



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 87.

An Act for inclosing Lands in the Manors of *Llanfyllin* and *Mechen Uchoed*, in the County of *Montgomery*. [14th May 1811.]

WHEREAS there are within the Manors of *Llanfyllin* and *Mechen Uchoed*, in the Barony of *Powis*, in the County of *Montgomery*, certain Open and Common Fields, and also Tracts of Common and Waste Land, containing together by Estimation Four thousand four hundred and ninety-five Acres or thereabouts: And whereas the Right Honourable *Edward* Earl of *Powis*, and *John Probert* Esquire, as acting Devisees in Trust of the real Estates of the late Right Honourable *George Edward Henry Arthur* Earl of *Powis* deceased, are seized in Fee of and in the said Barony and Manors, and are Owners of the Soil of all the said Commons and Waste Lands, and are seized of or entitled to several Messuages, Lands, Tenements and Hereditaments within each of the said Manors, and in respect thereof are entitled to the Rights of Common and other Interests in, to and upon the said Commons and Waste Lands: And whereas *Sir Watkin Williams Wynn*, *Sir Edward Pryce Lloyd*, and *Sir Robert Williams Vaughan*, Baronets; *Charles Watkin Williams Wynn*, *Richard Mytton* and *John Humphreys*, Esquires; *William Brown* and *Rowland Wingfield*, Clerks, and others, are Proprietors of the Residue of the Messuages, Lands, Tenements and Hereditaments within the said Manors, and in respect thereof have severally a Right of Common or other Right in, over and upon the said Commons and Waste Lands: And whereas an Act was passed in the Forty-first

[*Loc. & Per.*]

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Year

Year 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 of little Value in their present State, and it would be of great Benefit to the said Persons interested therein, if the same were divided, inclosed, and allotted in Severalty, unto and among them respectively; but as the same cannot be effected without the Aid and Authority of Parliament; May it therefore please your Majesty, that may be it 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 *Henry Bowman* of *Knockin Hall*, in the County of *Salop*, Gentleman, shall be, and he is hereby appointed the Commissioner for dividing, allotting, and inclosing the said Commons and Waste Lands, in the said Manors of *Llanfyllin* and *Mechen Uchcoed*, and for the other Purposes of this Act, and for duly putting and carrying the same into Execution, subject to the Rules, Orders, Directions, and Regulations of the said recited Act, except so far and in such Parts as are varied or altered by, or are repugnant to any of the Clauses, Provisions or Regulations of this Act.

Appointment
of Commis-
sioner.

Appointment
of succeeding
Commission-
ers.

II. And be it further enacted, That in case the said *Henry Bowman*, or any other Commissioner to be appointed in Manner hereinafter mentioned, shall die, refuse to act, or become incapable of acting as the Commissioner in the Execution of this Act, then and so often a proper Person, not interested in the said intended Division, Allotment, or Inclosure, shall be appointed a Commissioner in the Place and Stead of him so dying, refusing to act, becoming incapable of acting, or neglecting to proceed as aforesaid, by a major Part in Value (such Value to be ascertained by the then last Land-Tax Assessments) of the Persons interested in the said Commons and Waste Lands, who shall be present at a Meeting to be holden for that Purpose, with the Approbation of the Lords or Lord for the Time being of the said Manors; and that every such new Commissioner shall have the same Powers and Authorities as the said *Henry Bowman* is hereby vested with: Provided always, that Fourteen Days' Notice of the Time and Place of every such Meeting shall be given by Writing, to be affixed on the principal outer Door of each of the Parish Churches of *Llanfyllin*, *Myfod* and *Llanfihangel*; and also in one or both of the *Sbrewsbury* Newspapers, under the Hands or Hand of the then Lords or Lord of the said Manors, or their or his Steward or Agent, or on their or his Neglect or Default, of Three at least of the other Persons interested in the said intended Inclosure.

Refusal to
act as Com-
missioner.

III. And be it further enacted, That if the Commissioner hereby appointed, or his Successor for the Time being, shall not attend, on having Twenty-eight Days' Notice given to him in Writing, by the then Lords or Lord of the said Manors, or their or his Steward or Agent, and proceed in the Execution of his Duty, every or any such Absence or Neglect may be deemed and taken by the said major Part of the said interested Persons, so met as aforesaid, to be a Refusal to act; and in that case it shall be lawful for them to appoint another Commissioner as aforesaid.

IV. And

IV. And be it further enacted, That the said Commissioner may appoint a Clerk to assist him in the Execution of the Powers of this Act, and such Clerk remove and another appoint from Time to Time as to him shall seem meet; and that *Thomas Kyffin*, of *Coptborn*, in the said County of *Salop*, Land Surveyor, shall be employed by the said Commissioner as his Surveyor in the Execution of this Act; but in case of his Death, Incapacity, or declining or neglecting to act, then the said Commissioner shall and may from Time to Time appoint any other Person or Persons he may think proper to be his Surveyor or Surveyors, during his Pleasure; and every such Clerk and Surveyor shall, before he acts, take and subscribe before the said Commissioner, or a Justice of the Peace for the said County of *Montgomery*, an Oath, that he will impartially, faithfully and honestly, according to the best of his Skill and Ability, execute and perform all such Matters and Things as shall be done, or shall be lawfully required to be done, executed or performed by him in or about the Execution of this Act, or any Thing relating thereto.

Clerk and Surveyor.

To be sworn.

V. And be it further enacted, That every of the said Commissioners, who shall take upon him that Office, shall, for the due Execution of his Duty, attend from Time to Time within the said Manors, or within Four Miles thereof; and may publicly adjourn such his Attendances, or any of them, to such Time and Place, or respective Times and Places in the said Manors, or within Four Miles thereof, as he shall think most convenient; and in case of his Non-attendances at any Time and Place appointed, either by Adjournment or otherwise for that Purpose, then and so often the Person who shall attend as his Clerk there shall and may publicly adjourn the Time for his Attendance to some future Day, not exceeding Fourteen Days from the Day of Adjournment, and give Notice thereof to him.

Commissioners' Attendances and Adjournments.

VI. And be it further enacted, That the said Commissioner shall cause Fourteen Days' Notice to be given in one of the *Shrewsbury* Newspapers, and also in Writing to be affixed on the principal outer Door of each of the said several Parish Churches of *Llanfyllin*, *Myfod*, and *Llanfihangel*, of the Times and Places of his First and Second Attendances for executing the Powers hereby vested in him, and shall also cause Seven Days' Notice at least to be given in Writing, to be affixed on the principal outer Door of each of the said Churches, of every subsequent Attendance for the like Purpose (Attendances by Adjournment only excepted); and that every other Notice necessary or requisite to be given by the said Commissioner shall be so given by Advertisement in one of the said *Shrewsbury* Papers.

