *William Paxton* Knight, *Vaughan Horton*, *John George Phillips*, *John Jones*, *Charles Morgan*, Esquires, and divers other Persons are Owners and Proprietors of Lands, Tenements and Hereditaments within the said Parishes of *Llanarthney*, *Llanon*, *Llandebye* and *Llanfihangel Aberbythick* in different Proportions: And whereas an Act was passed in

[*Loc. & Per.*]

41 R

the

the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons and Waste Lands are in their present Situation incapable of Improvement, but the same if divided, allotted and inclosed, might be put in a State of Cultivation and greatly improved: but such Division and Inclosure cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Charles Haffall, of Eastwood, in the County of Pembroke, Land Surveyor, Thomas Haffall, of Kilrbue, in the County of Pembroke, Gentleman, and Richard Jones, of Pantirriion, in the County of Pembroke* aforesaid, Land Surveyor, and their Successors for the Time being, to be elected or appointed in Manner hereinafter mentioned, shall be, and they are hereby appointed Commissioners for setting out, dividing, allotting and inclosing the said Commons and Waste Lands, and for carrying this Act and the said recited Act into Execution (save and except such Parts of the recited Act as are hereby altered or varied); and that all Acts, Matters and Things done by any Two of the Commissioners appointed or to be appointed by virtue of this Act shall to all Intents and Purposes be as valid and effectual as if the same were done and performed by all the said Commissioners.

Appointment
of Commis-
sioners.

Election of
future Com-
missioners.

II. And be it further enacted, That if the Commissioners appointed by this Act, or to be elected in Manner hereinafter mentioned, or any or either of them, shall, before the Execution of all the Powers and Authorities hereby vested in him or them, die, refuse or become incapacitated to act, then, and in such Case, the major Part in Value of the several Proprietors or Persons interested in the said Inclosure (according to the Rate of such Value in the Land Tax Assessments of the said Parishes), or their respective Agents duly authorized in that Behalf, who shall be present at a public Meeting, to be held in the Village of *Llanarthney*, in the County of *Carmarthen* aforesaid, as soon as conveniently may be after the Death, Incapacity or Refusal to act of the said Commissioners, or any or either of them, of which Meeting 'Twenty-one Days' Notice at least shall be given in Writing, signed by Two or more Proprietors, to be affixed on the principal outer Door of the said Parish Churches of *Llanarthney, Llanon, Llandebye* and *Llanfihangel Aberbythich* respectively, on some Sunday, and inserting the same for the like Number of Days in the *Carmarthen Journal, Cambrian* or any *Bristol* Newspaper then usually circulated in the said County, shall and may, by any Instrument in Writing under their Hands, appoint another Commissioner, or other Commissioners (not interested in the said intended Inclosure) in the Room and Place of the said Commissioner or Commissioners so dying, refusing, or becoming incapacitated to act as aforesaid; and every Commissioner or Commissioners so to be appointed, shall have the like Power and Authority by this Act, as the Commissioner in whose Place he shall succeed was vested with; and every Writing or Instrument of Appointment of a new Commissioner or Commissioners shall be annexed to and deposited with the Award of the said Com-

Commissioners to be made in pursuance of this and the said recited Act.

III. And be it further enacted, That the said Commissioners shall have Appointment Power, and they are hereby authorized to appoint some fit and proper of Clerk. Person or Persons to be their Clerk or Clerks for assisting them in carrying this Act into Execution; and such Clerk or Clerks from Time to Time to remove, and nominate and appoint some other fit and proper Person or Persons to succeed him or them in such Office, as to the said Commissioners shall seem meet.

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 Purposes of this Act, shall be made by such Land Surveyor or Land Surveyors as the said Commissioners shall, by Writing under their Hands, nominate and appoint. Commissioners may appoint a Surveyor.

V. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given in Writing, to be affixed on the principal outer Door of the said Parish Churches of *Llanarthney, Llanon, Llandebye* and *Llanfihangel Aberbythich*, on some Sunday, and by Advertisement in the *Carmarthen Journal, Cambrian* or One of the *Bristol* Newspapers, of the Time and Place of their First and every subsequent Meeting for executing the Powers hereby vested in them, at least Fourteen Days before every such Meeting (Meetings by Adjournment only excepted); and all such Meetings shall be held at some Place or Places within the Parishes of *Llanarthney, Llanon, Llandebye*, and *Llanfihangel Aberbythich* aforesaid, or either of them, or within Eight Miles thereof. Commissioners to give Notice of Meetings.

