

said *William* Lord Bishop of *Saint Asaph*, in Right of his See, is Rector of the Parish of *Llandrillo*, in the said County of *Denbigh*, and the Reverend *Evan Ellis* is Vicar of the said last-mentioned Parish; and they the said *Hugh Pugh*, *William* Lord Bishop of *Saint Asaph*, and *Evan Ellis*, as such are respectively entitled to all the Tithes, of what Nature or Kind soever, yearly arising and renewing within the said Parish of *Llansaintffraid*; and the said *Hugh Pugh* is also entitled to certain Glebe Lands within the same Parish, and in respect thereof to a Right of Common upon the Commons and Waste Lands therein: And whereas the Reverend *John Ellis* Clerk, is Rector of the said Parish of *Llanelian*; and the Reverend *John Hughes* Clerk, is Rector of the Parish of *Llysfaen* in the County of *Carnarvon*, and as such, together with the said *William* Lord Bishop of *Saint Asaph*, and the said *Evan Ellis*, in Right of the Rectory and Vicarage of *Llandrillo* aforesaid, are respectively entitled to all the Tithes of what Nature or Kind soever, yearly arising and renewing within the said Parish of *Llanelian*; and the said *John Ellis* is also entitled to certain Glebe Lands within the same Parish, and in respect thereof to a Right of Common upon the Commons and Waste Lands therein: And whereas the said *William* Lord Bishop of *Saint Asaph*, in Right of his See, is Patron of the said Parishes of *Eglwysfach*, *Llansaintffraid*, and *Llanelian*: And whereas Sir *Watkin Williams Wynn* Baronet, *John Forbes* Esquire, and the Reverend *Howell Holland Edwards* Clerk, and divers other Persons, are Proprietors of all the several Messuages, Lands or Tenements, in the said Parish of *Eglwysfach*, and Sir *Thomas Mofyn* Baronet, *John Chambres Jones* Esquire, and the Reverend *Whitehall Whitehall Davies* Clerk, and divers other Persons, are Proprietors of all the several Messuages, Lands, and Tenements, in the said Parish of *Llansaintffraid*, and *John Holland*, *John Lloyd Wynne*, *Robert William Wynne*, and *Robert Bamford Hesketh*, Esquires, and divers other Persons, are Proprietors of all the several Messuages, Lands and Tenements, in the said Parish of *Llanelian*; and the several Proprietors aforesaid in respect of their said Messuages, Lands, or Tenements respectively, are or claim to be entitled to Right of Common in, over, and upon the several Commons and Waste Lands situate in the said Parishes respectively, and hereby intended to be inclosed: And whereas the said Proprietors or some of them, claim to be entitled, in respect of their said Messuages, Tenements, or Lands, to a Sheep Walk, or Right of Pasturage for Sheep, over and above their said Rights of Common, upon the said Commons and Waste Lands respectively, or upon some Part or Parts thereof: And whereas the said Commons and Waste Lands are in their present State of little Value, but if the same were divided and inclosed, and specific Parts thereof allotted to the several Persons entitled thereto or interested therein, considerable Advantage would result not only to such Persons, but such Inclosures would otherwise be of public Utility; but the same cannot be effected and carried into Execution without the Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Matthews* of *Plasynllysfaen*,

in the County of *Cornarvon*, Gentleman, and *Walter Jones of Cefn Rûg*, Appointment of Commis-
 in the County of *Merioneth*, Gentleman, and their Successors to be ap- sioners.
 pointed in Manner herein-after mentioned, shall be and they are hereby
 appointed Commissioners for setting out, dividing, and allotting the said
 several Commons and Waste Lands within the said several Parishes of
Eglwysfach, *Llansaintffraid*, and *Llanelian*, and for putting this Act into
 Execution, in such Manner, with such Powers, and subject to such Re-
 gulations and Directions as are herein-after contained, and with such
 of the Powers, and subject to such of the Rules, Directions, Regula-
 tions and Provisions contained in the said recited Act as are not repugnant
 to, or altered, or otherwise provided for by any of the Clauses, Regula-
 tions and Provisions in this Act.

II. And, for the Purpose of settling and determining any Difference or Dispute which may arise between the said Commissioners, touching or concerning any of the Matters and Things to be by them determined and performed or executed in pursuance of the said recited Act; be it further enacted, That *John Calveley of Stapleford*, in the County of *Chester*, Gentleman, shall and is hereby appointed to act as an Umpire, and is hereby authorized and required to hear and determine every such Difference or Dispute as may arise between the said Commissioners, touching any Act, Matter, or Thing relating to the said Division, Allotment, and Inclosure, or to any of the Purposes of this Act; and the Judgment and Determination of the said Umpire therein shall be deemed and considered to be the Judgment and Determination of the said Commissioners, and shall be final and conclusive upon the said Commissioners, and upon all other Persons concerned in the said Division and Inclosure, so far as the Judgment and Acts of the said Commissioners are by the said recited Act and this Act made final and conclusive.

III. And be it further enacted, That at a General Meeting of the Proprietors of Lands within the said Parishes of *Eglwysfach*, *Llansaintffraid*, and *Llanelian*, to be held at one of the said Parishes, within the Space of Two Calendar Months after the passing of this Act, it shall and may be lawful to and for the major Part in Value (such Value to be ascertained according to the then several Rates or Assessments made for the Relief and Maintenance of the Poor of the said several Parishes of *Eglwysfach*, *Llansaintffraid*, and *Llanelian*) of the said Proprietors; or their known or reputed Agents or Attornies who shall be present at such Meeting, by Writing under their respective Hands, to appoint a Surveyor or Surveyors (not interested in the said Inclosure) to act in the Execution of this and the said recited Act. Appointment of Surveyor.