Commissioner's Notices.

VII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties in any Way interested, or claiming to be interested in the said Commons and Waste Lands, or any Part thereof, or in any Cottage, Erection, Encroachment, or Inclosure thereon or therefrom, touching or concerning any Common or other Right or Interest, which they or any of them may have or claim in, upon or over the same, or touching or concerning any other Matter or Thing relating to or affecting the said intended Division, Allotment or Inclosure, the said Commissioner shall examine into, hear and determine the same; provided that nothing herein contained shall authorize the said Commissioner

Commissioners to settle Disputes.

Commissioner to determine the Title to any Messuage, Land, or Tenement whatsoever.

Commissioner may assess Costs.

VIII. And be it further enacted, That in case the said Commissioner shall, upon the Hearing and Determination of any such Dispute or Difference as aforesaid (whether such Determination shall be after any Action at Law as aforesaid, or without any such Action being brought), see Cause to award any Costs, then, upon Application made to him for that Purpose, he shall assess and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any such Determination shall be made, by the Party or Parties against whom any such Determination shall be made; but in any Case or Cases which shall appear to the said Commissioner to affect the Rights of the Commoners within the said respective Manors, or the Right of any of them in any Respect whatever, the said Commissioners shall pay and discharge all or such Part or Parts of the Costs and Charges attending the same, as well as in any such Action or Actions at Law or otherwise, as he shall think proper, and the same shall be deemed Part of the Expences of carrying this Act into Execution.

Recovery of Costs.

IX. And be it further enacted, That in case any Costs and Charges which shall be awarded by the said Commissioner, to be paid by any Person or Persons as aforesaid, shall not be paid by the Party or Parties who shall be liable to pay the same, on Demand, or within Seven Days next after, then and in every such Case the said Commissioner shall, by Warrant under his Hand, directed to any Person or Persons whomsoever, cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so neglecting to pay the same, rendering upon Demand the Overplus, if any, of the Monies arising from such Sale, after deducting the Costs and Expences attending such Distress and Sale to the Party or Parties whose Goods and Chattels shall have been so distrained and sold; or it shall be lawful for the said Party or Parties to whom the same shall be payable, to recover the same with Costs of Suit by Action of Debt or Assumpsit, or on the Case, in any Court of Record,

Rights to be tried at Law.

X. Provided always, and be it further enacted, That if any of the said Parties so interested, or claiming to be interested as aforesaid, shall be dissatisfied with any such Determination of the said Commissioner, it shall be lawful for the said Party or Parties so dissatisfied, upon leaving Notice in Writing of his, her or their Intention with the said Commissioner, or his Clerk, within Twenty Days next after such Determination shall be made, to proceed to a Trial at Law of the Matter so determined by the said Commissioner, in the Great Session of the County of *Montgomery*, or at the Assizes for the County of *Salop*; and for that Purpose the said Party or Parties shall, within Sixty Days after such Determination shall be made, cause an Action or Actions to be brought against the Party or Parties in whose Favour such Determination shall be, or such one or more of them as the said Commissioner shall appoint upon a feigned Issue (to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same); and the Defendant or Defendants in such Action or Actions shall appear or file Common Bail, and accept one or more Declaration

claration or Declarations, and plead to Issue therein, whereby such Claim or Claims, and the Rights or Right thereby insisted on, may be tried and determined at the First or Second Great Session, to be holden for the said County of *Montgomery*, or at the First or Second Assizes to be holden for the said County of *Salop*, next after the said Determination shall be made, unless the Court, in which such Action or Actions shall be, shall order further Time to be given, and then within the said Time which shall be thereupon given; and that the Verdict or Verdicts which shall be given in such Action or Actions, and the Judgment in any of the said Actions, for want of a Plea or Pleas, shall be final, binding and conclusive upon the said Parties and their respective Representatives, and upon all and every Person and Persons whomsoever, unless the Court shall order a new Trial, which it shall be lawful for the Court to do, as is usual in other Cases; and after a Verdict or Verdicts, which shall be satisfactory to the said Court, or Judgment given for want of a Plea, the said Commissioner shall act in Conformity thereto, and finally determine accordingly.

XI. Provided also, and be it further enacted, That if all or any of the Parties in any such Action as aforesaid, shall die pending the same, such Action shall not abate by Reason thereof, but shall be proceeded in as if such Event had not happened; and that if any Party or Parties, in whose Favour any such Determination as aforesaid shall be 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 the same, it shall be lawful for the Party or Parties, 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 the Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and that it shall be thereupon incumbent on the Heir or Heirs of the said Person so dead, or other Person or Persons who shall claim the Benefit of such Determination, 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 such Parties shall be bound and concluded by the Event of such Action or Actions.

XII. Provided also, 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 by or recovered from such Person or Persons by Ejectment or other due Course of Law.

XIII. 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 Commissioner shall have made his 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 Commissioner, shall not in anywise be determined, suspended, or affected by such Death or Deaths, but that the said Commissioner 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 he the said Commissioner could or might have done if such Person or Persons had survived and been then 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 Commissioner; 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.

Copy of
Maps and
Admeasure-
ments.

Inspection of
Maps, &c.

XIV. And be it further enacted, That after the Map or Plan, or Maps or Plans, and Admeasurement of ancient inclosed Lands and other Property in the said Manors, shall be made and verified as required by the said recited Act, the said Commissioner or his Clerk shall deliver upon Demand, or as soon after as the same can conveniently be made, unto the Proprietor or Proprietors of each separate Property described therein, or to his, her or their Agent, a true Copy of so much and such Part only of the said Map or Plan, or Maps or Plans, and Admeasurement, as comprises his, her or their said Property; for which Copy, each Person requiring the same, shall pay unto the said Commissioner, or to his Clerk, for his Use, One Penny for every Acre of Land contained therein: and every Person who shall inspect the said Map, Plan or Admeasurement, or any Account or Schedule for any Right or Claim, which shall be delivered to the said Commissioner under the said recited Act (except during the Space of Twenty-one Days, in which such Map, Plan, Admeasurement, Account or Schedule respectively, shall be left for general Inspection, on public Notice previously given thereof), shall pay the said Commissioner or his Clerk for every such Inspection One Shilling.

Power to
sell Common
Rights.