VI. Provided always, and be it enacted, That all other public Notices necessary or requisite to be given by the said Commissioners in pursuance of this Act or the said recited Act, the Manner of giving which is not hereby particularly directed, shall be given by Advertisement in the Newspaper called the *Carmarthen Journal*, and *Cambrian*, if then published, and if not, then in some other Newspaper printed or circulated in the said County of *Carmarthen*. Other Notices, how to be given.

VII. And be it further enacted, That each of the said Commissioners who shall act in the Execution of this Act, and the Clerk or Clerks to be appointed as aforesaid, shall be paid from and out of the Monies arising from the Sale of the Lands hereinafter directed by this Act to be sold, the Sum of Two Pounds and Two Shillings for each Day he shall be employed therein, over and above his reasonable Expences (which Expences shall not exceed One Pound One Shilling for each Commissioner and Clerk); the same to be in full Satisfaction for all the Trouble he shall be put unto in executing the Purposes of this Act. Allowance to Commissioners.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said intended Division, Allotment and Inclosure, touching or concerning the respective Shares, Rights and Interests which they or any of them shall Commissioners to settle Disputes.

shall have or claim in, upon or over the Lands and Grounds hereby intended to be divided, allotted and inclosed, or any Part thereof, or touching or concerning the respective Shares and Proportions which they or any of them ought to have of or in the said intended Division and Allotment, or touching or concerning the Admeasurement or Valuation of any Part of the Premises, or any other Matter or Thing relating to the said intended Division and Allotment, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioners to determine the Title to any Messuages, Lands, Tenements or Hereditaments whatsoever.

Commissioners may award Costs.

IX. 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 or the said recited Act, see Cause to award any Costs, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, 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, Body or 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, Body or 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, then, and in such Case, it shall and may be lawful to and for the said Commissioners, or their Successors, and they are hereby authorized and required, 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 Surplus (if any) upon Demand, to the Person or Persons, or Body or Bodies Politic, Corporate or Collegiate, whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may try their Rights by an Issue at Law.

X. 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 Allotment, shall be dissatisfied with any Determination of the said Commissioners, touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Grounds, or of any Rights of Common, or other Rights or Interests in, over or upon the Lands or Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, then, and in every such Case, it shall and may be lawful to and for the said Person or Persons, Body or Bodies Politic, Corporate or Collegiate, so dissatisfied, to proceed to a Trial at Law of the Matters so determined by the said Commissioners in the then next or at the following Great Sessions to be holden for the County of *Carmarthen*, Notice in Writing of which shall within Twenty-one Days next after the Determination of the said Commissioners be given to the said Commissioners; and for that Purpose

Purpose the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, who shall be dissatisfied with the Determination of the said Commissioners, shall cause an Action to be brought upon a feigned Issue or Issues against the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioners; and the Defendant or Defendants in such Action or Actions shall, and he, she or they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, 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 or Officers of the Court in which the said Action or Actions shall be commenced, in case the Parties shall differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions, shall be final, binding and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate or Collegiate, 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, and the Costs of such Action or Actions shall abide and follow the Event thereof, and be paid and recoverable in the said Court: Provided always, that in case the Determination of the said Commissioners touching any Claim or Claims or any Rights of Common or other Interests in, over or upon the Lands and Grounds hereby directed to be divided, allotted and inclosed, or any Part thereof, shall not be objected to, and such Action or Actions at Law shall not be brought or proceeded in within the Time and in the Manner hereinbefore mentioned, such Determination shall be final and conclusive upon all Parties.

XI. Provided always, and be it enacted, That no such Difference, Suit, Action 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 that the said Division and Allotment shall be proceeded in notwithstanding such Difference, Suit, Action or Proceeding; and the said Commissioners shall, by Meerstones or other proper Marks and Bounds, set out the Lands and Grounds which shall be allotted in lieu of such litigated Property, so that the same may be distinguished from any other Lands or 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, shall be entitled to the same.

Actions not to impede Proceedings of Commissioners.