IV. And be it further enacted, That if the said *John Matthews* and *Walter Jones*, and the Surveyor or Surveyors so to be appointed as aforesaid, or any or either of them, or their or any or either of their respective Successors to be appointed as herein-after mentioned, shall die, or become incapable by Sickness or otherwise, of acting, or refuse to act as Commissioner or Commissioners, or Surveyor or Surveyors as aforesaid, or shall for the Space of One Calendar Month wilfully neglect to act in the Execution of their or his respective Office, or shall be guilty of any other wilful Negligence or Misconduct, before all the Powers vested in them or him by this and the said recited Act are completely executed, then and in every such Case, and from Time to Time, as often as Occasion For appointing Commissioners and Surveyors in case of Death, &c.

tion may require, it shall be lawful for any Three or more Proprietors of any Messuages, Tenements, or Lands, within each of the said Parishes of *Eglwysfach*, *Llansaintffraid*, and *Llanelian*, to call a General Meeting of the Proprietors of Messuages, Tenements, and Lands within the same Parishes, giving Notice in Writing with their Names subscribed thereto, Ten Days at least before the Day proposed for the Meeting, on the principal outer Doors of the said Parish Churches of *Eglwysfach*, *Llansaintffraid*, and *Llanelian*, and in the *Chester* and *Bangor* Newspapers, or some or one of them; and the major Part in Value (such Value to be ascertained by Reference to the Poor Rates as aforesaid) of such Proprietors who shall be present at such Meeting in Person, or by their respective Agents and Proxies duly authorized for that Purpose, by Writing under their respective Hands, are hereby empowered summarily to examine into the Facts, and declare the respective Offices or Office vacant; and in case they shall so determine, it shall and may be lawful for the major Part in Value of the said Proprietors and Agents present at such Meeting, and they are hereby required by Writing under their respective Hands, to appoint a new Commissioner or Commissioners, and Surveyor or Surveyors respectively, not interested in the said Inclosure, as the Vacancy may happen to be, and so from Time to Time as any Vacancy shall happen by Death, Incapacity, Refusal, Misconduct, or Neglect of any such new Officer or Officers, in like Manner appoint others; and every such new Commissioner or Commissioners, Surveyor or Surveyors so to be nominated and appointed as aforesaid, shall have the like Power and Authority, and be subject and liable to the like Rules, Regulations, and Restrictions, as if he or they had been originally named Commissioner or Commissioners, Surveyor or Surveyors in and by this Act, and every new Appointment so made shall be annexed to the Awards of the said Commissioners.

Appointment
of Umpire
on Vacancies.

V. And be it further enacted, That if the said *John Calveley*, or any future Umpire to be appointed as herein-after is mentioned, shall refuse to act or to qualify himself as an Umpire under this Act, or shall die or become incapable of acting, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, then the said Commissioners shall, before they shall proceed further in the Execution of this Act, and they are hereby authorized to appoint, by Writing under their Hands, some other fit Person, not interested in the said Inclosure, to be an Umpire in the Place of the Umpire so refusing to act or to qualify, or dying, or becoming incapable of acting; and if the said Commissioners cannot agree in the Choice of a Person to supply the Place of Umpire on any such Vacancy, then each of the said Commissioners is hereby required to set down in Writing the Name of some fit Person, not interested in the said Inclosure, whom he shall propose to fill such Vacancy; and the Names so set down being written on Papers of the same Size and Kind, and folded up in the same Form, or as nearly as may be to the same Size and Form, shall at some Meeting of the Commissioners for the Execution of this Act, of which due Notice shall have been given, be put together in a Box or Glass, from which some indifferent Person shall, at such Meeting, publicly and in the Presence of all Persons interested who shall choose to attend, draw out one of such Papers, and the Person whose Name shall be written on the Paper first drawn out shall be the Umpire, and the said Commissioners are hereby required to certify by Writing under their Hands the Choice and Appointment of such Person
to

to be Umpire accordingly; and every Umpire to be appointed in the Manner herein-before directed shall have the like Powers and Authorities as are by this Act vested in the Umpire hereby appointed.

VI. Provided always, That the Instrument and Certificate of the Appointment of every Commissioner and Umpire to be elected and appointed by virtue of this Act shall be inrolled with the Award of the Commissioners, and a Copy of such Instrument or Certificate, attested by the proper Officer of the Court where the same shall be enrolled, shall be full and sufficient Evidence thereof in all Courts whatsoever.

Appointment of Commissioners and Umpire to be inrolled, and Copy to be Evidence.

VII. Provided also, and be it enacted, That no Person shall be capable of acting as Umpire in the Execution of this or the said recited Act, until he shall have taken and subscribed the Oath following; (that is to say),

Oath of Umpire.

I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities, vested and reposed in me as Umpire, by virtue of an Act of Parliament passed in the Fifty-second Year of the Reign of King *George* the Third, 'for inclosing Lands in such Part of the Parish of *Eglwysfach* as lies in the County of *Denbigh*, and in the several Parishes of *Llansaintffraid-Glan-Conway* and *Llanelian* in *Rhôs* in the same County,' according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.'

Which Oath it shall be lawful to and for the said Commissioners or either of them to administer, and they are hereby required to administer the same; and such Oath so taken and subscribed by such Umpire, shall be annexed to and inrolled with the Awards of the said Commissioners.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue for the Time being, and a like Notice to be affixed, upon some *Sunday* during or immediately after Divine Service, on the principal outer Doors of the several Parish Churches of *Eglwysfach*, *Llansaintffraid*, and *Llanelian* aforesaid, and also by Advertisement to be inserted in the *Chester* and *Bangor* Newspapers, or some or One of them, or if the same shall not be then published, then in some other Newspaper usually circulated in the said County of *Denbigh*, of the Time and Place of holding their First and every other Sitting for the Execution of this and the said recited Act, at least Fourteen Days before any such Sitting shall be held (Sittings by Adjournment only excepted); and every such Notice shall express the Purpose for which such Sitting is to be held, and that the said Commissioners may and they are hereby authorized to adjourn any such Sitting from Time to Time as they shall see Occasion, and every Adjournment shall be made known to Four Proprietors at least before the Business of such Adjournment shall be proceeded in; and in case the said Commissioners shall not meet at the Time and Place appointed for any such Sitting, or to which any such Sitting shall be adjourned, it shall and may be lawful for the Commissioner present at such Time and Place, and if no Com-

Commissioners to give Notice of Sittings.

missioner shall then attend, for the Clerk to the said Commissioners to adjourn such Sitting to any future Day, not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the same Place, and so from Time to Time until both the said Commissioners shall meet, the Commissioner or Clerk making such Adjournment is hereby required to give Notice thereof to the absent Commissioner or Commissioners; and every Sitting or Meeting of the said Commissioners for putting this and the said recited Act into Execution, whether by Adjournment or otherwise, shall be held within either of the said several Parishes of *Eglwysfach*, *Llansaintffraid*, and *Llanellian* respectively, for which such Sittings or Meetings shall be from Time to Time appointed, or at some convenient Place or Places within Eight Miles from either of the same Parishes; and such Sittings or Meetings shall continue open from Eleven of the Clock in the Forenoon until Five of the Clock in the Afternoon of each Day on which the same shall be respectively held.