XV. And be it further enacted, That it shall be lawful for all or any of the Parties who shall be entitled to any Common Right, or other Right in or upon the said Commons or Waste Lands, or any Part thereof, to sell and convey his, her or their respective Estate, Right or Interest in or to such Common or other Right, or any Part thereof, separate and apart from the Messuage, Land, Tenement, or Hereditament, to which the same is or are respectively appurtenant or appendant, to any Person or Persons, at any Time or Times, not being less than One Calendar Month before the said Commissioner shall make an Allotment in lieu thereof; and in every such Case, the said Commissioner, having immediate Notice thereof, shall make a separate Allotment in respect thereof, to and for the Person or Persons to whom such Estate, Right, or Interest shall be conveyed, and the same shall be valid and effectual.

XVI. And

XVI. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time or Times before the Execution of his Award, for the said Manors or either of them, by Writing under his Hand, to be affixed or delivered in Manner last aforesaid, to order and direct all or any Part or Parts of the Rights of Common and other Rights in, over and upon the said Commons and Waste Lands in any Township or Townships, Place or Places within the said Manors, or either of them, or any Part thereof, to be extinguished upon and after such Day or Days, or the Exercise thereof to be suspended for and during such Time and Times, and in such Manner respectively, as shall be expressed in such Writing; and all such Rights as the said Commissioner shall so order to be extinguished, or the Exercise of suspended as aforesaid, shall cease and determine and be extinguished, or the Exercise thereof suspended accordingly.

Common Rights may be extinguished or suspended.

XVII. And be it further enacted, That in order to shorten the Boundary or Division Fences between the Lands by this Act intended to be divided and inclosed, and the Lands and Grounds in any adjoining Parish or Parishes, or Township or Townships, and between the Lands by this Act intended to be divided and inclosed, situate in the respective Townships within the said Manors, it shall and may be lawful for the said Commissioner, with the Consent in Writing, under the Hand or Hands of the Lord or Lords, Lady or Ladies of the Manor or Manors, or Owners of the Soil, and under the Hand of the major Part in Value, such major Part to be ascertained by the then Land Tax Assessments of the Owner or Owners of any Lands in any such adjoining Parish or Parishes, Township or Townships, or interested in any Commons or Waste Grounds adjoining or belonging to any such Parish or Parishes, Township or Townships, and also under the Hand or Hands of the Owner or Owners of any adjoining Lands, upon which such Fence or Fences is or are intended to be made respectively, to set out and ascertain the Boundary or Division Fences to be made between the said Commons and Waste Lands and other Lands and Grounds of any such adjoining Parish or Parishes, Township or Townships, and the Lands and Grounds hereby intended to be divided and allotted, and between the said Lands hereby intended to be divided and allotted, situate in the said respective Townships within the said Manors, in such Manner as the said Commissioner shall judge proper for the Purposes aforesaid: and after such Boundary or Division Fences shall be set out and ascertained as aforesaid, the same shall be fenced by such Person or Persons, in such Manner and at such Time or Times as the said Commissioner shall order and direct in and by his Award; and shall be for ever thereafter deemed and taken to be the Boundaries and Divisions between the said Manors of *Llanfyllin* and *Mecken Uchcoed*, and the said Parishes and Townships adjoining thereto, and between the said different Townships within the said Manors respectively, any Law, Usage, or Custom to the contrary notwithstanding.

For shortening Boundaries, &c.

XVIII. And be it further enacted, That all Cottages, Erections, Encroachments, and Inclosures, which have been erected and made upon or taken out of the said Commons or Waste Lands by any Freeholder or Freeholders, or his, her, or their Tenant or Tenants, in respect of, and laid unto and occupied with his, her or their Freehold Messuages, Lands or Tenements, to which any Common Right in or upon the said Commons or Waste Lands belongs or appertains, for the Space of Twenty Years

Encroachments of Twenty Years standing.

Years and upwards next before the passing of this Act, and for which no Rent or Amerciament hath been paid, or Atornment made to any Lord or Lords of the said Manors, or for the making of which no Permission was given by any such Lord or Lords, or his or their Agent, shall be, and be deemed the sole and exclusive Property of such Freeholder or Freeholders respectively; and that all other Cottages, Erections, Encroachments and Inclosures which shall have been erected and made upon, or taken out of the said Commons or Waste Lands, for the Space of Twenty Years or upwards, before the passing of this Act shall be and be deemed the Property of the said Devisees of the late Earl of *Powis*, nevertheless, upon the Trusts mentioned and directed by his said Will; but no Allotment shall be made to the said Lords, Freeholders or other Persons, or any of them, for or in lieu of any Common Right, which shall, or may be claimed in respect of such Cottages, Erections, Encroachments and Inclosures or any of them.

Encroachments under Twenty Years standing.

XIX. And be it further enacted, That all Encroachments and Inclosures made upon, or taken out of the said Commons or Waste Lands, within the Space of Twenty Years, before the passing of this Act, shall be deemed Parts and Parcels of the said Commons and Waste Lands, and such of them as have or hath been made by any such Freeholder or Freeholders as aforesaid, or his, her or their Tenant or Tenants in respect of, and laid unto and occupied with such his, her or their said Freehold or Freeholds, shall, with all Buildings and Erections thereon, be set out and allotted unto such Freeholder or Freeholders as shall be so in the Possession thereof respectively, in Part or in Full of the Allotments hereinbefore directed to be made to him, her or them respectively, if such Freeholder or Freeholders shall Request the same by Writing under his, her or their Hand or respective Hands, delivered to the said Commissioner at his second, third or fourth Attendance; and in case the same shall not, in the Judgment of the said Commissioner, be more than equivalent thereto (but if it shall be so, then only a competent Part thereof shall be so set out and allotted); and that the Remainder of the said Encroachments and Inclosures so made as aforesaid, within Twenty Years before the passing of this Act, with all Buildings and Erections thereon, shall be set out and allotted unto the Lords or Lord of the said Manors, and in Part or in Full of their said Allotments respectively, as the Case may require; but in the Valuation of such Encroachments or Inclosures (to whomsoever allotted), the Buildings or Erections thereon shall not be included, nor the Lands estimated at any higher Rate than the same would have been valued at if they were in their original, uninclosed and unimproved State.

Encroachments may be allotted otherwise in certain Cases.

