



ANNO SECUNDO

VICTORIÆ REGINÆ.

Cap. 2.

An Act for inclosing Lands in the Honour or Lordship of *Chirk* and *Chirk Land* in the several Parishes of *Llangollen* and *Llainsaintfraid Glyn Ceiriog* in the County of *Denbigh*.

[14th May 1839.]

WHEREAS there are within the Honour or Lordship of *Chirk* and *Chirk Land* in the several Parishes of *Llangollen* and *Llainsaintfraid Glyn Ceiriog* in the County of *Denbigh* certain Commons, Commonable Lands, Wastes, Waste Lands, and intermixed Lands: And whereas *Charlotte Myddelton Biddulph* Widow is or claims to be Lady of the said Honour or Lordship of *Chirk* and *Chirk Land*, and as such is entitled to the Soil of the said Commons, Commonable Lands, Wastes, and Waste Lands: And whereas the said *Charlotte Myddelton Biddulph*, the Honourable *Frederick West*, Sir *Watkin Williams Wynn* Baronet, *Robert Myddelton Biddulph* Esquire, *William Ormsby Gore* Esquire, *Richard Jones* Esquire, and several other Persons, are Owners and Proprietors of all the Messuages, Lands, and Hereditaments within the said Honour or Lordship, and are entitled to Rights of Common in, upon, and over the said Commons and Waste Lands in respect thereof: And whereas

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an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas another Act was passed the First and Second Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England*: And whereas the said Commons and Waste Lands are in their present State incapable of any considerable Improvement, and it would be of great Advantage to the several Persons interested therein respectively if the same were divided, and specific Parts or Shares thereof allotted to the several and respective Persons entitled thereto, and inclosed and held in Severalty in manner and subject to the Regulations and Directions herein-after contained; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Charles Mickleburgh* of the Town of *Montgomery* in the County of *Montgomery*, Gentleman, and his Successors, to be appointed as herein-after mentioned, shall be and he is hereby appointed Commissioner for dividing, allotting, and inclosing and otherwise improving the said Commons and Waste Lands, and for carrying this Act into execution, in the Manner and subject to the Rules, Orders, and Regulations herein contained, and also subject to the Powers and Provisions of the said recited Acts, except where the same are hereby varied or altered.

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II. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in signing and giving Notice of the First Meeting of the Commissioner) until he shall have made and subscribed the Declaration following before One of Her Majesty's Justices of the Peace for the County of *Denbigh*, which Declaration the said Justice is hereby empowered and required to receive or administer; that is to say,

Declaration. ' I *A.B.* do solemnly and sincerely declare, That I will faithfully,
' impartially, and honestly, according to the best of my Skill and
' Ability, execute and perform the several Trusts, Powers, and
' Authorities vested and reposed in me as a Commissioner by
' virtue of an Act passed in the Year of the Reign of
' Queen *Victoria*, intituled [*here set forth the Title of this Act*],
' according to Equity and good Conscience, and without Favour or
' Affection, Prejudice or Partiality, to any Person or Persons whom-
' soever.'

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said recited Act of the Forty-first Year of the Reign of King *George* the Third to be taken and subscribed by Persons acting as Commissioners in execution of any Act for dividing, allotting, or inclosing any Lands or Grounds;
and

and such Declaration, when duly made and subscribed, shall be to all Intents and Purposes as valid and effectual as the Oath or Affirmation in lieu whereof it shall have been so made and subscribed.

III. And be it further enacted, That if any Person not having so qualified himself according to the Provisions of this Act as a Commissioner shall presume to act in such Capacity, any such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same, to be recovered by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Penalty on Commissioner acting not being qualified.

IV. And be it further enacted, That if the said *Charles Mickleburgh* shall not hold his First Sitting for the Purpose of this Act, and make and subscribe the Declaration herein-before appointed to be made and subscribed, within Two Calendar Months after the passing of this Act, or if the said *Charles Mickleburgh* shall before the Execution of all the Powers and Authorities hereby vested in him die, refuse or neglect to act as such Commissioner for the Space of Three Calendar Months, or shall become incapable of acting, then and in such Case, in order to appoint a Second Commissioner as his Successor, the Lady or Lord of the said Honour or Lordship for the Time being shall within One Calendar Month next thereafter, or within One Calendar Month after Notice thereof in Writing shall have been given to her or him by any Person interested in the said Inclosure, name Three practising Land Valuers, (not interested in the said Inclosure, and not the Agents of any Person so interested,) each of whom shall then have been an acting Commissioner in some former Inclosure of Common or Waste Lands, and thereupon a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Inclosure (exclusively of the Lady or Lord for the Time being) shall be called by any Two or more of such Persons, and be held within One Calendar Month next after Notice in Writing of such Nomination shall have been given to the Clerk for the Time being of the said Commissioner, or if no such Clerk then to the Surveyor for the Time being, of which Meeting at least Ten Days Notice shall be given by Two or more of the Persons interested in the said Inclosure, upon some *Sunday* before Divine Service, by Writing to be affixed on one of the outer Doors of the Parish Churches of *Llangollen* and *Llansaintfraid Glyn Ceiriog*, and also by Advertisement to be inserted in some One or more Newspaper or Newspapers usually circulated in the said County of *Denbigh*, and the Persons then and there assembled, or the major Part of them in Value (such Value to be ascertained by the then last Poor Rate), or their respective Agents duly authorized by Writing under the Hand of such respective Persons, shall and may elect One of the said Three Persons so nominated by the Lady or Lord for the Time being as aforesaid to succeed the said Commissioner; and in case the said Commissioner so to be lastly elected shall refuse to act, or shall die before having made and subscribed the Declaration herein-before mentioned, then the Lady or Lord for the Time being shall again name Three such Land Valuers as last aforesaid, not interested as aforesaid, of whom the said other Parties shall again choose One in manner

Appointment of new Commissioner on Vacancies.

manner aforesaid, and so until the said Declaration shall be made by a Commissioner so elected as last aforesaid; and if the said Second Commissioner shall, after having made the said Declaration, but before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse or neglect to act for the Space of Three Calendar Months, or shall become incapable of acting, then and in such Event, in order to appoint a Third Commissioner, a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Commons and Waste Lands hereby authorized to be inclosed, divided, and allotted (exclusively of the Lady or Lord for the Time being) shall be called by any Two or more such Persons, and be held within One Calendar Month next after such Vacancy shall occur (of which Meeting at least Ten Days previous Notice shall be given in the Manner herein-before directed), and the Persons then and there assembled, or the major Part of them in Value (to be ascertained as aforesaid), or their respective Agents duly authorized as aforesaid, shall nominate Three such Land Valuers as last aforesaid, not interested as aforesaid, of whom the Lady or Lord for the Time being shall, within Fourteen Days after receiving such Notice in Writing of such Nomination as aforesaid, choose One to be the Third Commissioner, and shall signify such her or his Choice in Writing to the Clerk of the Commissioner for the Time being, or if there shall not be any such Clerk then to the Surveyor for the Time being; and in case the said Commissioner so to be lastly elected as aforesaid shall refuse to act, or shall die before having made and subscribed the Declaration herein-before mentioned, then another such public Meeting as last aforesaid shall be called and held in manner aforesaid, at which Meeting Three such Land Valuers as aforesaid, not interested as aforesaid, shall again be nominated as last aforesaid, of whom the Lady or Lord for the Time being shall again choose One in manner aforesaid, and so as often as the Case shall require, until the said Declaration shall have been made and subscribed as last aforesaid; and all subsequent Appointments of Commissioners shall be made alternately in the Manner in which the Second and Third Commissioners are hereby directed to be appointed; and every Person so appointed shall have the same Powers and Authorities in all respects for carrying this Act and the said recited Acts into execution, and shall be subject to the same Regulations and Restrictions, as if he had been originally named a Commissioner in this Act; and every such Appointment shall be enrolled and deposited with the Award of the said Commissioner in manner herein-after directed with respect to such Award.