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

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

[Loc. & Per.]

41 S

XIII. Pro.

In case of
Death of
Parties be-
fore Actions
brought.

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any 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 hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons 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 Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be held 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.

Deaths of
Persons not
to hinder the
Commission-
ers from pro-
ceeding.

XIV. And be it further enacted, That if any Person or Persons by or for whom any Claim or Claims shall be made, shall happen to die before the intended Division shall be made and perfected, or before the said Commissioners shall have made their Award touching the same, then, and in such Case, the Powers and Authorities hereby and by the said recited Act given to and vested in the said Commissioners, shall not in anywise be determined, suspended or affected by such Death or Deaths, but that the said Commissioners shall and may proceed in and execute the Powers and Authorities hereby and by the said recited Act given, and every of them, in such and the like Manner as they the said Commissioners could or might have done if such Person or Persons had survived and been living at the Time of the said Award being made and executed; and that the Part or Parts, Share or Shares of the Lands hereby directed to be divided, allotted and inclosed, which any Person or Persons so dying would have been entitled unto, shall be allotted and set out to the Person or Persons who shall be entitled to the same, according to the best of the Information or Knowledge of the said Commissioners; and the Person or Persons who shall be so entitled shall accordingly accept and fence, and have, hold and enjoy such Part or Parts, Share or Shares, according to the several Limitations, Trusts, Powers, Provisoos and Interests, in anywise limited, declared, appointed or provided of and concerning the Premises in respect whereof he, she or they shall be entitled to such Part or Parts, Share or Shares of the Lands hereby intended to be divided and allotted.

Right of Pos-
session not to
be determined
by Commis-
sioners.

XV. 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 such Parties; 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 or recovered from such Person or Persons, by Ejectment or other due Course of Law.

XVI. Pro-

XVI. Provided always, and be it further enacted, That if any Plan or Plans, Survey or Surveys already made of the said Commons and Waste Lands, or any Part or Parts thereof, shall be produced and laid before the said Commissioners, of the Authenticity whereof they shall be satisfied, it shall be lawful for the said Commissioners to make use of the same without causing any new Survey to be made thereof.

Former Surveys may be used with Commissioners' Approbation.

XVII. Provided always, and be it enacted, That in case any Encroachment or Encroachments shall have been made on the said Commons and Waste Lands within the last Twenty Years, then, and in such Case, the said Commissioners shall, and they are hereby required to sell such Encroachment to the Person or Persons in Possession thereof, in case he, she or they shall be willing to become the Purchaser thereof, and if not, then to any other Person or Persons whomsoever, at such Price or Prices as to the said Commissioners shall appear just and reasonable for the same; and in making the Valuation thereof, the same shall, by the said Commissioners, be valued as if no Improvement or Improvements had been made thereon, or any Buildings or Erections made thereon; and every Encroachment, for which the full Purchase-Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Common and other Rights thereon or therein, and be vested in Fee Simple, and thenceforth held in Severalty by the Purchaser or Purchasers thereof; and the Receipt or Receipts of the said Commissioners shall be a good and sufficient Discharge to such Purchaser or Purchasers, for so much Money as shall be expressed therein; and such Purchase Money shall, by the said Commissioners, be applied in paying and defraying the Costs, Charges and Expences of obtaining and executing this Act; and the Surplus (if any) shall be applied and disposed of in Manner by this Act directed, with respect to any Surplus arising from the Sale of any Lands to be sold by the said Commissioners.

Encroachments within Twenty Years, to be sold to defray Expences.

XVIII. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required from Time to Time, when and so often as they shall think it necessary, to ascertain, mark and set out by proper Stakes and Land-marks in so many different Plots or Parcels, and in such convenient Part or Parts of the said Commons and Parcels of Waste Lands as they shall think fit (but none of such Plots or Parcels shall contain more than Thirty Acres, and they shall be set out as far distant as conveniently may be from the ancient Inclosures of any Person having Right of Common on the said Commons and Waste Lands), so much of the said Commons and Waste Lands as they shall adjudge necessary and sufficient to raise in the Manner hereinafter directed, a competent Sum of Money to answer, pay and defray from Time to Time as the same shall be incurred and become due, all the Charges and Expences attending the obtaining and Execution of this Act, and of surveying, planning, measuring, valuing, dividing and allotting the said Commons and Waste Lands, and of setting out and making the public Highways, Roads, Bridges and Drains, to be made by virtue of this Act or the said recited Act, and of preparing and inrolling the Award or Instrument of the said Commissioners, and all other Charges and Expences incident to and attending the obtaining and passing of this Act, and carrying this and the said recited Act into Execution, and of maintaining,