XX. Provided always, and be it further enacted, That in order to render the Allotments of the said Commons and Waste Lands more compact, it shall be lawful for the said Commissioner to set out and allot all or any or such Part or Parts of any of the said Cottages, Erections, Encroachments and Inclosures, of less than Twenty Years standing, hereby directed to be allotted unto the said Lords or Lord, as aforesaid, unto any other of the Freeholders of the said Manors as he shall think proper, upon estimating the same according to the full improved Value thereof, and setting out and allotting to the said Lord or Lords, who would otherwise have had the same, other of the said Commons and Waste Lands

Lands equal in Value, to such improved Value thereof; and that it shall be also lawful for the said Commissioner to set out and allot any Common or Waste Lands in any Part or Parts of the said Manors, for any such Lands, in any other Part or Parts thereof.

XXI. And be it further enacted, That as a Compensation for the Expence of erecting and inclosing such of the said Cottages, Erections and Inclosures, as have been respectively erected and inclosed within Twenty Years next before the passing of this Act, and since enjoyed by any Person or Persons not being such Freeholder or Freeholders as aforesaid, nor the Owner or Owners of any Tenements or Lands of a greater yearly Value than Five Pounds; nor the Occupier or Occupiers of any Tenements, or Lands of a greater yearly Value than Thirty Pounds, and which Cottages, Erections and Inclosures the said Commissioner shall take from such Person or Persons, and so allot as aforesaid unto any other Person or Persons than the Lords or Lord of the said Manors, by virtue of this Act, the said Lords or Lord shall pay unto such of the said respective Persons, from whom the same shall be so taken, their Executors, Administrators or Assigns, or such of their respective Children, or unto such other Person or Persons in Trust for them respectively as the said Commissioner shall direct, such Sum or Sums of Money as the said Commissioner shall order in Writing under his Hand.

Compensation to Poor Cottagers.

XXII. And be it further enacted, That the said Commissioner shall and may stop up, discontinue, divert, change or alter any of the old or accustomed public Highways or Roads passing or leading over, through or between any ancient or inclosed Lands in the said Manors (if he shall be of Opinion that the doing so is proper), by and with the Concurrence and Order of Two Justices of the Peace for the County of *Montgomery*, in Manner and subject to such Appeal as is given by the said recited Act: but none of the said Highways or Roads shall be stopped up until other Highways or Roads instead thereof shall be duly set out, and made safe and fit for the Passage of Carriages, Cattle and Foot Passengers respectively; and every such public Highway or Road which shall be so stopped up as aforesaid, shall be sold or allotted in like Manner as is hereby directed with respect to the said Commons and Waste Lands.

Power to stop up Roads.

XXIII. And be it further enacted, That the said Commissioner shall and may set out and appoint such private Carriage, Drift, Horse and Foot Roads and Ways, and such common Wells, Ponds, Watering Places, Drains, Watercourses, Flood Gates, Sluices, Banks, Bridges, Gates, Stiles, Hedges, Ditches, Fences, Mounds, Land-Marks and other Works and Conveniences in, over, through and upon any and such Part or Parts of the said Commons and Waste Lands, as he shall think necessary for the Improvement of the Allotments to be made by virtue of this Act; and that it shall be lawful for him to first form and make them, or any of them, either wholly or in Part, and to cut through any old or new Inclosures, or other Lands and Grounds within the said Manors, not being Fields, Gardens or Orchards contiguous to any Messuages or Dwelling-Houses, for the more effectually draining the said Commons and Waste Lands or any Part thereof, as the said Commissioner shall in his Discretion think proper, and to do,

Power to make Roads, Drains, &c.

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order

order and appoint all or any other Acts, Matters and Things which shall in his Opinion be necessary or proper for the effectual Improvement of the said Commons and Waste Lands, and the other Lands and Grounds within the said Manors, by Drainage, Irrigation or otherwise, making or directing to be made such Amends or Compensation as he shall judge to be reasonable and proper to the Proprietor or Proprietors of such Lands or Grounds, which shall be cut through or entered on, for all Damage sustained in consequence thereof: Provided always, that it shall not be lawful to divert or turn any Stream or Watercourse without the Consent in Writing of the Person or Persons from whose Lands the same shall be taken, and of the Person or Persons into whose Lands the same shall be turned.

Repair of
Private
Roads, of
Drains, &c.

XXIV. And be it further enacted, That all such private Roads and Ways, and all such Ponds, Drains and other Works, Conveniences, Matters, and Things, which shall be so made, set out, or appointed as aforesaid, either in, upon or through the said Lands to be allotted, or on any old or new Inclosures, or other Lands or Grounds within the said Manors, shall be made (except so far only as the same shall be done by the said Commissioner as aforesaid), and at all Times repaired, maintained and kept in Repair, Condition and Order by such Person or Persons, and in such Manner as the said Commissioner shall, in and by his Award, and by any Writing or Writings under his Hand, in the meantime appoint.

Herbage of
Roads.

XXV. And be it further enacted, That after the public and private Roads and Ways shall have been respectively set out as aforesaid, the Grass and Herbage growing, arising or renewing on such of them, or such Parts thereof as the Commissioner shall think proper, shall for ever belong to and be the sole, entire and exclusive Right of the respective Proprietors of the adjoining Lands, Grounds or Allotments, either on one Side only or on either Side respectively, in such Parts Shares and Proportions as the said Commissioner shall settle and award, but so far only as the same Road or Way shall adjoin their said Lands, Grounds and Allotments respectively.

Allotment to
the Lords;
and to the
Vendees of
the late Lord.

XXVI. And be it further enacted, That the said Commissioner shall set out, allot and award unto and for the said *Edward Earl of Powis*, and *John Probert*, as such acting Devisees of the said late Earl of *Powis*, their Heirs and Assigns, or unto such Person or Persons who may be entitled to any Part or Parts of the said Commons or Waste Lands, under or by virtue of any Grant or Conveyance made by the said late Earl of *Powis*, of his Estate, Right, Title and Interest, as Lord of the said Manors, or either of them, to any such Part or Parts of the said granted or released Commons or Waste Lands, so much and such Part and Parts of the said Commons and Waste Lands, as in his Judgment shall be equal in Value to One-fourteenth Part thereof (exclusive of the said Parts which shall be so set out for Highways, Wells, Watering Places, Drains and other Conveniences, and for Sale as aforesaid) in lieu of and as a Compensation for their Right and Interest in, to and upon the Soil of the said Commons and Waste Lands, exclusive of the Mines, Ores, Coals, Fossils, Metals, Minerals, Slate and Freestone therein, and over and besides what they are or shall be respectively entitled unto
in

in respect of their respective Freehold Estates, having Right of Common in or upon the said Commons and Waste Lands, as aforesaid.