What to be
deemed a
Refusal by
Commissioner
to act.

V. And be it further enacted, That if the said Commissioner shall neglect to attend at One of the first Two Meetings appointed to be held for putting this Act into execution, and to qualify himself by making and subscribing the Declaration in that Behalf prescribed, or if the said Commissioner shall at any Time after having qualified himself as aforesaid absent himself from any Two successive Meetings appointed to be held as aforesaid, he having first known of such Meetings by his Presence at the Appointment thereof, or having Notice thereof in Writing given him, or left at his usual Place of Abode, under the Hand of the Clerk of the said Commissioner, and
such

such Commissioner not being prevented by Sickness or other reasonable Cause; or if any Commissioner to be nominated and appointed as aforesaid shall not attend and qualify himself at one of the first Two Meetings after his becoming a Commissioner, or shall after having qualified himself as aforesaid wilfully absent himself from any Two successive Meetings, (having first known thereof, or after such Notice and without such Cause as last aforesaid,) every such Absence or Non-attendance shall be deemed and taken to be a Refusal to act.

VI. And be it further enacted, That the Commissioner shall have Power and he is hereby authorized to appoint some fit and proper Person to be a Clerk to assist him in carrying this Act and the said recited Acts into execution, and from Time to Time to remove such Clerk, and appoint another in his Stead, as to such Commissioner shall seem meet; and such Clerk so to be appointed shall be paid or allowed out of the Money to be raised for putting this Act into execution such Sum or Sums of Money as herein-after mentioned for his Time, Trouble, and Expences in the Assistance to be given by him as aforesaid.

Commissioner to appoint a Clerk.

VII. And be it further enacted, That *Richard Yates* of *Whittington* in the County of *Salop*, Gentleman, or his Successor to be appointed as herein-after mentioned, shall be the Surveyor for the Purposes of this Act; and in case the said *Richard Yates*, or any Person to be appointed in his Stead, shall, before the finishing of the said Division, Allotment, and Inclosure, die, or neglect, refuse, or become incapable to act as such Surveyor as aforesaid, it shall be lawful for the said Commissioner to appoint some fit and proper Person, not interested in the said Division, Allotment, and Inclosure, to be the Surveyor for the Purposes of this Act, and on every future Vacancy in like Manner to appoint some other fit and proper Person, not interested in the said Division, Allotment, and Inclosure, as often as there shall be Occasion; and the said Commissioner is hereby authorized, out of the Money to be raised for the Purposes of this Act, to allow the Surveyor for the Time being acting under this Act for his Time and Trouble any Sum not exceeding Seven-pence *per Acre* for surveying, measuring, mapping, and planning the said Commons and Waste Lands, and Nine-pence *per Acre* for surveying, measuring, mapping, and planning any of the said ancient inclosed Lands that may be absolutely necessary, exclusive of and in addition to the ordinary Charges for copying the said Maps and Plans to annex to the Award or Awards of the said Commissioner herein-after mentioned, and also any Sum not exceeding One Pound Eleven Shillings and Sixpence for each and every Day he shall be actually and wholly employed in the Business of the said dividing, allotting, and inclosing, exclusive of the Survey aforesaid, which said several Allowances shall be in full Satisfaction for his Time and Trouble, and for all travelling and other Expences of every Description to be incurred by such Surveyor in or about the Execution of this Act.

Appointment of a Surveyor.

VIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Surveyor in the Execution of this Act until he shall have made and subscribed a Declaration in the Form and to the Effect following; (that is to say,)

Surveyor to make a Declaration.

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Form of Declaration.

‘ I do solemnly and sincerely declare, That I will
 ‘ faithfully, impartially, and honestly, according to the best of my
 ‘ Skill and Ability, execute and perform the several Duties incumbent
 ‘ on me as a Surveyor by virtue of an Act passed in the
 ‘ Year of the Reign of Queen *Victoria*, intituled [*here set forth the*
 ‘ *Title of this Act*], according to Equity and good Conscience, and
 ‘ without Partiality, Favour, or Affection, Prejudice or Malice, to
 ‘ any Person or Persons whomsoever.’

Which Declaration the Commissioner for the Time being, or any Justice of the Peace for the said County of *Denbigh*, is hereby empowered and required to administer or receive; and such Declaration so made and subscribed by any such Surveyor shall be annexed to and deposited with the Award or Awards of the said Commissioner, and an Office Copy thereof shall be admitted as legal Evidence.

Penalty on Persons making a false Declaration.

IX. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act, and who shall wilfully and corruptly make and subscribe such Declaration, shall be subject to the like Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or may be subject or liable.

Existing Surveys may be used.

X. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner to adopt and make use of any Survey, Admeasurement, or Plan already made of the Commons and Waste Lands hereby authorized to be divided, allotted, and inclosed, or of the Inclosures heretofore made within the said Honour or Lordship, or of any Part thereof respectively, without causing a new Survey, Admeasurement, or Plan to be made thereof: Provided also, that nothing in the said first-recited Act or in this Act contained shall extend to require the said Commissioner to make or cause to be made any Survey or Admeasurement of any of the Messuages, Cottages, Gardens, and Inclosures in the said Honour or Lordship, but the said Commissioner shall, for the Purposes of the said Division, Allotment, and Inclosure, use and adopt the Plans and Surveys already or which may hereafter be made and used in effecting the Commutation of Tithes in the said several Parishes of *Llangollen* and *Llansaint-fraid Glyn Ceiriog*, or any other Plans or Surveys he may deem sufficient.

Allowance to the Commissioner and Clerk.

XI. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioner, and the Clerk to be appointed by him as herein-before directed, shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Three Years next after the passing of this Act, the Sum of Three Pounds and Three Shillings each, and no more, and after the Expiration of the said Three Years, until the Powers granted by this Act shall be fully executed and performed, the Sum of Two Pounds and Two Shillings, and no more, for each and every Day they shall be respectively employed as aforesaid, in full Satisfaction for their Time and Trouble, and for their

their several Journeys and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Rooms in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, copying, engrossing, and enrolling the Award or Awards of the said Commissioner, and Copies thereof, and of preparing and copying the Notices and Advertisements and the Proceedings of the said Commissioner, or any Matter or Thing relating thereto: Provided always, that it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk, out of the Monies to be received by him or over which he may have any Control in the Execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively beyond Two Thirds of such Allowance as they shall be entitled to as aforesaid (except the Expences of preparing, soliciting, and passing this Act), until after the Expiration of Six Calendar Months from the Date of the final Award to be made in pursuance of this Act, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or of the said Clerk previous to the Execution of the said Award, the Commissioner for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner or of such deceased Clerk such Sum of Money as shall appear by the said Accounts to be due thereon.

XII. And for regulating the Duration of all Meetings to be holden for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged only as Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk in which shall be entered the several Days on which the said Commissioner shall hold the Meetings, and at what Hour the said Commissioner was first present thereat, and at what Hour he left or adjourned the same; and such Book shall be signed by the said Commissioner at the Termination of each Meeting, and shall be open to the Inspection of all Persons interested in the said Inclosure, their Agents or Attornies, during the several Meetings to be held in pursuance of this Act, and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same.

For regulat-
ing the
Duration of
Meetings of
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sioner.