Other Notices how to be given.

IX. Provided always, and be it further enacted, That all other Notices requisite or necessary to be made and given by the said Commissioners (the Manner of making and giving which shall not be otherwise provided for by this or the said recited Act), shall be made and given by Advertisement to be inserted in the *Chester* and *Bangor* Newspapers, or some or one of them, or if the same shall not be then published, then in some other Newspaper usually circulated in the said County of *Denbigh*, and the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, shall have at least Fourteen Days Notice of all Meetings and Adjournments when any Proceeding is to be carried on wherein His Majesty, His Heirs and Successors, shall be interested.

Commissioners and Surveyors to have Power to enter upon Lands to survey, &c.

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

Commissioners to settle Disputes,

XI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested in the said Division and Inclosure intended to be made in pursuance of this Act, or touching or concerning the Share, Right, or Interest, or respective Shares, Rights and

and Interests, which any of them shall claim in or upon the said Commons and Waste Lands, or any of them, or touching or concerning any Share or Shares, Proportion or Proportions, which they or any of them ought to have or shall claim to have in lieu of their Rights of Common, or other Rights or Interests upon or arising from the said Commons and Waste Lands so to be divided and inclosed, or any of them, on the said intended Division and Inclosure, or touching or concerning improper Claims made by any Person or Persons not entitled to any Allotment or Allotments, 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 in this Act contained shall authorize the said Commissioners or Umpire to hear and determine any Difference or Dispute which may arise touching or concerning the Title of any Person or Persons to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not to determine Titles.

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

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

XIII. 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 the said recited Act or of this Act, see Cause to award any Costs, it shall be lawful 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 have been made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioners, 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 so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Power to assess and award Costs.

XIV. Provided always, nevertheless, and be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, making any Claim or Claims to the Soil of the said Commons and Waste Lands, or to any Rights of Common, or other Rights or Interests in, over or upon the same, or any Part thereof, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners

Parties may try their Rights by an Issue at Law.

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

If any of the Parties die Proceedings not to abate.

XV. And be it further enacted, That if any Person or Persons by or for whom any Claim or Claims of Right of Common shall be made, shall happen to die before the said intended Division and Inclosure shall be made and perfected, and before the said Commissioners shall have made their Awards touching the same, then and in such Case the Powers and Autho-

rities hereby given to the said Commissioners shall not be anywise determined, suspended, or affected by such Death or Deaths, but that the said Commissioners shall and may proceed in and execute the said Powers and Authorities, and every of them, in such and the like Manner as they could or might have done if such Person or Persons had not died; and if any of the Parties in any Action to be brought in pursuance of this Act shall die, pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

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

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

XVII. And be it further enacted, That the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Land Revenue for the Time being, may, from Time to Time, by Writing under their or his Hand, nominate and appoint an Assistant Commissioner to carry this Act into Execution as far as relates to His Majesty's Rights and Interests to and in the said Commons and Waste Lands, and such Assistant Commissioner, before he proceeds to the Execution hereof, shall take the same Oath as the Commissioners hereby appointed or hereafter to be appointed are required to take; and such Assistant Commissioner shall be paid, out of the Money to be raised for the General Purposes of this Act, at the Rate of Two Pounds and Two Shillings for every Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences, and shall bear and pay his own Expences during the Time he shall be so employed.

Power for the Crown to appoint Assistant Commissioner.

XVIII. And be it further enacted, That all Encroachments which shall have been made upon or from the said Commons and Waste Lands for Twenty Years or upwards, before the passing of this Act, shall, with the Cottages and Buildings thereon, be deemed to belong to and are hereby declared to be the Property of the Person or Persons in his, her, or their own Right, occupying or receiving Rent for the same, but he, she or they

Encroachments made 20 Years before passing of this Act, to be the Property of the Persons who received the Rent.

[Loc. & Per.]

30 C

shall

shall in no Case be entitled to any Allotment or Allotments in respect thereof under this Act.

Respecting
Encroach-
ments.

XIX. And be it further enacted, That all Encroachments, exclusive of the Cottages and other Erections thereon taken from the said Commons and Waste Lands herein-before described, within the Space of Twenty Years before the passing of this Act, or that have been laid open within the said Space of Twenty Years, shall be deemed Part and Parcel of the same Commons and Waste Lands hereby directed to be divided and inclosed, and the same shall be set out and allotted to the Person or Persons in Possession thereof, if such Person or Persons shall be entitled to any Share or Allotment upon the said intended Division and Inclosure, and shall have been in Possession of such Encroachment or Encroachments before the First Day of *November* One thousand eight hundred and eleven, and shall request the same by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Attorney or Agent, at or on the Third Sitting of the said Commissioners, so that such Encroachment or Encroachments, with the additional Road leading thereto from any general Road, which the said Commissioners are to value as Common or Waste Land, without considering the Erections and Improvements made thereon, do not exceed in Value the Allotment or Allotments to which such Person or Persons shall be entitled in lieu of his, her, or their Right of Common, and if the same shall so exceed such Allotment or Allotments, the Surplus shall be severed and fenced out at the Expence of the Person or Persons so having encroached, and shall be allotted to some other Person or Persons entitled to an Allotment or Allotments; and when it shall happen that such Encroachments or Erections have been made by Persons not entitled to any Right of Common, in such Case the said Commissioners shall set a Value on all such Erections, and the same shall pass, with the Lands in which they shall happen to stand, to the Person or Persons to whom the said Commissioners shall allot such Land, he, she, or they paying to the Person or Persons at whose Expence such Erections were made, such Sum of Money as the said Commissioners shall have valued such Erections at; and if such Person to whom such Land shall be allotted shall refuse to pay such Valuation, then the Person at whose Expence such Erections shall have been made, shall have and enjoy such Cottages and Erections for such Time and at such Ground Rent or Acknowledgement, payable to the Person to whom the said Land shall be allotted, and in such Manner as the said Commissioners shall direct and appoint; and in case any Dispute or Question shall arise touching any of the said Encroachments or Inclosures, or the Extent thereof, or the Number of Years that the same have been made or taken in, every such Dispute or Question shall be finally determined by the said Commissioners.

No Flags or
Turf to be
cut under a
Penalty.