XXVII. And be it further enacted, That the said Commissioner shall divide, set out and allot in Severalty, all the Residue and Remainder of the said Commons and Waste Lands between and among and unto the several Persons and Parties interested therein as aforesaid, according and in proportion to the real Extent and Value of their respective Shares, Rights of Common, and other Rights and Interests in or upon the said Commons and Waste Lands; but in Cases where they or any of them shall be entitled to any such Shares, Rights or Interests by different Tenures, or for different Estates, or under different Titles, the said Commissioner shall (if apprised of) make a separate and distinct Allotment for or in respect of each Share, Right and Interest to which such Person or Persons respectively shall be so entitled by, for or under such different Tenures, Estates or Titles respectively.

Allotment
of the Resi-
due.

XXVIII. Provided always, and be it further enacted, That in every case where the Rights or Interests of any of the said Parties, who have any such Common or other Right as aforesaid, shall be so inconsiderable in Quantity or Value, or shall in any Manner or by any Means be so circumstanced as that the Allotments to be respectively made to them cannot, in the Opinion of the said Commissioner, be conveniently and beneficially inclosed and enjoyed in separate and distinct Parcels, the said Commissioner shall and may (according to his Discretion) set out and allot all or any Part or Parts of the Lands to be respectively assigned to such Parties, or any of them, either altogether, in one Piece, or in two or more distinct Parcels, as in his Opinion will best suit the Convenience of and be most beneficial to the future Owners thereof; and shall thereupon direct in what Manner and Form and under what Rules and Regulations the same respectively shall be held, occupied and enjoyed in and by his Award, and by any Writing or Writings under his Hand, in the meantime, and until the said Award shall take Effect.

Small Allot-
ments, &c.
may be laid
together.

XXIX. And be it further enacted, That in every Claim which shall be made by virtue or in pursuance of the said recited Act or of this Act, of any Common or other Right in or upon any of the said Commons or Waste Lands, in respect of any Messuages, Lands or Tenements, which shall be holden by different Tenures, or for, by or under different Estates or Titles, it shall be specified that they are so respectively circumstanced, in order that a separate and distinct Allotment may be made for each respective Messuage, Land or Tenement accordingly.

Claims to dis-
tinguish Te-
nements held
in different
Rights from
each other.

XXX. And be it further enacted, That all Hedges, Ditches, and Fences to be made for the inclosing, separating and dividing the said Commons and Waste Lands intended to be allotted and inclosed pursuant to this Act, shall be made as soon after the Allotments thereof in each of the said Manors respectively shall be marked or set out, as conveniently may be, and within such Time and in such Manner as the said Commissioner shall appoint; and shall be so made, and for ever thereafter repaired, supported and maintained by and at the Expence of the several Persons or Parties to whom the said Land shall be allotted, in such Parts, Shares and Proportions respectively as the said Commissioner shall by his Award

Fencing Al-
lotments.

in

in that Behalf order, direct or appoint; which Award, Order, Direction and Appointment shall be binding and conclusive upon the several Persons and Parties interested in and entitled to such Shares or Allotments as aforesaid.

Fencing
Clergymen's
Allotments.

XXXI. Provided always, That the several and respective Allotments, which shall be made to any Rector, Vicar or Curate in respect of any Church or Chapel, shall be inclosed, hedged, ditched and fenced in a proper and substantial Manner by an outward Ring Fence, planted with Quicksets, and guarded with Posts and Rails; and that the Expence of making and completing the same shall be paid by the Commissioner out of the Monies herein before directed to be raised and provided for defraying the Expences of obtaining and executing this Act.

Exchanges
may be made.

XXXII. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot and award any Messuages, Lands, Tenements or Hereditaments whatsoever, within the said Manors or either of them, in lieu of and in Exchange for any other Messuages, Lands, Tenements and Hereditaments whatsoever, within the said Manors, or within any adjoining Parish, 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 Proprietor or Proprietors of the Messuages, Lands, Tenements or Hereditaments, which shall be so exchanged, whether such Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, Corporation Aggregate or Sole, or 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 any 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 Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femmes Covert, Lunatics, or under any other legal Incapacity, or who shall be beyond the Seas, or be otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the common Seal of any such Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively, and all and every such Exchange or Exchanges so 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 Messuages, 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 Church, Chapel or Benefice shall be situate.

Leases at
Rack-rent to
be void.

XXXIII. And be it further enacted, That all Leases and Agreements for any Term or Terms at Rack-rent now subsisting of all or any Part of the said Commons or Waste Lands, or of the said Messuages, Lands, Tenements or Hereditaments, which shall be so wholly or in Part exchanged, or in respect whereof any Allotment shall be made to the Proprietor or Proprietors in pursuance of this Act, and which, in consequence of such Allotment, Partition or Exchange as aforesaid, the said Commissioner shall be of Opinion will be improper to continue, shall cease, determine and be void on such Day or respective Days, within

One

One Year after the signing of the Commissioner's Award respecting the same Lands, Grounds or Hereditaments, as the said Commissioner shall fix for that Purpose, in or by any Writing or Writings under his Hand; and such Leases or Agreements so ceasing, or made void, shall be delivered up to be cancelled at such Time or Times as the said Commissioner shall order by any such Writing as aforesaid; and the respective Owners of the Premises so leased or agreed for shall make such reasonable Satisfaction to their respective Lessees or Tenants on account thereof, and as an Equivalent for the Loss or Injury he, she or they shall respectively sustain on account of the Determination of their respective Leases or Terms, as the said Commissioner shall in and by the said Writing direct; and that all such subsisting Leases or Agreements of any Term or Terms at Rack-rent, as shall not be made void as aforesaid, shall continue, and in such respective Cases the said Commissioner shall determine and direct whether all or any and what Part of the Lands so allotted, partitioned or exchanged respectively shall be inclosed, held and occupied by the said Proprietors, or by their respective Tenants, as he shall think most proper; and the several Lessees or Tenants, during the Continuance of their respective Terms, shall pay such greater or less Rent to their respective Lessors or Landlords, and for such Time or Times as the said Commissioner shall think reasonable, and in and by any Writing under his Hand direct; which Rent shall be payable and recoverable in the same Manner in every respect as the Rent originally reserved or made payable for their respective Tenements would have been if this Act had not been passed: Provided always, that if there shall be any Lease or Leases of any Land, Part of which shall be within the said Manors, and Part within any adjoining Parish or Place, every such Lease upon Rack-rent may be vacated; but where any Land shall have been taken in Exchange, which Land shall be under Lease, and wholly situate in an adjoining Parish or Place, the Lease of such last-mentioned Land shall not be vacated.