XIII. And be it further enacted, That the said Commissioner shall and he is hereby required to give or cause to be given public Notice in Writing, to be affixed upon one of the outer Doors of each of the Parish Churches of *Llangollen* and *Llansaintfraid Glyn Ceiriog* on some *Sunday* before Divine Service, of the Time and Place of his First
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Notice and
Adjournment
of Meetings.

and every other Attendance or Meeting for the Execution of this Act or of the Powers contained in the said recited Acts, at least Ten Days before any such Attendance or Meeting (Meetings by Adjournments only excepted); and the said Commissioner shall and may adjourn his Attendance or Meetings, or in case of his Absence the Clerk to the said Commissioner shall and may adjourn any such Attendance or Meeting, from Time to Time as there may be Occasion for the further Execution of this Act.

Other Notices
how to be
given.

XIV. Provided always, and be it further enacted; That all other Notices necessary or requisite to be given by the said Commissioner shall be so given by Advertisement in some Newspaper usually circulated in the said County of *Denbigh*; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices relate, any thing in the said first-recited Act contained to the contrary notwithstanding.

Meetings of
Commis-
sioner where
to be held.

XV. And be it further enacted, That all Meetings of the said Commissioner for the Execution of the said recited Acts and this Act shall be held within the said Honour or Lordship, or within Eight Miles thereof.

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

XVI. Provided also, and be it further enacted, That all Proprietors and Persons interested in the said Inclosure, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend at any of the Meetings to be held in pursuance of this Act.

Proceedings
to be entered
in a Book,
and may be
read in
Evidence.

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

Objections
to Claims,
&c. how to
be made.

XVIII. And be it further enacted, That if any of the Parties interested in the Premises shall have any Objection to any of the Accounts or Claims which shall be delivered to the said Commissioner by virtue of the said recited Acts or this Act, such Objection shall, within such Time as the said Commissioner shall appoint by Notice to be inserted in any such Newspaper as aforesaid, be reduced into Writing, and Two Parts thereof shall be signed by the Party or Parties making the same, or by some Agent or Person on his Behalf, and one Part thereof shall be delivered to the said Commissioner, or left at the Office of his Clerk, and the other Part thereof shall be delivered to the Party or Parties whose Claim or Account shall be objected to, or to his or their Agent, or left at his or their last or usual Place of Abode, at such Time as the said Commissioner shall appoint for that Purpose, and no Objection to any of the said Accounts or Claims shall be afterwards received by the said Commissioner unless for some special Cause to be allowed by him.

XIX. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required, as soon as conveniently may be after the passing of this Act, by such Evidence, Ways, and Means as he shall deem expedient, to ascertain and determine the respective Rights of Common of the several Persons having or claiming to have any Right or Interest in, to, upon, or over the said Commons and Waste Lands, or any Part or Parts thereof; and if any Difference or Dispute shall arise between any of the said Parties interested or claiming to be interested in the said Commons and Waste Lands, or any Part or Parts thereof, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any Allotment, Compensation, or Provision to be made in lieu or in respect thereof, or touching or concerning any other Matter or Thing relating to the said Commons and Waste Lands, or the Inclosure, Division, or Allotment thereof, it shall be lawful for the said Commissioner, and he is hereby authorized and required to examine into, hear, and determine every such Difference or Dispute by the Evidence of Witnesses on Oath or Affirmation (which Oath or Affirmation the said Commissioner is hereby authorized to administer), or by other proper and sufficient Evidence; and the Determination of the said Commissioner touching every or any such Right, Interest, Claim, Difference, or Dispute as aforesaid shall be final and conclusive upon the several Parties interested or claiming to be interested in the Matter in question, and upon all other Persons, Bodies, and Parties whomsoever, but subject nevertheless to the Power hereinafter given to the said Parties respectively to have such Matter in question tried and determined by an Action at Law as is herein-after mentioned.

Commissioner to settle Disputes.

XX. And be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any such Parties (except in the Case of Encroachments as herein-after mentioned), but in case the said Commissioner shall be of opinion against the Right of the Party so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Party, or recovered from such Party by Ejectment or other due Course of Law.

Commissioner not to determine Titles.

XXI. And be it further enacted, That in case the said Commissioner shall, upon the hearing or determining of any Claim or Objection to be delivered to him in pursuance of the said recited Acts or this Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs as he shall think reasonable to be paid to the Party in whose Favour any Determination of the said Commissioner shall be made by the Person or Corporation whose Claim or Objection shall be thereby disallowed or overruled, or against whom the said Commissioner shall have determined as aforesaid; and in case the Person or Corporation who shall be liable to pay such Costs shall neglect or refuse to pay the

Power to award Costs.

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same upon Demand, it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause such Costs to be levied by Distress and Sale of the Goods and Chattels of the Person or Corporation so neglecting or refusing to pay the same, rendering the Overplus (if any), upon Demand, to the Person or Corporation whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and if there shall not be any Goods or Chattels whereon to levy the same, or in case the Party ordered to pay such Costs be a Corporation, then and in either of the said Cases it shall be lawful for the Party in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Actions it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

For compelling the Attendance of Witnesses.

XXII. And be it further enacted, That if any Person, having been summoned according to the Directions of the first-recited Act to testify the Truth upon Oath touching any Matter in difference between any of the Parties interested in the Premises, or otherwise relating to the Execution of the Powers given by the said recited Acts and this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioner, to defray the Charges of his Attendance, shall not appear before the said Commissioner pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn or to be examined and give Evidence touching the Premises, the said Commissioner, upon Proof thereof made before him upon Oath (which Oath the said Commissioner is hereby empowered to administer), shall and he is hereby authorized, by Warrant under his Hand and Seal directed to any Person whomsoever, to cause any Sum of Money not exceeding Ten Pounds to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear and be sworn and give Evidence, rendering the Overplus (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale, and the Money to be levied as aforesaid shall be applied towards defraying the Costs and Expences of obtaining this Act and carrying the said recited Acts and this Act into execution.

Allowing Parties to try their Rights at Law.

XXIII. Provided always, and be it further enacted, That in case any Person or Corporation interested or claiming to be interested in the said intended Division and Allotment shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Objection which shall be delivered to the said Commissioner in pursuance of the said recited Acts or this Act, or touching or concerning any Property, Right, or Interest intended to be affected by such Determination, except where the Determination of the said Commissioner is hereby declared to be final, it shall be lawful for the Person or Corporation so dissatisfied to cause an Action to be brought in One of Her Majesty's Courts of Record at *Westminster*, upon a feigned Issue,

Issue, against the Person or Corporation in whose Favour any such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Party against whom such Determination shall have been so made, or his known Agent or Attorney, and thereupon the Person or Corporation so dissatisfied shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the then next Assizes to be held for the County of *Denbigh* after such Action shall have been commenced, unless such Assizes shall happen within Three Calendar Months next after such Action shall have been so commenced, and in that Case at the second Assizes to be held for the said County next after such Action shall have been commenced; and the Defendant in such Action shall and he is hereby required to name an Attorney, who shall appear thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim, and the Property, Right or Interest, thereby insisted upon, may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which the said Action shall be commenced, in case the Parties shall differ about the same; and the Verdict which shall be given upon the Trial of such Action shall be binding, final, and conclusive, unless some One of Her Majesty's Courts of Record at *Westminster* shall set aside such Verdict, and order a new Trial to be had therein, which it shall be lawful for the said Courts to do; and after such Verdict shall be obtained, and not set aside, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow and disallow the Claim thereby determined according to the Event of such Trial: Provided always, that if no such Notice shall be given, or if any such Notice shall be given and such Action at Law shall not be commenced as aforesaid, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever.