XX. And be it further enacted, That it shall not be lawful for any Person whomsoever, from and after the passing of this Act, until the Execution of the Awards of the said Commissioners, to cut, dig, pare, flay, or carry away any Turf or Flags in, upon, or from the said Commons and Waste Lands, or any Part thereof; and if any Person shall, after the passing of this Act, cut, dig, pare, grave, flay or carry away, or otherwise take or receive any Turf or Flags in, upon, or from the said Commons and Waste Lands, or any Part thereof, every such Person being convicted thereof, either by his or her own Confession, or upon the Oath of One credible Witness, before One of His Majesty's Justices of the Peace for the

said County of *Denbigh* (not being interested), who may summon the Parties concerned, and examine Witnesses upon Oath relating to the said Complaint, shall, for every such Offence, forfeit and pay such Sum of Money not exceeding the Sum of Five Pounds, as the Justice shall order and appoint; and it shall be lawful for such Justice by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause such Sum of Money to be raised and levied by Distress and Sale of the Goods and Chattels of the Person offending, (Demand having been first made thereof), rendering the Overplus (if any), after deducting the Costs and Charges of such Distress and Sale to the Person so offending; and the said Sum of Money when raised and levied shall be applied by the said Commissioners for the General Purposes of this Act.

XXI. And, for the more just and regular Division, Allotment and Distribution, of the said Commons and Waste Lands by this Act directed to be divided, allotted and inclosed, be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be after the passing of this Act, to value all the Commons and Waste Land hereby directed to be divided, allotted and inclosed, and also all the Messuages, Tenements, Lands, and Hereditaments, within the said Parishes of *Eglwysfach*, *Llansaintffraid* and *Llanelian*, in respect whereof the several Proprietors have or are entitled to Right of Common over and upon the same Commons and Waste Lands, such Valuation to be estimated according to the annual Value thereof respectively, and the Particulars thereof (Acreage excepted) shall be reduced into Writing, and signed by the said Commissioners, and left at the Office of Messieurs *Oldfield of Farm*, in the Parish of *Bettws Abergele*, in the said County of *Denbigh*, Solicitors, for the Inspection of the several Proprietors or their Agents; and any Person or Persons interested shall be entitled to a Copy of such Valuation on Demand, paying for such Copy a reasonable Price, to be ascertained by the said Commissioners; and such Commissioners shall give or cause to be given Twenty-one Days Notice, to be fixed upon the principal outer Doors of the Parish Churches of *Eglwysfach*, *Llansaintffraid*, and *Llanelian* aforesaid, upon some *Sunday* immediately after Divine Service, and inserted in some or one of the said Newspapers, of the said Valuation, and the Particulars thereof being so left for Inspection as aforesaid, and of the Time and Place by them appointed for receiving and hearing any Objections that may be made to such Valuation or Quality, and the said Commissioners shall hear and finally determine all such Objections.

Quality of
the Land to
be published.

XXII. And be it further enacted, That it shall not be lawful for the said Commissioners to alter or change the Course of any ancient Watercourse or Land Drain for the Purposes aforesaid, or for any other Purpose or Purposes whatsoever, without the Consent in Writing of the Proprietor or Proprietors of such Lands and Hereditaments into whose Land such Water shall be conveyed, or who shall or may be deprived of or prejudiced in the Use or Benefit to be derived from the Water or Drainage which otherwise might have passed through his, her, or their Lands, if the Direction of such Watercourse or Land Drain had not been changed or altered, but that the same shall be and remain as the same hath heretofore usually been; any Thing in this or the other recited Act contained to the contrary notwithstanding.

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

XXIII. And

Allotments
for getting
Materials,
&c.

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

For Watering
Places.

Allotment of
Three Acres
to the Vicar of
Eglwysfach
to build
upon; the
Profits in the
mean Time to
be applied in
Aid of the
Poor Rates.

XXIV. And whereas there is no Glebe Land belonging to the Vicar of the said Parish of *Eglwysfach*, be it further enacted, That in order to enable the Vicar of the same Parish for the Time being to reside within the same, the said Commissioners shall set out, allot and award, unto the said Lord Bishop of *Saint Asaph*, and his Successors, Bishops of *Saint Asaph*, in Trust for the Purposes herein-after mentioned, Three Statute Acres of the said Commons and Waste Lands, in the said Parish of *Eglwysfach*, in One entire Parcel; and such Trust is hereby declared to be, that such Three Acres shall be Glebe Land, and belong to the Vicar for the Time being of the said Parish of *Eglwysfach*, from the Time such Vicar shall erect and finish a Dwelling House and suitable Offices, on some convenient Part of the said Parcel of Land for his Residence; and that in the mean Time
the

the Rents and Profits of the said Three Acres of Land shall (subject to the Expence of Fencing out the same, and the Trespas committed by reason of Cartage or otherwise in respect of the Buildings aforesaid) be paid to and received by the Churchwardens and Overseers of the Poor for the Time being of the said Parish of *Eglwysfach*, and be by them used and applied in Aid of the Poor Rates within such Parish.

XXV. And be it further enacted, That the said Commissioners shall (after the Boundaries directed to be set out by the said recited Act shall have been ascertained and fully determined, and after setting out the Roads and Ways which by the said recited Act they are authorized to set out, and the several Allotments herein-before mentioned, and before any other Allotment whatsoever shall be set out) assign, set out and allot, unto and for the Use of the King's most Excellent Majesty, His Heirs and Successors, with the Concurrence and Approbation in Writing of the said Assistant Commissioner, and not otherwise, so much and such Part or Parts of the said Commons and Waste Lands hereby directed to be inclosed, as are not within the said Manor of *Uwch-Tersyn*, as in the Judgment of the said Commissioners shall be equal in Value to one full Twentieth Part or Share thereof respectively, in Lieu, Satisfaction, and Extinction of the Rights and Interests of His Majesty, His Heirs and Successors, in, over and upon the Soil of the same Commons and Waste Lands, and for his Consent to the Division and Inclosure thereof.

Allotment to His Majesty.

XXVI. And be it further enacted, That the said Commissioners shall in the next Place assign, set out and allot, unto and for the Use of the said Lord Bishop of *Saint Asaph*, as Lord of the Manor of *Uwch-Tersyn*, so much and such Part or Parts of the said Commons and Waste Lands hereby directed to be inclosed, and being within the said Manor of *Uwch-Tersyn*, as in the Judgment of the said Commissioners shall be equal in Value to one full Eighteenth Part or Share of the Whole of such Commons and Waste Lands, and in Lieu, Satisfaction, and Extinction of the Right and Interest of the said Lord Bishop of *Saint Asaph* and his Successors, in, over and upon the Soil of the same Commons and Waste Lands, as Lord of the said Manor of *Uwch-Tersyn*.