Whether Allotments to be to Landlords or Tenants.

Certain Leases not to be vacated.

XXXIV. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to annul, revoke, alter or affect any Will or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debt, Rent, or Incumbrance out of, upon, or affecting any of the Messuages, Lands, Tenements or Hereditaments, which shall be divided, allotted, partitioned or exchanged in pursuance of this or the said recited Act or any Part or Parts thereof; but that the respective Persons to whom the same Messuages, Lands, Tenements and Hereditaments shall be respectively allotted or given in Exchange by virtue of this or the said recited Act, shall be seized thereof to such and the same Uses, for such and the same Estates, upon such and the same Trusts, and subject to such and the same Wills, Deeds, Jointures, Limitations, Charges and Incumbrances respectively, as the Messuages, Lands, Tenements and Hereditaments, whereof such Persons shall be respectively seized or possessed, at or immediately before the Execution of the Award of the said Commissioner, or for which or in respect whereof such Divisions, Allotments, Partitions, or Exchanges shall be made, would have been respectively subject to, charged with, or affected by, in case this Act had not been made, and to none other.

Wills and Settlements not to be affected.

Course of
Husbandry.

XXXV. And be it further enacted, That the said Commissioner shall and may from Time to Time, and at such Time or Times hereafter, as he shall think proper, by Writing or Writings under his Hand, to be affixed on the principal public Door of each of the aforesaid Churches of *Llanfyllin*, *Myfod*, and *Llanfibanwel*, or delivered to the Party or Parties respectively, who are or is to be affected thereby, order in what Course and Kind of Husbandry the Parts of the said Commons or Waste Lands, inclosed within the last Twenty Years, before the passing of this Act, or any of them, shall be respectively husbanded, occupied, held and enjoyed; and in like Manner give such Directions and make such Regulations as shall appear to him, the said Commissioner, to be necessary and proper for the lawful Occupation and Enjoyment of the said Commons and Waste Lands, and the Prevention of Injury and Damage in, upon and to the same thenceforth, until the said Commons and Waste Lands and Incroachments shall be respectively allotted, and the Allotment thereof shall take full Effect; and all Persons shall conform to such his Orders, Directions and Regulations, and that if any Person or Persons shall pursue a different Course or Kind of Husbandry, or shall act contrary to or not observe and abide by the said Orders, Directions and Regulations, or any of them, every such Person shall for each Offence, forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Twenty Shillings, to be levied and recovered with Costs, by virtue of the said recited Act, and applied as is thereby directed.

No Sheep to
be kept in
Lands or Al-
lotments for
Seven Years.

XXXVI. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments which shall be made by virtue of this Act, nor shall any Cattle of any Sort or Kind be turned or permitted to depasture in any of the Roads or Ways, which shall be set out in pursuance of this Act, during the Space of Seven Years next after the Execution of the Award of the said Commissioner, or such shorter Time, if any, in any Place in the said respective Manors, as the said Commissioner shall at any Time or Times respectively limit, by Writing under his Hand; and any Person or Persons may impound any Sheep or Lambs that shall be found depasturing in any of the said Allotments at any Time or Times within the said Term, and demand, recover, and receive Damages for the same as in cases of Trespas by Sheep or Cattle, although they shall not have broken or entered into his, her or their Allotment; but if the Occupier of any Allotment, or the Person entitled to the Grass or Herbage of any Road or Way as aforesaid, shall at his or her own Expence make and maintain a Fence fully sufficient to guard and preserve the young Quick Hedges effectually on every Side of his or her Allotment or Allotments, and the said Roads and Ways respectively, and so as to prevent Sheep, Lambs and other Cattle from straying, then he or she may graze his or her said Allotment or Allotments with Sheep or Lambs, and such Part or Parts of the said Roads or Ways as he or she shall be entitled to the Herbage of, with any Cattle during the said Term.

Unless the
Quick Fences
be guarded.

Lands to be
sold to defray
Expences.

XXXVII. And be it further enacted, That the said Commissioner shall mark and set out such Parts of the said Commons or Waste Lands, as in his Opinion will by Sale thereof raise Money sufficient to pay and discharge all such Charges and Expences as are hereinafter directed to be paid and discharged out of the same, and therein shall have due regard to the Pro-
portion

portion which ought to be borne in each of the said respective Manors, and every Part of the same respectively, and such Part or Parts of the said Commons or Waste Lands shall be sold in the Manner directed by the said recited Act; but Three Weeks previous Notice of the Time and Place of such Sale and Sales shall be sufficient for that Purpose; and that every Allotment for which the full Purchase-money shall be duly paid, shall immediately thereupon become absolutely discharged of and from all Common and other Rights thereon or therein, and vest in the Purchaser thereof in Fee-simple, to, for and upon such Uses, Trusts, Intents and Purposes, free and clear of Right of Dower, as he or she shall, from Time to Time by any Deed or Deeds, or by his or her last Will and Testament duly executed and attested, respectively direct, limit or appoint; and in Default thereof, and until such Direction, Limitation or Appointment shall be made and take Effect to the Use of such Purchaser, his or her Heirs and Assigns for ever; and the said Allotment shall and may immediately, upon or after such full Payment of such Purchase-money be taken Possession of, inclosed and held in Severalty by such Purchaser or other the Person or Persons to whose Use or Uses he or she shall so direct, limit or appoint the same as aforesaid, and shall be allotted by the said Commissioner accordingly.

XXXVIII. Provided always, and be it further enacted, That in case the Money arising by such Sales as aforesaid, shall be insufficient to defray all such Charges and Expences in either of the said respective Manors, then the Deficiency shall be made up by the several Persons interested in the said Division and Inclosure in each of the said Manors, in proportion to the Value of their respective Estates therein, and shall be paid in such Shares, and within such Time, and to such Person or Persons as the said Commissioner shall appoint, by any Writing or Writings to be affixed on the principal outer Door of each of the Parish Churches of *Llanfyllin*, *Myfod* and *Llanfihangel* aforesaid, Twenty Days at least previous to the Day appointed for Payment thereof; and in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this Act or of the said recited Act, which ought to be borne and defrayed by any particular Person or Persons, and not out of the Money to be so raised by Sale of Lands as aforesaid, then the same shall be paid by such Person or Persons, in such Shares, and within such Times, and to such Person or Persons as the said Commissioner shall in like Manner appoint; and if any Person or Persons shall neglect or refuse duly to pay any Sum or Sums of Money so directed to be paid by him or them as aforesaid, the same shall and may be levied and recovered, with lawful Interest and Costs, by the same Means as are prescribed by the said recited Act for recovering Sums of Money payable by the Proprietors towards the Expence of obtaining an Act of Inclosure, or of carrying the same into Execution, or by Action or Actions of Debt or Assumpsit, or on the Case in any Court of Record.