XXIV. And be it further enacted, That if any of the Parties Plaintiffs or Defendants in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not be defeated or abate by reason thereof, but may be proceeded in as if no such Event had taken place; and if any Party in whose Favour any such Determination as aforesaid shall have been made, and against whom such Action might have been brought if living, shall die before such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Party who might have brought such Action to bring the same, within the Time so limited as aforesaid, against such Party as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action in the same Manner as the Party might have been served therewith if living; and it shall thereupon be incumbent upon such Clerk to serve with such Process the Heir or Devisee or personal Representative of the Person so dead, or other the Person who shall claim the Benefit of such Determination as aforesaid, and on such Process being served such

Actions not to abate by the Death of any of the Parties.

such Heir of the Party so dead, or other the Party who shall claim the Benefit of such Determination, shall appear and defend such Action in the Name of the Party so dead, and Proceedings shall be had therein in the same Manner as if such Party had been living, and the Rights of all Parties to the said Action shall be equally concluded by the Event of such Action.

Suits not to delay the Execution of the Act.

XXV. Provided always, and be it further enacted, That no such Difference, Suit, or Proceeding as aforesaid, nor any Difference, Suit, or Proceeding respecting the Title to any Lands, Tenements, or Hereditaments, shall impede or delay the Proceedings of the said Commissioner in the Execution of this Act, but the Division, Allotment, and Inclosure by this Act directed or intended to be made shall be proceeded in, notwithstanding any such Difference, Suit, or Proceeding, and the Allotment to which any such Difference, Suit, or Proceeding respectively shall relate shall be taken by the Person or Corporation who, by the Determination of such Difference, Suit, or Proceeding respectively, shall become entitled to the same.

Deaths of Parties not to delay the Execution of the Act.

XXVI. And be it further enacted, That if any of the Parties interested in the said Division and Allotment shall die before the same shall be completed, the Powers and Authorities hereby given to the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Powers given to him by this Act and the said recited Acts in such Manner as he might have done in case such Party were still living, and the Share of the Person so dying shall be allotted to the Person who shall by Law become entitled to the same, and shall be accepted and taken by him according to the Directions of this Act and the said recited Acts, and he shall be liable to the Charges and Expences and the several Provisions of this Act and the said recited Acts.

Power to straighten Boundary Fences.

XXVII. And be it further enacted, That for the Purpose of shortening or rendering straight the Boundary Fences between the Lands and Grounds by this Act directed to be divided and allotted and the old inclosed Lands in the several Parishes aforesaid, or between such Allotments and inclosed Lands, or any of them, and the Lands and Grounds in any adjoining Manor or Place, it shall be lawful for the said Commissioner (with the Consent of the Lords or Ladies of the Manors in which the Lands are respectively situate, and the Owners of the Lands adjoining such Boundary Fences, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate,) to alter and straighten or shorten the same Boundary Fences or any of them, or any Part or Parts thereof, and to set out, ascertain, and determine such Boundaries as the said Commissioner shall think proper for the Purposes aforesaid; and after such Boundaries shall have been so set out, ascertained, and determined the same shall be made, fenced, ditched, or mounded by such Persons, in such Manner, and at such Times as the said Commissioner shall order or direct, and such Boundaries shall for ever thereafter be deemed and taken to be the Boundaries between the said Allotments and inclosed Lands respectively, or, as the Case may be, between the said several Parishes and any adjoining

adjoining Manor or Place, any Law, Usage, or Custom to the contrary notwithstanding.

XXVIII. And be it further enacted, That it shall be lawful for the said Commissioner to scour out, widen, deepen, and enlarge or alter the Course of and improve any of the ancient Drains, Watercourses, Banks, and Bridges within the said several Parishes, or any adjoining Parish, and also to set out and make new Drains, Watercourses, Embankments, and Bridges, of such Size, Extent, and Form and in such Situations as the said Commissioner shall deem necessary, in, through, over, and upon the said Commons and Waste Lands, the Expence of executing such Drainage and other Works as aforesaid to be charged upon and defrayed by the Proprietors of the Lands benefited thereby in such Proportions as the said Commissioner shall direct; and the said Commissioner is hereby required, in and by his Award, to order and direct by whom, at whose Expence, at what Time, and in what Manner such Drains and other Works aforesaid shall be thereafter cleansed, repaired, and maintained: Provided that where any such new Drain, Watercourse, Embankment, or Bridge shall be set out or made in, through, over, and upon any Inclosure the said Commissioner shall make full Compensation to the Proprietor thereof for the Value of the Land to be taken for any of the Purposes aforesaid, and also for the Damage done thereby, either by an increased Allotment of Land, or by and out of the Money to be raised under the Authority of this Act for Payment of the Expences thereof.

Commis-
sioner em-
powered to
improve
Drains.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioner, where he shall see it necessary, to widen any of the Highways within the said Parishes respectively, and for that Purpose to take a sufficient Quantity of the inclosed Lands adjoining to such Highways, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land so to be taken for the widening of such Highways by a Payment in Money, or by allotting and awarding unto the Person from whom any such ancient inclosed Land shall be so taken an adequate Part of the said Commons and Waste Lands, at the Option of the Person whose Land shall be so taken, and also to make good and substantial Fences on each Side of all such widened Highways, for and in lieu of the Fences which shall be injured or destroyed by means of such widening.

Power to
widen Roads,
making Com-
pensation to
the Owners.

XXX. And be it further enacted, That in setting out and appointing the several public Carriage Roads, Highways, Bridle Roads, and Footways in pursuance of this Act or the said first-recited Act the said Commissioner shall and he is hereby authorized and empowered, if he shall think it necessary or proper, to discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways passing or leading through or over any of the Lands or Grounds intended to be divided or allotted by virtue of this Act, or passing or leading through or over any of the Lands or Grounds within the said several Parishes of *Llangollen* and *Llansaint-fraid Glyn Ceiriog* respectively; or either of them; and the Soil of the said Roads and Ways so to be discontinued and stopped up, and which

Power to
stop up or
divert Roads.

[Private.]

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may

may pass or lead through allottable Lands, shall be deemed and taken to be a Part of the Lands to be divided and allotted by virtue of this Act: Provided always, that nothing herein contained shall authorize the diverting or altering of any Highway through or over any of the said old Inclosures without the Order of Two Justices of the Peace acting for the said County of *Denbigh*, or of any Turnpike Road leading through the said Parishes respectively, unless the Consent of the Majority of the Trustees of such Turnpike Road assembled at a public Meeting called for that Purposes on Ten Days Notice be first had and obtained.

Proceedings previously to stopping up or diverting Highways.

XXXI. Provided always, and be it further enacted, That before any Highway shall be discontinued, stopped up, diverted, or altered by the said Commissioner the said Commissioner shall cause to be affixed at each End of the said Highway so proposed to be discontinued, stopped up, diverted, or altered a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered (as the Case may be) by the said Commissioner, and the said Commissioner shall also cause the same Notice to be inserted in some One or more Newspaper or Newspapers published or generally circulated in the said County of *Denbigh* for Four successive Weeks, and shall also cause a like Notice to be affixed on the principal outer Doors of the Churches of the said several Parishes of *Llangollen* and *Llansaintfraid Glyn Ceiriog* on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so affixed and published as aforesaid the said Highway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered (as the Case may be), subject however to such Appeal to the Court of General Quarter Sessions for the County of *Denbigh* as is herein-after mentioned.

Persons thinking themselves aggrieved respecting the stopping up of such Highways may appeal to the Quarter Sessions.

XXXII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Highway should be discontinued, stopped up, diverted, or altered, to make his Complaint thereof by Appeal to the Justices at any General or Quarter Sessions of the Peace to be holden for the said County of *Denbigh* within Four Calendar Months next after the Date of such Notice, giving to the said Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to go into or give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Jury at Sessions to determine whether the Highway shall be stopped up, &c.