Allotments to the Lord Bishop of Saint Asaph, as Lord of the Manor of Uwch-terfyn.

XXVII. And be it further enacted, That the said Commissioners shall and they are hereby required and authorized (after making such Allotments as aforesaid) to divide, assign, set out and allot, so much and such Part or Parts of the Residue and Remainder of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, unto or between and amongst such Proprietor or Proprietors of Messuages, Lands or Tenements in the said several Parishes respectively, as shall be able to establish his, her, or their Claim to a Sheep Walk, or Right of Pasturage for Sheep upon the said Commons and Waste Lands or any Part thereof, over and above any Right of Common which he, she, or they shall or may be entitled unto in respect of his, her, or their several Messuages, Tenements, Lands and Hereditaments, in the said several Parishes respectively, as the said Commissioners shall determine to be a just Compensation and Satisfaction for, and equal in Value to such his, her, or their Sheep Walk or Right of Pasturage for Sheep: Provided always, that no such Allotment or Allotments shall be set out or assigned without due Proof, upon Oath, having

Allotments to those entitled to Sheep Walks.

[*Loc. & Per.*]

30 D

been

been previously made before the said Commissioners, of the Existence of such Right.

Commissioners to allot the Sheep Walks or Part thereof as a Compensation to Persons entitled to Sheep Walks, if thereto required.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby required, in case sufficient Evidence shall appear before them of any Person or Persons being entitled to such Sheep Walk or Right of Pasturage for Sheep as aforesaid, to allot, set out and assign, unto and to the Use of such Person or Persons, so much or such Part or Parts of the said Commons and Waste Lands whereon such Sheep Walk or Right of Pasturage for Sheep is or hath been used or exercised, as shall in the Judgment of the said Commissioners be a just Compensation for and equal in Value to such Sheep Walk or Right of Pasturage for Sheep: Provided such Person or Persons so entitled shall request the same in Writing, at the Time he, she or they shall deliver to the said Commissioners his, her, or their Claim to a Right of Common under the Authority of the said recited Act and this Act.

Allotments of the Residue to the several Proprietors within the several Parishes.

XXIX. And be it further enacted, That the said Commissioners shall and they are hereby required and authorized in the next Place to divide, assign, set out and allot, all the Residue and Remainder of the said Commons and Waste Lands hereby directed to be divided, allotted and inclosed, unto or between and amongst the said Sir *Watkin Williams Wynne*, *John Forbes*, *Howell Holland Edwards*, *Sir Thomas Mostyn*, *John Chambres Jones*, *Whitehall Whitehall Davies*, *John Holland*, *John Lloyd Wynne*, *Robert William Wynne*, *Robert Bamford Hesketh*, *Hugh Pugh*, *John Ellis*, and all and every other Person and Persons as is, or are or shall, at the Time of making such Allotments respectively, be entitled to a Right of Common, in, over and upon such Commons and Waste Lands respectively, rateably and in due Proportion to the true and real Value of their respective Messuages, Tenements, Lands and Hereditaments, in the said several Parishes in respect whereof they are severally entitled to such Right of Common as aforesaid, such Value to be ascertained and fixed by the said Commissioners, who shall not, upon any Account, or under any Pretence, give any undue Preference to any of the Parties interested in the said Division, in their or any of their Allotments or Shares of the Commons and Waste Lands aforesaid; but the said Commissioners, in making the several Divisions and Allotments thereof, shall have due Regard to the Quality, Quantity, Situation and Convenience, as well of the said Messuages, Tenements, Lands and Hereditaments, as of the Land to be allotted, and shall and they are hereby required, where the same can be done, to set out and allot the Share or Shares of every Person respectively in one Parcel, and contiguous to every Person's principal Farm and Estate respectively.

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

XXX. Provided always, and be it further enacted, That in case it shall happen that the same Person or Persons is or are seized of Messuages, Lands or Hereditaments, for Life only, or of a Settled Estate, and of the Fee Simple and Inheritance of other Messuages, Lands or Hereditaments, within the said several Parishes of *Eglwysfach*, *Llansaintffraid*, and *Llanelian*, any or either of them, and shall be entitled to Right of Common, in respect to both such Estates, then and in such Case the said Commissioners, upon the Request in Writing of such Person or Persons, or of his, her or their Agent or Attorney, shall set out and allot the Share or Proportion of such Person

Person or Persons, in respect of his, her, or their different Estates, in distinct and separate Parcels from each other; so that the Proportion of Common Land awarded in respect of Messuages, Lands or Hereditaments held for Life or settled Estate, be no way intermixed with, but kept separate from, the Portion awarded in respect of the unsettled Estate.

XXXI. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the respective Shares, Rights and Interests of the said Proprietors, in the said Commons and Waste Lands to be inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioners shall give Notice, in Manner aforesaid, of some convenient Time and Place within each of the said Parishes, when and where all Persons interested may peruse a Schedule of such intended Allotment, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive, at their Expence, a Copy of such Schedule, as far as the same relates to such Proprietors respectively; and a Copy of such Map or Plan and Schedule, as far as relates to the Allotments to be made to His Majesty, shall, by the said Commissioners, Fourteen Days at least previously to the Time of Meeting for the Perusal of such Schedule, Map or Plan, be transmitted to the Commissioners of His Majesty's Woods, Forests and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue.

Notice for perusing Schedules and Maps of intended Allotments to be given.

XXXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, at any Time not exceeding Twelve Calendar Months next after the said Allotments shall be set out, to make such Alterations in the Allotments and Fences which they may have set out and ordered, as they shall think right and expedient; and in case any Person or Persons shall happen to be injured by such Alterations, or on Account of any Expences, he, she, or they might have been at, the said Commissioners shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom and in what Manner such Recompence shall be made.

Commissioners may make Alterations in the Allotments.

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

Allotments to enure to the same Tenure as the ancient inclosed Lands.

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

Power for the Bishop to grant Leases.

XXXV. And

For allowing
Exchanges,
&c. to be
made.

XXXV. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, allot and award any Lands, Tenements or Hereditaments within the said Parishes respectively, in lieu of and in exchange for any other Lands, Tenements and Hereditaments within the said Parishes respectively, or either of them, or within any adjoining Parish, Hamlet or Township; provided that all such Exchanges be ascertained, specified and declared in the Awards or Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or special, or by the Courtesy of *England*, or for Years determinable on 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 or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments, so to be exchanged shall lie or be situate: Provided always, that all Costs, Charges and Expences, attending the making any Exchanges and Partitions, shall be paid and borne by the several Persons making such Exchanges or Partitions, in such Manner and in such Proportions as the said Commissioners shall by their Awards order and direct.