Deficiency in Sale of Lands to pay the Expences.

Recovery of other Expences.

XXXIX. And be it further enacted, That in case any Surplus shall remain after such Application as aforesaid, of the Monies arising by such Sale as aforesaid, that 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 therein, according and in proportion to their several and respective Interests in the same Lands, and

Surplus from Sale of Lands to pay Expences.

and be paid to them in case they shall be seised in Fee-simple of their respective Allotments, or otherwise such Surplus Money shall be paid and applied in Manner directed by the said recited Act with respect to Money thereby directed to be paid 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.

Expences of
this Act, &c.

XL. And be it further enacted, That the said Commissioner shall, from and out of the Monies to arise by such Sale of Part or Parts of the said Commons or Waste Lands as aforesaid, pay the Charges and Expences incident to and attending the obtaining and passing of this Act, and of measuring, mapping and allotting the said Commons and Waste Lands, and of preparing, executing, copying, inrolling and depositing his Award or Awards, and all other the necessary Charges and Expences of himself, and of all and every Person and Persons employed by him in and about the Execution of this Act, or in anywise relating thereto, except what is and are hereby otherwise directed; and also shall divide and apportion the said Charges and Expences in each of the said Manors as to him shall appear equitable and just.

Repaying
Money bor-
rowed to de-
fray Ex-
pences.

XLI. And be it further enacted, That if any Proprietor or Proprietors, or any other Person or Persons shall advance and pay any Monies for or towards defraying the Expences of applying for and obtaining this Act, or carrying the same into Execution, every such Person shall be repaid such Money, with lawful Interest for the same, as soon as may be, out of the Monies to be raised for defraying such Expences by virtue of this Act.

Proprietors,
&c. to bear
their own
Expences at
Meetings.

Expences of
Partitions
and Ex-
changes.

XLII. And be it further enacted, That the said Proprietors, their Attornies and Agents, and every of them, shall bear and pay their own Expences whenever they or any of them shall attend the said Commissioner, except so far only as the said Commissioner shall think proper to allow Costs in any Matter or Thing relating to any disputed Claim or Boundary as aforesaid; and that all Costs, Charges and Expences attending the making of any Exchanges or Partitions by virtue of this Act or the said recited 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 or by any Writing or Writings previous thereto order or direct.

Commission-
er to account
yearly.

XLIII. And be it further enacted, That the Account of the said Commissioner, containing a true Statement of all Sums of Money by him received and expended, or due to him for his own Trouble or Expences in the Execution of this Act, together with the Vouchers relating thereto, shall once at least in each and every Year from the Day of passing this Act, be laid by the said Commissioner before some Two or more of His Majesty's Justices of the Peace for the said County of *Montgomery* (not interested in the Premises), to be by them examined and balanced; and such Balance shall be stated by such Justices in the Book of Accounts required by the said recited Act, to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in any such Statement or Account shall be binding on the Parties concerned, or valid in Law, if duly disallowed by such Justices.

XLIV. And

XLIV. And be it further enacted, That it shall be lawful to and for the said Commissioner to make Two or more Awards, in the Manner and Form directed, as to his Award by the said recited Act, either wholly for the said Manors, or either of them, or for any Part or Parts thereof, if he shall find it necessary, or so think proper; and that every Award, which shall be made by the said Commissioner, in pursuance of the said recited Act and this Act, or of either of them, shall be enrolled as required by the said recited Act, with respect to a single Award; and that such Award or Awards so to be made as aforesaid, which shall relate to the said Manor of *Llanfyllin*, shall be deposited and kept in the Parish Church of *Llanfyllin* aforesaid; and that such Award or Awards, which shall relate to the said Manor of *Mechen Uchcoed*, shall be deposited and kept in the Parish Church of *Myfod* aforesaid; and the said Commissioner shall make a fair Copy of each Award, and deliver the same to the Lords of the said Manors.

Commissioner
to make
Awards.

XLV. And be it further enacted, That in case the Commissioner's Award or Awards, or any of them, shall happen to be deficient, in not letting out distinct Allotments to any Proprietor or Person who shall be entitled thereto, in consequence of having a Claim or Claims under or in respect of different Tenures, Estates or Titles, or shall in any other respect be defective or incomplete, then the Commissioner shall and may, on Request made in Writing, within One Year next after the Execution of the same Award or Awards, by any Proprietor or Person interested therein, or affected thereby, do every Thing that shall be necessary or proper, and proceed and act in every respect for supplying every such Omission and Defect, as if the Award or Awards had not been made; and upon supplying every such Deficiency or Defect, and rectifying such Incompleatness in such Award or Awards, the said Commissioner shall and may set forth, specify and include the same, and the Subject Matter or Matters thereof, in a supplemental Award or Awards, which Instrument or Instruments shall be as final, binding and conclusive, as if the same and the Subject Matter or Matters thereof had been Part of or included in the said original Award or Awards, and shall be executed, enrolled and deposited in like Manner as is required with respect to the said original Award or Awards respectively; and the reasonable Expences of and attending the Premises shall be paid and borne either by the Party or Parties making such Request as aforesaid, or the Parties interested therein, in such Shares and Proportions as the Commissioner shall direct, in Manner hereby enacted, with respect to the making up or supplying of any Insufficiency in the Money to arise by Sale of Allotments of Lands as aforesaid, or shall be paid by the said Commissioner, and charged to the general Expences of executing this Act, whichever shall appear to the said Commissioner to be most just and equitable.

Supplemen-
tal Award in
certain Cases.