XXXIII. And be it further enacted, That in case of such Appeal the Justices at the said Quarter Sessions shall, for the Purpose of determining whether the Highway so discontinued, stopped up, diverted, or altered, or intended to be discontinued, stopped up, diverted, or altered, shall remain, or shall be discontinued, stopped up, diverted, or altered, (as the Case may be,) or whether the said Party appealing would be injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them

them the said Jury shall return a Verdict that the public Highway so discontinued, stopped up, diverted, or altered, or intended so to be, is wholly unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved, then the said Court of Quarter Sessions shall dismiss such Appeal, and in that Case the said Court of Quarter Sessions shall award the Costs and Expences of resisting the said Appeal to be paid by the Party appealing to the Commissioner, and the same shall be recoverable from the said Party in such and the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that the Highway so discontinued or stopped up or intended so to be is not unnecessary, or that the Highway so diverted or altered or intended so to be could not beneficially to the Public be so diverted or altered, or that the Party appealing would be injured or aggrieved by the said Highway being discontinued, stopped up, diverted, or altered (as the Case may be), the said Court of Quarter Sessions shall allow such Appeal, and the said Highway shall not be discontinued, stopped up, diverted, or altered; or in case the same shall have been discontinued, stopped up, diverted, or altered the said Court shall make an Order for restoring the same to its original State, and in that Case the said Court of Quarter Sessions is hereby authorized and required to award to the Party appealing such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by him in such and the same Manner as he is hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

XXXIV. And be it further enacted, That the Charges and Expences attending the discontinuing, stopping up, diverting, altering, or widening of such Roads or Highways, and the making of such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Expences of discontinuing or widening Roads.

XXXV. And be it further enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the said County of *Denbigh*, at any Special Sessions, shall find, and shall under their Hands and Seals certify, any of the public Carriage Roads to be set out in pursuance of the said first-recited Act or of this Act, or any Part of such Roads, to be fully and sufficiently formed and completed, such Road or Roads, or so much thereof as shall in any such Certificate be described or specified, shall thenceforth be supported and kept in repair by such Persons and in such Manner as the public Roads within the said Townships are or ought by Law to be amended and kept in repair; and every such Certificate shall, at the General Quarter Sessions of the Peace to be held for the said County next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County.

Justices empowered to declare any of the Carriage Roads completed.

XXXVI. And be it further enacted, That it shall be lawful for the said Commissioner, and he is hereby authorized, at any Time before the Execution of the Award or Awards to be made by him in

For extinguishing Rights of Common.

in pursuance of the said recited Acts and this Act, by any Writing under his Hand to be affixed on the outer Doors of the several Churches of *Llangollen* and *Llansaintfraid Glyn Ceiriog* aforesaid on some *Sunday* before Divine Service, to order the Right of Common or Feeding in, over, and upon the said Commons and Waste Lands to be extinguished, either in the whole or in part, or be suspended for and during such Time and under such Regulations as shall be expressed in such Writing; and all such Rights as the said Commissioner shall by such Writing order and direct to be extinguished or the Exercise thereof to be suspended as aforesaid shall from the Time of affixing such Writing on the said Church Doors respectively, or any other Time to be appointed by the said Commissioner by such Writing, cease, determine, and be extinguished, or the Exercise thereof suspended, accordingly, any Law, Usage, or Custom to the contrary notwithstanding.

Timber on Allotments to be paid for to the Lady of the Lordship.

XXXVII. And be it further enacted, That all Timber and other Trees standing and growing upon the said Commons or Waste Lands shall be allotted along with the Lands whereon the same respectively stand, and shall be deemed the Property of the several Persons to whom such Allotments shall be made, he or they paying to the Lady of the said Lordship such Sum or Sums of Money for the same as the said Commissioner shall order, direct, and appoint; or in case the Party to whom any such Allotments shall be made shall neglect or refuse to pay for such Timber and other Trees at the Time to be appointed by the said Commissioner, that then the Lady of the said Lordship shall have Power and Authority to enter upon any such Allotments, and cut down, remove, and carry away such Timber and other Trees for her own Use and Benefit.

Gelli and Coed y Graig Woods to belong or be allotted to the Lady of the Lordship.

XXXVIII. And be it further enacted, That in case it shall be proved to the Satisfaction of the Commissioner that the several Woods called *Gelli* and *Coed y Graig* Woods, or either of them, have been fenced in and uninterruptedly enjoyed by the Lady of the said Lordship, or her Predecessors, to the Exclusion of the Freeholders, for the Space of Twenty Years and upwards previous to the passing of this Act, then the same shall be declared by the said Commissioner to be the Property of the Lady of the said Lordship; but in case no such Proof shall be rendered, or the Evidence shall be considered by the Commissioner insufficient for supporting the Claim of the Lady of the said Lordship to an absolute Freehold in the said Lands as against the Freeholders, then the same shall be deemed allottable, and be allotted to the said Lady of the said Lordship as a Part or Parts of the Allotments directed to be made to her under this Act.

Castell Dinas Bran Ruin to be allotted to Lady of the Lordship.

XXXIX. And be it further enacted, That the Ruin called *Castell Dinas Bran*, together with the Ground within the outer Moat or Ditch surrounding the same, and a proper and sufficient Road thereto, shall be allotted to the Lady of the said Lordship as a Part of the Allotment or Allotments directed to be made to her under this Act.

No Sheep or Lambs to be kept in any of the Allot-

XL. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act during the Space of Seven Years next after the Award or Awards of the

the said Commissioner shall be made, under a Penalty of any Sum not exceeding Ten Shillings for each Sheep or Lamb so kept, unless the Person so keeping the same shall first at his own Expence make and maintain a Fence sufficient to guard the young Quick Fences to be planted or set upon the Allotments adjoining thereto.

ments for
Seven Years
after Execu-
tion of
Award.

XLI. And be it further enacted, That all Encroachments and Inclosures which have been made upon or taken out of the said Commons and Waste Lands hereby directed to be divided, allotted; and inclosed, or any Part thereof, within Twenty Years last past before the passing of this Act, whether any Amerciament, Rent, or Acknowledgment hath or hath not been paid for or in respect of the same, to or for the Use of the Lady of the Soil, or any other Person whomsoever, shall be deemed and taken to be Part and Parcel of the said Commons and Waste Lands by this Act directed to be inclosed, divided, and allotted, and shall be allotted as such; and in case any Dispute or Question shall arise touching any such Encroachment or Inclosure, or the Extent or Duration thereof, such Dispute or Question shall be heard, settled, and determined by the said Commissioner: Provided nevertheless, that it shall be lawful for the several Persons who shall be in possession of such Encroachments and Inclosures, or in receipt of the Rents and Profits thereof, at the Time of the passing of this Act, to take down, take up, remove, and carry away all such Buildings, Fences, and other Erections as shall then be on such Encroachments and Inclosures respectively, and to convert the same and the Materials thereof to their own respective Uses, without any Interruption from the said Commissioner.

Encroach-
ments under
20 Years.

XLII. Provided always, and be it further enacted, That if any small Plots of Land shall have been inclosed from the Waste as Cottage Sites, or as Gardens to Cottages or other Houses, within Twenty Years next before the passing of this Act, then and in such Cases the said Commissioner shall allot and award such Encroachments or Inclosures, or such Part thereof as aforesaid, to the Person who shall at the Time of making the Award be in possession thereof or in the Receipt of the Rents thereof, provided such Person shall be willing to purchase the same; and in every such Case the said Commissioner shall ascertain and fix the Price thereof, and such Price shall be ascertained without regard to the Value of any Improvement which may have been made thereon, and be regulated by the Value of the Land only, and that at so much *per Acre* as the same shall in the Estimation of the said Commissioner be worth, having reference to the State of the Waste Lands next adjoining; and upon such Person paying such Price to the said Commissioner at such Time as he shall appoint for that Purpose, and taking a Receipt for the same, (which Receipt the said Commissioner is hereby required to sign and give,) every such Encroachment or Inclosure, or such Part thereof as shall be so purchased, shall be awarded to such Person, and shall be holden and enjoyed by him and his Heirs accordingly; and the said Commissioner shall and he is hereby required to apply such Purchase Money in or towards the Expences of obtaining and passing this Act and carrying the same into full Execution;

Other En-
croachments
may be
allotted.