For selling Lands to pay Expences.

supporting and defending the Boundaries of the said Commons and Waste Lands against all such Claims as shall be made by any Person or Persons affecting the Boundaries thereof, or of any Right of Common thereon: Provided always, that the said Commissioners shall, and they are hereby required from Time to Time, at such convenient Times and Places as to them shall seem meet, to cause all the last-mentioned Lands and Grounds so to be set out by them as aforesaid, to be put up by public Sale or Auction, in such Lots or Parcels (no single Lot exceeding Thirty Acres) as to them shall seem fit and expedient, first causing at least Six Weeks previous Notice to be given in the *Carmarthen Journal*, *Cambrian*, and One of the *Bristol Newspapers*, or any or either of them, and also to be affixed on the principal outer Door of the said Parish Churches of *Llanarthney*, *Llanon*, *Llandebye* and *Llanfihangel Aberbythich* respectively, of the Times and Places to be appointed for that Purpose; and that the Person or Persons who shall be the best Bidder shall be the Purchaser or Purchasers of the same respectively, and such Purchaser or Purchasers shall, upon Payment of their Purchase Money into the Hands of the said Commissioners or their Successors (who are hereby authorized and required to receive the same in Trust and for the Purposes hereinafter mentioned, and to give One or more Receipt or Receipts, Acquittance or Acquittances under their Hands for the same), from thenceforth be absolutely seised of or entitled to the Lands so by them respectively purchased in Fee Simple to them and their Heirs and Assigns for ever.

Allotments
to the Lord
of the Manor
of Kidwelly.

XIX. And be it further enacted, That the said Commissioners shall assign, set out and allot to and for the said *John Lord Cawdor*, as Lord of the said Manor or Lordship of *Kidwelly*, so much of the said Commons and Waste Lands hereby directed to be divided, allotted and inclosed (as do not lie within the said Lordships or Manors of *Treclase* and *Llanllyan*) as in the Judgment of the said Commissioners shall be equal in Value to one Fourteenth Part of the said Commons and Waste Lands; and such Allotment or Allotments shall be a full Recompence and Compensation for the Right of such Lord, in and to the Soil of the said Commons and Waste Lands so directed to be divided and inclosed as aforesaid.

Allotment to
the Lord of
the Manors of
Treclase and
Llanllyan.

XX. And be it further enacted, That the said Commissioners shall assign, set out and allot unto and for the Use of the said *Thomas Lord Bishop of Saint David's*, and his Successors, as Lord of the said Lordships or Manors of *Treclase* and *Llanllyan*, so much of the said Commons and Waste Lands hereby directed to be divided, allotted and inclosed, lying within the said Manors, as in the Judgment of the said Commissioners shall be equal in Value to one Fourteenth Part of the said Commons and Waste Lands; and such Allotment or Allotments shall be a full Recompence and Satisfaction for the Right of the said Lord Bishop and his Successors, in and to the Soil of the said Commons and Waste Lands lying within the said Lordships or Manors of *Treclase* and *Llanllyan*, so directed to be divided, allotted and inclosed as aforesaid.

Allotment of
the Residue.

XXI. And be it further enacted, That the said Commissioners shall assign, set out and allot the Residue and Remainder of the said Commons and Waste Lands hereby directed to be divided, allotted and inclosed, unto and among
the

the several Owners and Persons who at the Time of such Allotments shall be interested therein, according to their several and respective Claims, Rights and Interests therein.