XLVI. And be it further enacted, That it shall be lawful to and for the Husband, Guardians, Trustees, Committees or Attornies of, or Persons acting as such respectively, for all or any of the Owners of the Allotments, to be made by virtue of this Act, who shall be Femes Covert, Minors, Lunatics or beyond the Seas, or be otherwise incapable of acting for themselves, and to and for all or any of the said Owners of Allotments, who shall be Tenants in Tail or for Life, respectively, for the Time being, by and with the Consent of the said Commissioner,

Tenants in
Tail, &c.,
may charge
their Allot-
ments with
Expences.

in Writing under his Hand, either before or after the Execution of his Award, from Time to Time to charge the said Lands so allotted to the said Owners respectively, with any Sum or Sums of Money which he the said Commissioner shall deem reasonable, for and towards defraying the Expences of ditching, fencing and draining the same respective Allotments, and other their respective Payments and Expences under or by virtue of this Act, not exceeding Five Pounds an Acre, and for securing the Re-payment of all and every such Sum and Sums of Money, with lawful Interest, to grant, mortgage, lease, demise, devise, or otherwise subject the same Lands unto such Person or Persons as shall advance and lend such Sum or Sums respectively for any Term or Number of Years, so as every such Grant, Mortgage, Lease, Demise, Devise, or Charge, 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 secured, with the Interest thereof, shall be fully paid and satisfied, and so as every such Grant, Mortgage, Lease, Demise, or Devise, which shall be made by or on the Part of such Tenant or Tenants in Tail, or for Life, do also contain a Proviso that the Person or Persons entitled in Remainder or Reversion to such 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 one Year preceding the Time that his, her or their Title to such Possession shall have commenced.

Delivery up
of Books,
&c. by Ex-
Officers, &c.

XLVII. And be it further enacted, That all and every the Books, Maps, Papers, and other Writings, or Proceedings in or relating to the Execution of this Act, which shall have been in the Custody, Keeping, or Possession of any Person or Persons dying before the Execution of the said Commissioner's Award or Awards, or of any Person or Persons who shall have resigned or been removed from any Office or Offices, Employ or Employs, respectively, by virtue of this Act, or which shall be in the Custody, Keeping or Possession of the Executors, Administrators, or other Representatives of any Person or Persons who shall die during his, her or their holding or Continuance in such Office or Offices, Employ or Employs, or after his or their Resignation of or Removal from the same, or in the Custody, Keeping or Possession of his, her or their respective Agent or Attorney, or of any Person or Persons whomsoever shall be deemed and are hereby declared to be the Property of the Lords or Lord of the said Manors for the Time being, and in Succession, as Records of and belong to them or him, for the Purposes of this Act, and shall be placed and deposited with and remain in the Custody, Keeping and Possession of them or him, or their or his Steward, Under-Steward, or Deputy Steward, of the said Manors, or of such Officer or Person as shall from Time to Time be elected and appointed as Successor to the Person or Persons who shall so die or resign, or be removed as aforesaid respectively.

Power of
Appeal.

XLVIII. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said recited Act (other than and except as to such Claims, Matters, and Things as are herein-before directed or authorised to be tried, settled, or determined by the Verdict of a Jury, or where by any of the Provisions of the said recited Act or of this Act,

the same shall be final and conclusive), then, and in every such Case, he, she or they may appeal to the Great Session, or to any General Quarter Session of the Peace, which shall be holden for the said County of *Montgomery* within Eight Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner, and to the Party or Parties concerned, Twelve clear Days' Notice in Writing of such Appeal, and of the Matter thereof; and the Judges or Judge at such Great Session, or the Justices at the Quarter Session (not being interested in the Premises), shall and may hear and determine the Matter of every such Appeal, and make such Order, and award such Costs and Damages as to them shall seem just and reasonable; and by their or his Order or Warrant, 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, upon 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 Judge or Justices shall be final and conclusive unto and upon all the Parties concerned, and shall not be removed or removable by any Writ or Process whatsoever; but in case such Appeal shall appear to the said Judge or Justices to be frivolous, vexatious, or without reasonable Cause, then he or they shall or may award such Costs to be paid by the Appellant or Appellants, as to him or them in their Discretion shall seem reasonable, and cause the same to be levied in Manner aforesaid.

XLIX. Provided always, and be it further enacted, That nothing herein contained shall defeat, lessen, prejudice, or affect any Right, Title or Interest which the said Earl of *Powis* and *John Probert*, or the Person or Persons who shall or may hereafter be entitled as Lords or Lord of the said Manors or otherwise, now have or hath, or shall hereafter have, in or to any Mines, Ores, Coals, Fossils, Metals, Minerals, Slate or Freestone whatsoever, in or under the said Commons and Waste Lands, or any Part thereof; but that it shall be lawful to and for them, their Heirs and Assigns, in and upon the said Commons and Waste Lands, at any Time or Times hereafter, to delve, search for, get up, make merchantable, and take and carry away with all or any Manner of Carriages to their own respective Uses, the said Mines, Ores, Coals, Fossils, Metals, Minerals, Slate, and Freestone, or any Part thereof; and to make, erect, and use any Roads, Ways, Sumps, Levels, Drains, Channels, Warehouses, Smithies, Engines, Machines, and other Erections and Conveniences, and take and use any Streams of Water or Water courses, and to do any other Acts which shall be necessary or proper for all or any of those Purposes; and the same Warehouses and other Matters and Things, or any of them, at any Time or Times to alter, take down, remove, re-erect, and take and carry away, at their respective Pleasures, in such and the like Manner as if this Act had not been made, making full Satisfaction from Time to Time to the respective Owners and Occupiers of the said Allotments of the said Commons or Waste Lands, for the Spoil and Damage which shall be done or occasioned thereon by the Exercise of all or any of the said Powers.

Reservation
of Mines, &c.

L. Provided also, That nothing herein contained shall defeat, lessen, prejudice, or affect any Right, Title or Interest of the said Earl of *Powis*, Saving Manorial Rights.

Powis

Powis and *John Probert*, their Heirs or Assigns, or other the Lords or Lord of the said Manors. in or to the Seigniories, Royalties, Liberties and Franchises, or other Manorial Rights to the said Manors belonging, appertaining, or incident; but that the said Earl and *John Probert*, their Heirs and Assigns, and the Lords or Lord of the said Manors for the Time being, shall at all Times hereafter have, hold and enjoy all Rents, Services, Courts, Perquisites and Profits of Courts, and all other Rights, Royalties, Franchises and Jurisdictions to the said Manors respectively appertaining, belonging or incident (other than and except those meant and intended to be destroyed, extinguished or barred by virtue of this Act) in as full, ample and beneficial Manner to all Intents and Purposes as if this Act had not been made; and the said Commons and Waste Lands shall be, and continue to be considered as situate within and as Parcels of the said Manors, and within the Jurisdictions of the Courts thereof, but subject only to the same Manorial and other Rights, Franchises, and Interests of the said Manors, as the ancient Messuages, Lands, and Tenements within the said Manors, in respect whereof the said Allotments shall be respectively made, are now respectively subject to.

General
Saving.

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

Copy of this
Act by the
King's Printer
to be Evi-
dence.

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

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