Not to annul
any Will or
Settlement,
&c.

XXXVI. Provided also, and be it further enacted, That nothing in this or the said recited Act contained, shall extend, or be construed to extend, to revoke, make void, alter, or annul any Will, Deed or Settlement, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances, out of or upon, or affecting any of the Lands, Grounds and Hereditaments, to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right by virtue of this or the said recited Act, or any Part or Parts thereof respectively, but as well the Lands allotted as the Tenements and other Hereditaments, which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall immediately after such Allotment, Exchange or Assignments shall be made, be vested, remain and enure; and the several Persons to whom the same shall be allotted, assigned or given in Exchange as aforesaid, shall thenceforth stand and be seized and possessed thereof respectively, and subject and liable to such and the same Wills and Deeds, Settlements, Dowers, Jointures, Debts, Rents or Incumbrances, as the Messuages, Tenements, Lands, Grounds and Hereditaments, in respect whereof such Allotments, Assignments and Exchanges shall

shall be made, would have been subject to be charged with, or affected by, in case this Act had not been passed.

XXXVII. Provided always, and be it enacted, That nothing in this Act or the said recited Act contained, shall prejudice, lessen, defeat, or in anywise affect the Right, Title or Interest, of the respective Tithe Owners for the Time being respectively, in or to any Tithes, Moduses, Dues, Payments, Mortuaries, *Easter Offerings*, Surplice or other Fees happening, arising and renewing out of, or payable in respect of any Lands, Tenements or Hereditaments within the said Parishes respectively, save and except the Exemption next herein-after mentioned in respect of the first Two Crops of Corn or other Produce, but that such Tithes, Moduses, Dues, Payments, Mortuaries, *Easter Offerings*, Surplice and other Fees shall be payable and paid at all Times hereafter in the same Manner as if this Act or the said recited Act had not been passed, except as aforesaid.

Not to affect
Tithes, &c.

XXXVIII. And be it further enacted, That for the Encouragement of Agriculture, the first Two Crops of Corn or other Produce obtained by Tillage in all and every the said Allotments, (except such Parts thereof as have already paid Tithes, or have been actually tilled before the passing of this Act), shall be exempt from the Payment of Tithes, provided such Crops be raised within Two Years next after the Execution of the said Awards respectively; and that from and after the taking of such first Two Crops as aforesaid, or if the same should be taken before, and notwithstanding the Non-execution of such Awards, the future Crops shall be liable to Tithe in the same Manner as other inclosed Lands respectively situate in the said Parishes of *Eglwysfych*, *Llansaintffraid*, and *Llanelian*, or either of them, and such Encroachments as have already yielded Tithes, or have been actually tilled before the passing of this Act, shall continue to do so, notwithstanding the above Exemption: Provided always, that such Exemption shall not extend to the Township of *Bodnod* in the said Parish of *Eglwysfych*, but that the said *Robert Parry*, and every other succeeding Vicar for the Time being, shall be entitled to the Tithes arising from the Allotments within the said Township of *Bodnod*, in the same Manner as if the above Exemption had not been inserted in this Act.

Two first
Crops to be
exempt from
Tithes;

but not to
extend to the
Township of
Bodnod in
Eglwysfych.

XXXIX. And be it further enacted, That all and every the Costs, Charges, and Expences, in de it to and attending the soliciting, obtaining, and passing this Act, and of the Surveys, Admeasurements, and Plans, of the said Commons and Waste Lands hereby directed to be inclosed, and all other Surveys, Plans, and Admeasurements, which shall be made by Order of the said Commissioners, except as aforesaid in respect to, and also of valuing, dividing, setting out and allotting, the said Commons and Waste Lands, or any Part thereof, and of forming, making, and completing the public Roads, Ways, Allotments for Materials, and Watering Places, which shall be set out and appointed by virtue of this or the said recited Act, and of preparing, inrolling and depositing the Awards of the said Commissioners, and making Copies thereof, and all the Costs, Charges, and Expences of the said Commissioners and Umpire, and all other Costs, Charges, and Expences whatsoever, in anywise attending or relating to the Execution of this and the said recited Act, or any of the Powers, Authorities, Provisoos, or Declarations therein contained, or in anywise concerning the same, either before or after the Execution of the

For paying
the Expences
of passing and
executing
this Act.

said Awards respectively, shall be borne and defrayed at such Time or Times, and paid to such Person or Persons as the said Commissioners shall by any Writing or Writings under their Hands, to be affixed on the principal outer Doors of the said respective Churches on some *Sunday*, at least Twenty-one Days before the Day appointed for Payment of the same, order and direct; but subject to the Regulations, Proportions, and Restrictions herein-after mentioned; (that is to say), that so much of the said Costs, Charges, and Expences as shall be incurred previous to, and up to the Time of the passing of this Act, and all such other Costs, Charges, and Expences, as shall thereafter be incurred, which shall relate to, or affect the said several Parishes jointly, shall be paid by the several Proprietors of Estates and other Persons, within the said several Parishes respectively, to whom Allotments shall be made by virtue of this Act, (other than and except His said Majesty, His Heirs and Successors, and also the Surveyor or Surveyors of the Highways, in respect of the several Allotments to be given them respectively, in Trust for the Purposes aforesaid), in Proportion to the Value of the Lands to be allotted to them respectively, to be ascertained by the said Commissioners, and that from and after the Time of the passing of this Act, the said Commissioners shall keep a general Account of all Costs, Charges, and Expences jointly affecting the said Parishes, and also a separate Account of all such Costs, Charges, and Expences as separately relate to, or affect the said Parishes, which last-mentioned Costs, Charges, and Expences shall be paid by the Proprietors of Estates, and other Persons in the said Parishes respectively, to whom Allotments shall be made by virtue of this Act, (save and except as aforesaid), in Proportion to the Value of the Lands to be allotted to them respectively, to be ascertained by the said Commissioners; and in case any Person or Persons shall refuse or neglect, either before or after the Execution of the said Awards, respectively to pay his, her, or their Share or Proportion of all or any of such Charges and Expences within the Times, and to such Person or Persons as the said Commissioners shall order and appoint, then and in such Case the said Commissioners shall cause the same to be levied and recovered in Manner directed by the said recited Act.