[Private.]

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cution;

cution; and in case any surplus Money shall remain after Payment of such Expences, such surplus Money shall be divided, apportioned, and paid by the said Commissioner amongst and unto the several and respective Parties entitled to or interested in the said Lands and Grounds, according to their several and respective Rights and Interests therein, and the Shares of such of them as shall be seised in Fee Simple of their Estates in right whereof they shall be so entitled shall be paid to them respectively, and the Shares of any other of such Proprietors and Persons shall be paid into the Bank of *England*, and applied in manner herein-after directed; and in case any Dispute or Difference whatsoever shall arise touching any such Encroachments, or the Extent thereof, such Dispute or Difference shall be investigated and determined by the said Commissioner.

Expences of Inclosure to be defrayed by Sale of a sufficient Part of the Commons, &c.

XLIII. And be it further enacted, That for the Purpose of raising Money for the Payment of all the Costs, Charges, and Expences preparatory or incident to or attending the obtaining and passing of this Act, or which have been or shall be incurred in consequence thereof or with reference thereto, and the Costs and Charges of surveying, admeasuring, planning, valuing, inclosing, dividing, and allotting the said Commons and Waste Lands pursuant to the Directions of this Act, and of preparing and enrolling the Award or Awards of the said Commissioner and of the Copies thereof, and of forming, completing, repairing, stopping, diverting, or altering any Roads or Ways, and of making, enlarging, widening, scouring, cleansing, removing, altering, and rebuilding any Ponds, Pits, watering Places, Ditches, Watercourses, Tunnels, Sluices, Banks, or Bridges, and the Costs and Charges to be incurred by the said Commissioner relating to any Encroachment or Inclosure which before the passing of this Act shall have been made or taken upon or from the said Commons and Waste Lands, or any Part or Parts thereof, or in or relating to any Appeal, Action at Law, or other Proceeding by or against the said Commissioner or his Clerk, or any of his Officers or Servants, touching or concerning any Determination of the said Commissioner, or any thing done or omitted to be done by him or under his Direction, in the Execution of the Powers of the said recited Acts and this Act, or any of them, and the Costs and Charges of any Sale or Sales to be made by the said Commissioner under the Authority of this Act, and the Costs and Charges to be incurred for the Time, Trouble, Journeys, Attendances, and Expences of the said Commissioner and Surveyor, and of the Clerk, Assistants, Officers, and Servants to be employed by the said Commissioner in or about the Execution of the said recited Acts or this Act, and all other the Costs and Charges to be incurred by the said Commissioner in the Execution of the said recited Acts or this Act, it shall be lawful for the said Commissioner, and he is hereby required, from Time to Time as he shall find it necessary or expedient, to sell and dispose of, either by public Auction or private Contract, such and so many Parts and Parcels of the said Commons and Waste Lands as the said Commissioner shall deem necessary for the Purpose of raising Money sufficient for or towards defraying and discharging the several Costs, Charges, and Expences aforesaid, and every or any of them; and the Purchase Monies to arise by such Sale or Sales shall be paid

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into

into the Hands of the said Commissioner, and shall be by him applied in or towards defraying and discharging the said several Costs, Charges, and Expences, and every of them; and the several Receipts of the said Commissioner for such respective Purchase Monies shall be sufficient Discharges to the respective Purchasers for the same; and upon Receipt of the whole Purchase Money for any of the Premises which shall be so sold as aforesaid the said Commissioner shall and he is hereby authorized to grant and convey the said Premises, and the Fee Simple and Inheritance thereof in Possession, by One or more Deed or Deeds under his Hand and Seal, unto and to the Use of or in Trust for the Purchaser or Purchasers thereof respectively, and his, her, or their Heirs and Assigns, or unto, upon, and for such Uses, Trusts, and Purposes as such Purchaser or Purchasers respectively shall direct; and immediately upon and after the Execution of such Deed or Deeds by the said Commissioner the Premises therein described and thereby granted and conveyed, with their Appurtenances, shall become vested as Freehold of Inheritance in Possession in such Purchaser or Purchasers, and his, her, or their Heirs and Assigns, or in such other Person, and unto, upon, and for such Uses, Trusts, and Purposes as in and by such Deed or Deeds shall be mentioned, expressed, and declared; and every or any such Conveyance may be in the following Form or to the like Effect; that is to say,

‘ I the Commissioner acting in execution of Form of
Conveyance.
‘ an Act passed in the Second Year of the Reign of Queen *Victoria*,
‘ intituled [*here insert the Title of this Act*], by virtue of the Power
‘ and Authority to me given by the said Act, and in consideration
‘ of the Sum of paid into my Hands by
‘ which said Sum is the whole Purchase Money agreed to be paid
‘ by him to me for the Purchase of the Lands and Hereditaments
‘ herein-after described, being Part and Parcel of the Lands by
‘ the said Act authorized to be sold and disposed of by me, and
‘ which said Sum is to be by me applied and disposed of in the
‘ Manner directed by the said Act, and the Receipt of which said
‘ Sum I do hereby acknowledge, do by this Deed under my Hand
‘ and Seal, by the Direction of the said testified by
‘ his Execution of these Presents, grant and convey unto
‘ his Heirs and Assigns, all that [*here describe the Premises*], together
‘ with the Appurtenances to the said Premises belonging, and the
‘ Fee Simple and Inheritance thereof in Possession, to have and to
‘ hold the same unto the said his Heirs and Assigns,
‘ [*here state the Uses, Trusts, or Purposes of the Conveyance, as the*
‘ *Case may require*]. Dated the Day of
‘ in the Year of our Lord .’

And all such Purchase Monies as shall be from Time to Time raised or received by the said Commissioner by such Sales as aforesaid shall, after Payment of the Charges and Expences attending such Sales, be paid and applied by the said Commissioner for or towards defraying and discharging the several Costs, Charges, and Expences herein-before mentioned or referred to, and the respective Purchasers or other Persons paying the same shall not in any Manner be liable to

to see to the Application or be answerable for the Misapplication thereof.

Purchasers to be subject to Regulations to be made by the Commissioner.

XLIV. And be it further enacted, That the several Persons who shall become the Purchasers of the said Lands so authorized and directed to be sold and disposed of by the said Commissioner as aforesaid, and their respective Heirs and Assigns, shall be subject and liable to the making and keeping in repair of such and so many of the several Fences thereof as shall be directed by the said Commissioner, and also to the Observance and Performance of all such Orders, Regulations, and Directions as shall be made, laid down, directed, or appointed by the said Commissioner in and by his Award, or any other Writing under his Hand, in like Manner as if such Premises respectively had been allotted to such respective Purchasers for or in respect of any Right or Interest in, over, or upon the said Commons and Waste Lands, except only that such respective Purchasers shall not, after the Payment of his, her, or their Purchase Money, be liable to the Payment of any of the Charges or Expences of obtaining this Act, or of carrying the same or the said recited Acts into execution, other than the Charges of making and keeping in repair such Fences as aforesaid.

Application of surplus Money arising from Sale of Lands.