XXII. And be it further enacted, That the Commons and Waste Lands hereby directed to be divided and allotted shall be inclosed, hedged, ditched and fenced by such Person or Persons, and Body or Bodies Politic, Corporate and Collegiate, within such Time and in such Manner as the said Commissioners shall in and by their Award order, direct and appoint; and the Hedges, Ditches, Drains and Fences which shall be made pursuant to the said Award shall, at all Times thereafter, be maintained and kept in repair and cleansed, by such Persons and Body or Bodies Politic, Corporate or Collegiate, as the said Commissioners shall by their said Award order and direct: Provided always, that convenient Gaps and Openings shall be left in the Fences and Inclosures to be made in pursuance of this Act, for the Space of Eighteen Calendar Months next after the Execution of the said Award, for the Passage of Cattle, Carts and Carriages in and through the same; unless the several Parties interested therein shall agree that the same shall be sooner fenced in, made up, and inclosed; provided always, 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 and subject to such and 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 are made, are now subject and liable to.

For fencing
Allotments.

For leaving
Gaps.

XXIII. And be it further enacted; That no Cattle, Sheep or Lambs shall be turned or kept in any Allotment or Allotments to be made by virtue of this Act, during the Space of Seven Years next after the Execution of the said Award, unless the Person or Persons so turning or keeping the same shall first, at his, her or their own Expence, make and maintain a Fence sufficient to guard the young Quick Fences round such Allotment or Allotments from being cropped short or damaged by such Cattle, Sheep or Lambs, whether such Quick Fences be planted or set by the Owner or Owners, Occupier or Occupiers of such Allotment or Allotments as aforesaid, or by the Owner or Owners, Occupier or Occupiers of the Allotment or Allotments adjoining the same.

Fences to be
made when
Sheep are
kept in the
Inclosures.

XXIV. 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 less than Two Calendar Months before the Execution of the Award, to sell and dispose of all such Estate, Right, Title, Interest and Property which he 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 Estate in Right of which he, she or they shall be so entitled; and it shall be lawful for

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

[Loc. & Per.]

41 T

the

the said Commissioners, and they are hereby authorized and required, to allot the same to the Purchaser or Purchasers thereof respectively.

Allowing Exchanges to be made.

XXV. And be it further enacted, That it shall be lawful for the said Commissioners to set out, allot and award any Messuages, Lands, Tenements or Hereditaments whatsoever, within the said several and respective Parishes of *Llanarthney Llanon*, *Llandebye*, and *Llanfihangel Aberbythich*, in lieu of and in Exchange for any other Messuages, Lands, Tenements or Hereditaments whatsoever, within the said several and respective Parishes, or within any adjoining Parish, Hamlet, Manor, Township or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Messuages, 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 any such 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 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 or be situate.

Expences of Exchanges and Partitions, how to be paid.

XXVI. 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 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 Commissioners shall by their Award order and direct.

Power to the Bishop to grant Leases of his Allotments.

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

Wills and Settlements

XXVIII. 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

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, Debt, Rent or Incumbrances out of, upon, or affecting any of the Messuages, Buildings, Lands or Grounds to be divided, allotted, inclosed or exchanged in pursuance of this or the said recited Act, or any Part or Parts thereof respectively; but that the respective Persons to whom any Land or Hereditaments shall be allotted or given in Exchange by virtue of this 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 Messuages, Buildings, Lands, Grounds, Tenements and Hereditaments, whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioners, or for which or in respect whereof such Allotments or Exchanges shall be made, would have been subject to, charged with, or affected by in case this Act had not been made.

XXIX. And be it further enacted, That in case any Part or Parts of the said Commons and Waste Lands 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 the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively 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 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.

XXX. 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 for carrying the same into Execution, shall be repaid, by the Direction of the said Commissioners, with lawful Interest for the same, 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.

XXXI. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of passing thereof) the said Commissioners and each of them shall, and they and each of them are hereby required to make a true and just Statement or Account of all Sums of Money by them received and expended, or due to them for their own Trouble and Expences, and of their Clerk 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 One of His Majesty's Justices of the Peace for the Time being for the said County of *Carmarthen*, to be by him examined and balanced, and such Balance shall be by such Justice 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.

Proprietors
to pay their
own Ex-
pences.

XXXII. Provided always, and be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay and defray their own Charges and Expences, when they or any of them shall attend the said Commissioners at any of their Meetings to be holden in pursuance of this Act.

Award to be
deposited.

XXXIII. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in an Oak Chest to be provided for that Purpose, in the Parish Church of *Llanarthney* aforesaid.

Appeal.