Proprietors
to have Power
to borrow
Money on
their respec-
tive Allot-
ments.

XL. And whereas some of the Owners and Proprietors of Lands and Grounds within the said Parishes of *Eglwysfach*, *Llansaintffraid*, and *Llanellian*, may have Occasion to borrow Money to defray their respective Shares of the Costs, Charges, and Expences of obtaining and carrying this Act into Execution; be it therefore further enacted, That it shall and may be lawful for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands and Grounds so to be divided and allotted by virtue of the said recited Act and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors being Tenants in Tail, or for Life or Lives, or Years determinable on any Life or Lives, or any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioners shall by their said Awards respectively, or by Writing under their Hands, either before or after the Execution of such Awards, respectively, adjudge necessary to pay and defray the Costs, Charges, and Expences, incident to and attending the obtaining of this Act, and of ditching, draining, and fencing their respective Allotments, and other the Costs,
Charges,

Charges, and Expences, of carrying this Act into Execution, and of charging such Lands and Grounds as aforesaid, together with lawful Interest for the same, so that the Principal Sum or Sums of Money shall not exceed the Sum of Five Pounds for every Statute Acre of such Lands and Grounds; and to grant, mortgage, lease or demise, or otherwise subject the Lands, Tenements, and Hereditaments so to be charged, to such Person or Persons respectively who shall advance and lend any such Sum, his, her, or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession who shall and may be liable to and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay and discharge such Sum or Sums of Money, then and in every such Case it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals respectively, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, lease, or demise, or otherwise subject such Lands and Grounds to such Person or Persons respectively paying and discharging such Sum or Sums of Money, his, her, or their Executors, Administrators, and Assigns, for any Term or Number of Years, to and for the Payment of such Sum or Sums of Money so advanced, paid, and discharged by him, her, or them, not exceeding the Sum of Five Pounds *per* Statute Acre, for every Acre of such Lands and Grounds as aforesaid, with lawful Interest for the same, to commence on the Termination of his, her, or their Right in the Premises, so that every such Grant, Mortgage, Lease, or Demise as aforesaid, be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or re-assigned when the Sum or Sums of Money thereby secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed or entitled to any such Lands and Grounds, shall be liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title to such Possession shall have commenced, and that every such Charge, Grant, Mortgage, Lease, or Demise, shall be good, valid, and effectual in the Law, for the Purposes thereby intended.

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

XLII. And be it further enacted, That out of the Monies that shall be raised for defraying the Expences of soliciting, obtaining, and executing this Act, there shall be paid to each of the said Commissioners and Umpire, as a Recompence for their and his Time, Trouble, Journies, and Expences in and about the dividing, allotting, and inclosing the said Lands and Grounds, and determining Disputes, and all other Matters whatsoever incident to their and his said Office as Commissioners and Umpire, the Sum of Two Guineas and no more for each Day they and he shall be attending in the Execution of this and the said recited Act, and in travelling to and from the Place or Places of Meeting, and at all Meetings

20th June 1725
 1st of July
 2nd of July
 3rd of July
 4th of July
 5th of July

For repaying
 Money bor-
 rowed with
 Interest out
 of the first
 Monies.

Allowance to
 Commission-
 ers and Um-
 pire.

Meetings the said Commissioners and Umpire shall defray their and his own Expences.

Commissioners to lay their Accounts before Two Justices.

XLIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, (such Year to be computed from the Day of the passing of this Act), the said Commissioners shall and they are hereby required to make a true and just Statement or Account of all and every Sum or Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this and the said recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by them laid before any Two or more of His Majesty's Justices of the Peace in and for the County of *Denbigh*, (not interested in the said intended Division and Inclosure), to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books of Accounts to be kept in the Office of the Clerk or Clerks to 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 in Writing by such Justices.

Awards.

XLIV. And be it further enacted, That the said Commissioners shall within the Space of Three Years from the passing of this Act, and they are hereby required to form and draw up, execute and publish Three separate and distinct Awards in Writing; that is to say, one for each of the said Parishes of *Eglwysfach*, *Llanfaintffraid*, and *Llanelian*, which said Awards, together with the Maps, Plans, and Surveys to be annexed thereto, shall within Six Calendar Months next after the Execution of the said Awards by the said Commissioners, be enrolled with the Clerk of the Peace for the said County of *Denbigh*; and the said Awards when so enrolled in Manner directed by the said first recited Act, shall be deposited in Tin Boxes as herein-after mentioned; that is to say, the Award for the Parish of *Eglwysfach* shall be deposited in the Parish Church of *Eglwysfach*, the Award of the Parish of *Llanfaintffraid* in the Parish Church of *Llanfaintffraid*, and the Award for the Parish of *Llanelian* in the Parish Church of *Llanelian*; to which said Awards respectively all Persons interested in the said Inclosures and Allotments may at all Times have Access, and that Duplicates of the said Awards respectively shall be written on Parchment, and be deposited in the Office of the Clerk of the Peace for the said County of *Denbigh*, for the Perusal of all Persons interested.

Extract of so much of the Awards as relates to the King's Allotments, to be sent to the Commissioners of His Majesty's Woods, &c. or Surveyor General.

XLV. And be it further enacted, That the said Commissioners shall and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of so much of their respective Awards as shall contain an accurate Description of the Allotment or Allotments to be made to His said Majesty, together with such Regulations or Provisions relative to such Allotment or Allotments, or to any other Rights or Interests of His Majesty, as may be contained in such Awards respectively; and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue for the Time being, within Two Months next after the making and executing the said Awards respectively, to be by them or him filed and kept among the Muniments of their or his Office, and to be produced and admitted in

Evidence

Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting the Rights or Interests of His Majesty, His Heirs or Successors.

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

Power to Surveyor General to sell Allotments of His Majesty at any Time before the Execution of the Awards.

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

Persons desirous of selling their Right of Common, how to proceed.