XLV. And be it further enacted, That in case any Surplus shall remain of the Money raised by the Sale of the Land as aforesaid, after all such Costs, Charges, and Expences as aforesaid shall have been fully paid and satisfied, such surplus Money shall be divided and apportioned between the several Proprietors of and Persons interested in the Commons and Waste Lands hereby authorized to be divided, allotted, and inclosed, in proportion to their respective Rights and Interests therein.

In case Monies raised for Expences by Sale shall be insufficient, the Remainder to be provided for by a Rate.

XLVI. And be it further enacted, That if the Monies to be produced by the Sale or Sales herein-before directed to be made shall not be sufficient to pay all the Costs, Charges, and Expences herein-before mentioned or referred to, and all other Costs, Charges, and Expences necessarily incurred in and about the carrying of this Act and the said recited Acts into execution, then the Deficiency shall be borne and defrayed by the several Owners and Proprietors of and Persons interested in the said Commons and Waste Lands hereby authorized to be allotted, divided, and inclosed, in such Shares and Proportions and at such Times and to such Persons as the said Commissioner shall by Writing under his Hand from Time to Time order and direct; and in case any Person shall refuse or neglect to pay his Proportion of such Costs, Charges, and Expences as aforesaid within the Time and to such Person as the said Commissioner shall appoint, then and in such Case the said Commissioner shall and may, by Warrant under his Hand and Seal directed to any Person whomsoever, cause the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid as aforesaid, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such
Goods

Goods and Chattels, after deducting the Costs and Charges of taking and making such Distress and Sale; or it shall and may be lawful to and for the said Commissioner, or any Person authorized by him, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person, and demise the same, and receive and take the Rents, Issues, and Profits thereof, until thereby or therewith, or otherwise, such Share or Proportion, Shares or Proportions, with lawful Interest for the same, to be computed from the Time such Sum of Money shall be ordered to be paid, and also all the Costs, Charges, and Expences occasioned by or attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

XLVII. Provided always, and be it further enacted, That if at any Time after the Allotments shall have been staked out it shall appear to the said Commissioner, either before or after the Execution of his Award, that the Money to arise by any Sale or Sales hereby directed to be made, and by any previous Rate or Rates, shall not be sufficient to defray the Costs, Charges, and Expences aforesaid, then the Deficiency shall be made up and raised from Time to Time by a Rate or Rates to be made and levied upon the several Persons interested in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, in such Shares and Proportions, within such Times, and to be paid to such Persons as the said Commissioner shall from Time to Time direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid shall neglect or refuse to pay his Share and Proportion of any such Rate or Rates within the Time or Times to be respectively appointed as aforesaid, or at any Time after, upon Demand, the same shall and may be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Any Deficiency may be made good by further Rates.

XLVIII. Provided also, and be it further enacted, That if at the Time of the Execution of the said Award there shall remain due from any Person or Corporation any Sum of Money which shall have been adjudged, ordered, or directed to be paid by virtue of this Act, it shall be lawful for the said Commissioner and he is hereby authorized and required to levy and raise the same in like Manner as he might or could have done before the Execution of his said Award.

Monies may be recovered after the Execution of the Award.

XLIX. And be it further enacted, That it shall be lawful for the said Commissioner, from Time to Time as he in his Discretion shall think fit, to borrow of any Person willing to lend the same such Sums of Money as may be deemed necessary for paying the Expences of applying for and obtaining and executing this Act, and the Person who shall lend or advance any such Sums of Money shall be repaid the same out of the Monies which shall be raised or collected in pursuance of this Act, with Interest for the same from the Time of lending or advancing each such Sum respectively as aforesaid.

Commissioner may borrow Money at Interest.

L. And be it further enacted, That the said Commissioner shall, if he shall see fit, set out and allot unto the Surveyors for the Time being

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Allotment for Gravel Pits and Quarries.

being of the said several Parishes of *Llangollen* and *Llansaintfraid Glyn Ceiriog*, and their Successors for ever, such Parcels of the Lands hereby authorized to be divided, allotted, and inclosed as he shall think necessary and most convenient as Allotments for public Gravel Pits and Stone Quarries for the Purpose of furnishing Materials for making and repairing the several Roads and Ways by this Act authorized to be made, and of the several other Roads and Ways within the said several Parishes; and such Allotments shall be inclosed as the said Commissioner shall direct, and shall from and after the Execution of the Award or Awards of the said Commissioner be vested in the Surveyors of the Highways within the said several Parishes for the Time being in Trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as the said Commissioner shall by his Award order and direct, and if he shall make no such Order or Direction, then such Surveyors shall from Time to Time let the Herbage for the most Money that can be obtained for the same, and shall apply the Rents and Profits arising from the same towards the Repairs of the public Roads or Highways within the said several Parishes; and the said Surveyors shall account for such Rents and Profits in the same Manner as they are by Law accountable for other Monies that shall come to their Hands in the Capacity of Surveyors of the Highways, and shall be under and subject to the like Penalties for the Neglect thereof: Provided always, that it shall be lawful for the Proprietors of Lands and Estates in the said several Parishes of *Llangollen* and *Llansaintfraid Glyn Ceiriog*, and their Tenants, to dig and take away Gravel and Stone from and out of the said Plot or Plots of Land so to be set out for Gravel Pits and Stone Quarries as aforesaid, for their own necessary Uses in and about the Execution or Repairs of any Buildings, Ways, or Roads on such Lands and Estates, provided that no such Gravel or Stone be got for Sale.

Allotment
for supplying
Water.

LI. And be it further enacted, That the said Commissioner shall, if he shall think fit, set out and allot unto the Churchwardens and Overseers of the Poor of the said several Parishes of *Llangollen* and *Llansaintfraid Glyn Ceiriog* such Parcel or several Parcels of the said Commons and Waste Lands as he the said Commissioner shall think necessary and most convenient as an Allotment or Allotments for supplying the Inhabitants of the said Parishes respectively with Water through the digging of Pits or sinking of Wells therein; and that such Churchwardens and Overseers of the Poor shall hold the said Allotment or Allotments (if any) in Trust for the Use of the said Inhabitants and for such Purpose of supplying Water as is hereinbefore specified; and also, that in such of the said Parishes in which there is now a Turbary or Turbaries the said Commissioner shall and he is hereby required to set and allot the same, or such Part thereof as shall be sufficient, for the Use of the respective Persons who have Right to cut and harvest Turves thereon, to be by them used and enjoyed for ever in common.

Allotment to
be set out for
Recreation.

LII. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot to the Lady of the said Honour or Lordship so much and such Parts of the said Commons
and

and Waste Lands as in the Judgment of the said Commissioner shall be sufficient and convenient for a Place or Places of Exercise and Recreation for the Inhabitants of the several Towns adjoining to or in the Neighbourhood of such Commons or Waste Lands, and such Allotment or Allotments shall be holden by the Lady or Lord for the Time being of the said Honour or Lordship for the Purposes aforesaid.

LIII. And be it further enacted, That the said Commissioner, after he shall have appointed and set out the several Allotments aforesaid, shall and he is hereby authorized and required to set out and allot unto and for the Lady of the said Honour or Lordship so much and such Part and Parts of the Remainder of the said Commons and Waste Lands hereby directed to be allotted, divided, and inclosed as shall in the Judgment of the said Commissioner be equal together and in the whole to One Thirteenth Part in Value of the Residue of the said Commons and Waste Lands which shall remain after such Allotments shall have been set out as aforesaid, in lieu of and as a full Compensation and Satisfaction for her Rights and Interests as Lady of the said Honour or Lordship to and in the Soil of the said Commons and Waste Lands and every Part thereof, over and above and exclusive of all such further and other Shares or Allotments which she may be entitled to in respect of her Freehold Messuages, Lands, and Tenements having Right of Common in or upon the said Commons or Waste Lands or any Part thereof.