XXXIV. And be it further enacted, That if any Person or Persons shall think himself or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except such Orders and Determinations of the said Commissioners as are by the said recited Act or this Act directed to be final and conclusive, and except in such Cases where an Issue at Law is hereinbefore directed to be tried), then, and in every such Case, he, she or they may appeal to the General Quarter Sessions of the Peace which shall be holden for the said County of *Cardmarthen*, within Six Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioners and the Party or Parties concerned Ten Days' Notice in Writing of such Appeal, and of the Matter thereof; and the Justices (not interested in the Premises) at their said General Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and award such Costs and Damages as to them in their Discretion shall seem reasonable; and by their Order and Warrant to levy the Costs and Charges which shall be so awarded, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) on Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress and Sale; and the Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari* or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious or without Foundation, then, and in such Case, the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and be levied in Manner aforesaid.

Not to pre-
judice the
Rights of the
Lord of the
Lordship of
Kidwelly.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to defeat, lessen or prejudice the Right, Title and Interest of the said *John Lord Casador* as Lord of the said Manor or Lordship of *Kidwelly*, his Heirs and Assigns, or any of them, and his and their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of, in and to the Seigniories and Royalties incident and belonging to the said Manor or Lordship; but that the said Lord, and all and every other Person or Persons claiming by, under or in Trust for him, as Lord of the said Manor or Lordship, and all succeeding Lords of the said Manor or Lordship for the Time being, and his and their Lessee or

Lessees,

Lessees, Steward or Stewards, or other Officers for the Time being, shall and may enjoy all Rents, Reliefs, Heriots, Duties, Customs, Services, Courts and Perquisites, and Profits of Courts, and Liberty of hawking, hunting, fishing and fowling throughout the said Manor or Lordship; and all Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Royalties, Privileges, Pre-eminences, Manorial Jurisdictions, Franchises, Matters and Things whatsoever to the said Manor or Lordship, or to the said Lord or Lords thereof, or the Stewards or other Officers for the Time being, incident, belonging or appertaining (other than and except such Common Right as could or might be claimed by him or them as Owner of the Soil and Inheritance of the said Commons or Waste Lands) in as full, ample and beneficial Manner to all Intents and Purposes as he or they might have held and enjoyed the same if this Act had not been made; and that the said Lord, his Heirs and Assigns, and his and their Lessee or Lessees, Agents, Servants, Colliers, Miners and other Workmen shall and may from Time to Time and at all Times hereafter have, hold, enter into, enjoy, search, win and work all Mines and Mineworks, Ores and Minerals, Coals and Culm, Quarries of Lime and Stone, of what Nature and Kind soever, within and under all the said Commons and Waste Lands, together with all convenient and necessary Ways and Way-leaves, and Liberty of laying, making and repairing Waggon-ways and other Ways in, across and along the same or any of them, or any Part thereof, and of searching for, winning and working the said Mines, Ores and Minerals, Coal and Culm, and Quarries of Lime and Stone, and loading and carrying away the Coals and other Things; and of making Pits, Shafts, Soughs, Pit-Rooms and Heap-Rooms, Drifts, Levels and Watercourses; and of erecting and using Fire Engines and other Engines, and of altering, changing, pulling down and carrying away the same, or any of the Materials thereof, at his and their free Will and Pleasure; and to do all such other Acts, Works and Things now in Use or hereafter to be invented, as may be necessary or convenient for the full and complete Enjoyment thereof, in as full, ample and beneficial Manner to all Intents and Purposes, as he or they could or might have had, held, and enjoyed, and done in case this Act had not been made, he the said Lord, his Heirs or Assigns, and his and their Lessee and Lessees, making full Satisfaction for the Damages and Spoil of Ground occasioned by the searching for, winning or working the said Mines, Ores, Minerals, Coal, Culm, Stone and other Matters, or the laying, working or repairing Waggon-ways or other Ways, or by loading and carrying away the said Ores, Minerals, Coal, Culm, Stone or other Things to be gotten thereout, or making Pits, Shafts, Pit-Rooms, Drifts, Levels and Watercourses, or erecting and using Fire Engines or other Engines, or other the Liberties and Powers aforesaid, to the Person or Persons who shall be in Possession of such Grounds at the Time or Times such Spoil or Damage shall be done.

XXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall be construed to defeat, lessen or prejudice the Right, Title and Interest of the said Lord Bishop of *Saint David's*, as Lord of the Manors or Lordships of *Treclase* and *Llanllyan*, and his Successors, and his or their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of, in, or to the Seignories and Royalties incident and belonging to the said Manors or Lordships; but that the said

[*Loc. & Per.*]

41 U

Lord

Not to pre-
judge the
Right of the
Lord Bishop
of *St. David's*,
Lord of the
Manors of
Treclase and
Llanllyan;

Lord Bishop of *Saint David's* and his Successors, Lord or Lords of the said Manors or Lordships, and his and their Lessee and Lessees, Steward or Stewards, or other Officers thereof for the Time being, shall and may, from Time to Time and at all Times hereafter, hold and enjoy all the Rents, Reliefs, Heriots, Duties, Customs, Services, Courts, and Perquisites, and Profits of Courts, and Liberty of hawking, hunting, fishing, and fowling throughout the said Manors or Lordships of *Treclase* and *Llanllyan*, and all Goods and Chattels of Felons and Fugitives, Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Royalties, Privileges, Pre-eminences, Manorial Jurisdictions, Franchises, Appurtenances, Matters and Things whatsoever, to the Lord thereof, or his or their Successors, Lord or Lords of the said Manors or Lordships, or to the Stewards or other Officers for the Time being, incident or appendant, belonging or appertaining (other than and except such Common Right as could or might be claimed by him or them as Owners of the Soil and Inheritance of the said Commons and Waste Lands) in as full, ample and beneficial Manner, to all Intents and Purposes, as he or they might have held and enjoyed the same if this Act had not been made; and that the said Lord Bishop of *Saint David's*, as Lord of the said Manors or Lordships, and his Successors, Lord or Lords of the said Manors or Lordships, and his or their Lessee or Lessees, Agents, Servants, Colliers, Miners and other Workmen, shall and may from Time to Time and all Times hereafter, enter into, have, hold, enjoy, search, win and work all Mines and Mine-works, Ores, Minerals, Coals, Culm, Quarries of Lime and Stone, and other Matters of what Nature or Kind soever, within and under the said Commons and Waste Lands, together with all convenient and necessary Ways and Way-leaves, and Liberty of laying, making and repairing Waggon-ways and other Ways in, across, and along the same, or any of them, or any Part thereof; and of searching for, winning and working the said Mines, Ores, Minerals, Coal, Culm, and Quarries of Lime and Stone, and leading and carrying away the same; and of making Pits, Shafts, Pit-Rooms and Heap-Rooms, Drifts, Levels and Watercourses; and of erecting and using Fire Engines and other Engines, and of altering, changing, pulling down and carrying away the same, or any of the Materials thereof, at his and their free Will and Pleasure; and to do all such Acts, Works and Things, either now in Use or hereafter to be invented, as may be necessary or convenient for the full and complete Enjoyment thereof, in as full, ample and beneficial Manner to all Intents and Purposes as he or they could or might have had, held, enjoyed and done in case this Act had not been made; he the said Lord Bishop of *Saint David's* and his Successors, Lord or Lords of the said Manors or Lordships, and his and their Lessee or Lessees, making full Satisfaction for the Damages and Spoil of the Ground occasioned by searching for, winning or working of the said Mines, Ores, Minerals, Coal, Culm, Stone and other Matters, or the laying, working or repairing Waggon-ways or other Ways, or by loading and carrying away the said Mines, Ores, Minerals, Coal, Culm, Stone or other Things to be gotten thereout, or making Pits, Shafts, Pit-Rooms, Drifts, Levels and Watercourses, or erecting and using Fire Engines or other Engines, or other the Liberties and Powers aforesaid, to the Person or Persons who shall be in Possession of such Ground at the Time or Times such Spoil or Damage shall be done.

General
Saving.

XXXVII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, and Bodies Politic, Corporate or Collegiate, his, her and their Heirs, Successors, Executors, and Administrators, all such Rights, Title and Interest (other than and except such as is and are hereby meant and intended to be barred, destroyed and extinguished), as they, every, or any of them had or enjoyed, or could or ought to have had and enjoyed, before the passing of this Act, or in case this Act had not been made.

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

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