XLVIII. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, shall think himself, *[Loc. & Per.]* herself,

Allowing an Appeal to the Quarter Sessions.

herself, or themselves aggrieved by any Thing done, or omitted to be done, by virtue or in pursuance of this or the said recited Act of the Forty-first Year of His present Majesty, (other than and except as to such Claims, Matters, and Things as are herein-before, or by the said Act directed or authorized to be tried, settled, or determined by the Verdict of a Jury, or an Issue at Law, or where any of the Clauses of the said Act, or of this Act, shall express that the same shall be, by the Order and Determination of the said Commissioners, final and conclusive), then and in every such Case he, she, or they may appeal to the General Quarter Sessions of the Peace which shall be held in and for the said County of *Denbigh*, within Four Calendar Months next after the Cause of Complaint shall have arisen, and the Justices of the Peace in such Sessions are hereby required to hear and determine the Matter of every such Appeal; provided that Notice in Writing of every such Appeal, specifying the Cause of Complaint, be given to the said Commissioners, or either of them, and to the Party interested in the Matter of such Appeal, or their Agent or Agents for the Time being, Twenty-eight Days at least before such Sessions, and the said Justices, in their said Sessions assembled, may, if they see sufficient Cause, respite every such Appeal to the next General Quarter Sessions to be holden in and for the said County; and the said Justices shall make such Order touching the Matter of such Appeal, and award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant levy the Costs and Damages 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 every such Distress and Sale; and every Order and Determination of the said Justices upon every such Appeal 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.

Saving the Rights of His Majesty, and the Lord Bishop of *Saint Asaph* as Lord of the Manor of *Uwch Terfyn* within the several Limits aforesaid.

XLIX. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or defeat the Right or Interest respectively of His Majesty, His Heirs and Successors, and of the said Lord Bishop of *Saint Asaph*, as Lord of the Manor of *Uwch Terfyn* aforesaid, and his Successors, within the several Limits aforesaid, in and to all Mines, Ores, Minerals, Coals, Quarries of Lime and Stone, and other Matters, of what Nature or Kind soever, in or under the said Commons and Waste Lands; but His said Majesty, His Heirs and Successors, and the said Lord Bishop of *Saint Asaph*, and his Successors respectively, and their respective Lessee or Lessees, Agents, Servants, Colliers, Miners, and other Workmen, who shall and may, from Time to Time, and at all Times hereafter, enter into, have, hold, enjoy, search, and work all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, and Coal, and Quarries of Lime and Stone whatsoever, as fully and effectually to all Intents and Purposes as they respectively could have had, held, and enjoyed the same before the passing of this Act; and for that Purpose shall and may use all Pits, Shafts, Levels, Soughs, and Tunnels already open and sunk, in any of the said Commons and Waste Lands, and all Machines, Engines, and Buildings thereon erected or standing, together with full and free Liberty, Power,

Power, and Authority to and for His said Majesty, His Heirs and Successors, and the said Lord Bishop of *Saint Asaph*, and his Successors respectively, and all other Persons who shall hereafter, for the Time being, be entitled to the Mines and Minerals, Coal, Stone, and other Matters respectively therein, and his and their respective Lessee or Lessees, and their and every of their Agents, Servants, Miners, Colliers, and other Workmen, to sink, dig, delve, drive, and work, all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, and open and work all and all Manner of Lime or Stone Quarries, which they shall respectively think necessary for discovering, searching for, raising, or getting any Mines, Ores, Minerals, and Coals, Lime, and Stone whatsoever, in or under the said Commons and Waste Lands, and to dig and raise Clay for making and burning of Brick, Tiles, Gutters, and Ridges, in and upon any Part or Parts of the said Commons and Waste Lands, as well before as after the same shall have been inclosed, for the Use of any Colliery or Collieries now open or hereafter to be opened therein, and for repairing any old or erecting any new Buildings which may be necessary for carrying on or working any Mine or Mines, Quarry or Quarries whatsoever; and also to erect any Number of Steam and other Engines, Machine and Machines, of what Nature or Kind soever, which they respectively shall think necessary for the Use, Convenience, or Advantage of any Mine or Quarry whatsoever, in or upon the said Premises, or any Part thereof respectively, and to place, stack up, and lay, all Lead, Copper, Iron, and other Ores, Coals and other Minerals, Lime and other Stone and Matters which shall be gotten and raised, and all Rubbish, Earth, and Soil, upon the said Commons and Waste Lands, and to make, burn, or convert, Coal and Culm into Charcoal or Coke, and also to have, make, and use, all convenient Ways, Roads, and Railways, in, upon, and over the said Commons and Waste Lands, when inclosed, for the Use of any Colliery or Mines, sunk or made, or which may be sunk or made in any Part or Parts thereof, and for working and carrying on the same, and with Carts, Waggon, and other Carriages, to fetch, take, and carry away the Lead, Copper, and Iron Ores, and Coal, Lime and Stone, and all Mines and Minerals, and Matters whatsoever, there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon the said Commons and Waste Lands and Grounds, when inclosed, for the discovering, getting, working, converting, removing, carrying away, selling, and disposing of all Mines, Coals, and other Minerals, Lime and Stone whatsoever, without any Molestation or Interruption whatsoever, in such and the like Manner, and as fully and effectually, to all Intents and Purposes, as they could or might have done in case this Act had not been made.

L. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to defeat, lessen or prejudice the Right, Title, or Interest of His Majesty, His Heirs or Successors, or of the Lord Bishop of *Saint Asaph* for the Time being, as Lord of the Manor of *Uwch Terfyn*, or any of them, or of their or either of their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of, in, or to the Seigniories and Royalties belonging to His Majesty, or to the Seigniories or Royalties respectively incident or belonging to the said Manor, but that His said Majesty, His Heirs and Successors,

Saving to His Majesty, and the Lord Bishop of *Saint Asaph* their Rights of Jurisdiction.

cessors, and the said Lord Bishop of *Saint Asaph* for the Time being, and their respective Lessee and Lessees, Steward and Stewards for the Time being, shall and may from Time to Time and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquisites, and Profits of Courts, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, Pre-eminences, Jurisdictions, and Appurtenances whatsoever, to His said Majesty, and to the said Lord Bishop of *Saint Asaph* for the Time being, or to the Stewards or other Officers thereof, incident or appendant, belonging or appertaining, except Rights of Common or of Soil, Quarries, Springs, and other Matters, not being the Mines, Privileges, and Minerals herein-before reserved, which Quarries, Springs, and other Matters, not being the Mines, Privileges, and Minerals herein-before reserved, shall belong to the several Persons, Bodies Politic or Corporate, to whom any Allotment shall be made by virtue of this Act; and which said Mines, Privileges, and Minerals shall continue to belong to such Person or Persons, Body or Bodies Politic or Corporate, as was or were lawfully entitled to the same before the passing of this Act.

General or
Saving
Rights.

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

Act to be
printed by
the King's
Printer.

LII. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof so printed by any of them, 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. 1812.