Allotment to
the Lady of
the Lordship

LIV. And be it further enacted, That the said Commissioner shall set out, allot, and award the Residue of the said Commons and Waste Lands hereby directed to be allotted, divided, and inclosed unto and amongst the several Persons who at the Time of such Allotment, Division, and Inclosure shall be interested therein, according to their several and respective proportionable Rights or Interests therein respectively; and in setting out the several Allotments to be made under and by virtue of this Act the said Commissioner shall and he is hereby required to have due Regard to Situation and Convenience as well as to the Quantity and Quality of the Lands to be allotted, so as that the Allotments of all Persons be laid as near together and as contiguous to their several Farms and Estates as conveniently may be, consistently with the general Convenience of the Parties interested in the said Division, Allotment, and Inclosure.

Allotment of
the Residue.

LV. And be it further enacted, That it shall be lawful for the said Commissioner, by and with the Consent in Writing and at the Request of the several Owners or Proprietors of any Messuages or Tenements and old inclosed Lands within the said several Parishes of *Llangollen* and *Llansaintfraid Glyn Ceiriog*, whether such Owners or Proprietors shall be Corporations or Tenants in Fee Simple, or for Life, or in Fee Tail, General or Special, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, by and with the Consent of the Lessors of any such Messuages or Tenements and old inclosed Lands or Grounds holden for Years determinable as aforesaid, and not otherwise, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies

Old Inclo-
sures may be
allotted with
Consent.

Attornies of or acting for any such Owners or Proprietors as aforesaid who shall be Infants, Femes Coverts, Lunatics, or under any other legal Disability, or who shall be beyond the Seas or otherwise disabled to act for themselves, (such Consent to be respectively testified in Writing under the Common Seal of such Corporations, and under the Hands of the other consenting Parties respectively,) to order and direct such Messuages or Tenements and old inclosed Lands to be considered as allottable Lands, and Part and Parcel of the Lands and Grounds hereby authorized to be divided, allotted, and inclosed; and such Allowance shall be made to the respective Owners or Proprietors of any Messuages or Tenements and old inclosed Lands and Grounds on account of the Situation and other beneficial Circumstances thereof as the said Commissioner shall adjudge to be just and reasonable; and the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the respective Owners and Proprietors of such Messuages or Tenements and old inclosed Lands and Grounds, in lieu thereof, so much and such Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed as he shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said first-recited Act mentioned.

Alterations may be made in the Allotments before the Award.

LVI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner, at any Time before executing his Award or Awards, to make any such Alteration in the Allotments or in the Fences which he may have set out and ordered, or in any of the Orders and Directions relating thereto which he may have made in pursuance of this Act or the said recited Acts, as he may think right and expedient; and in case any Person shall be injured by any such Alteration on account of any Expences he may have been at, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Monies to come to his Hands in the Execution of this Act, or shall order and direct by whom and in what Manner such Recompence shall be made, to be levied and recovered, in case of Nonpayment, in the same Manner as the Costs and Charges of obtaining and executing this Act might be levied and recovered by virtue of the said recited Act of the Forty-first Year of the Reign of His late Majesty King *George* the Third in case the same had been directed to be raised by a Rate upon the Proprietors.

Commissioner to appoint a Time for receiving Applications for Situations of Allotments.

LVII. And be it further enacted, That the said Commissioner shall and he is hereby required to give Fifteen Days Notice of a Meeting for receiving Applications from the Owners and Proprietors of the Commons and Waste Lands hereby directed to be divided, allotted, and inclosed touching the Situation in which they would respectively choose to have their Allotments set out and allotted, and a Priority shall in the first place be given to the Lady of the said Lordship, and the entire Allotment and Allotments hereby directed to be made to her as a Compensation for her Right to the Soil of the whole of the Commons and Waste Lands hereby directed to be divided, allotted, and inclosed shall, if she shall think fit so to direct, be

set out by the said Commissioner on and taken out of that Part of a certain Common called *Cefn Ucha* which abuts on the Parish of *Chirk*, and if the Lady of the said Lordship shall not claim or exercise such Priority or give such Direction as aforesaid, that then the Allotments to be made to her and to the said *Robert Myddelton Biddulph* in respect of their Freehold Messuages, Lands, and Tenements shall, if they shall think fit so to direct, be set out by the said Commissioner on and taken out of the said Common called *Cefn Ucha* so adjoining the Parish of *Chirk* as aforesaid: Provided, always, that if the Lady of the said Lordship, either alone or together with the said *Robert Myddelton Biddulph*, shall elect and determine to have her or their Allotments set out on that Part of the said Commons and Waste Lands called *Cefn Ucha*, then and in such Case the Allotments to which she or they may be entitled on other Parts of the said Commons or Waste Lands shall either be allotted by the said Commissioner to any other Person having Right of Common on *Cefn Ucha* in lieu of and in exchange for any Allotment to which such Person may be entitled in respect of such Right of Common, or, if such Person shall object or refuse to accept the same, be sold and disposed of by the said Commissioner in the Manner herein-before directed touching the Sale of Allotments; and out of the Money to arise from any such Sale or Sales the said Commissioner shall pay to such Person such Sum or Sums of Money as in his Judgment shall appear to be a full and just Recompence and Satisfaction for any Allotment on *Cefn Ucha* to which such Person may be entitled in respect of such Right of Common.

LVIII. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights and Interests of the said Proprietors in the Commons, Commonable Lands, Wastes, and Waste Lands to be divided, allotted, and inclosed by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall cause Notice to be given of a Meeting to be held at some convenient Time and Place when and where the Proprietors may be informed of such intended Allotments, and see the same set out and delineated upon a Map or Plan to be produced for their Inspection, and the said Commissioner shall adjourn such Meeting for the Space of Fifteen Days, to be held at the same Place, for the Purpose of enabling the said Proprietors to view their respective Allotments; and if any of the said Proprietors at such adjourned Meeting so to be held shall be dissatisfied with the proposed Allotments, the said Commissioner shall then, or at some other Time and Place to be appointed by him for that Purpose, receive Statements in Writing of the Complaints and Objections of any Proprietors against any such Allotments, and shall forthwith, or as soon after as conveniently may be, determine the same, and such Determination shall be binding and conclusive on all Parties interested in such Allotments.

Meetings for
objecting to
Allotments.

LIX. And be it further enacted, That the several Allotments to be made in pursuance of this Act shall be inclosed, ditched, and fenced, at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the said Com-

For fencing
Allotments.

[Private.]

missioner

missioner shall by his Award or any Writing under his Hand direct, and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the said Commissioner shall by his Award order and direct.

Power of
Exchange.

LX. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any of the Lands or Grounds by this Act authorized to be divided, allotted, and inclosed, or any Lands, Tenements, and Hereditaments within the said several Parishes of *Llangollen* and *Llansaintfraid Glyn Ceiriog* respectively, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the same Parishes respectively, 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 at the Request in Writing of the Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owners shall be Bodies Politic, Corporate, or Collegiate, or Tenants in Fee Simple or Fee Tail, General or Special, or for Life, or by the Curtesy of *England*, or for Years determinable on any Life or Lives, (by and with the Consent of the Lessors thereof, but not otherwise,) or possessed of any Estate of Inheritance less than an Estate in Fee Simple, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, Females Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas or otherwise disabled to act for themselves, 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 every Exchange 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 or Chapel or other Ecclesiastical Benefice without the Consent, testified as aforesaid, of the Patron thereof and of the Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be situate: Provided always, that all the Costs, Charges, and Expences attending the making of any Exchanges shall be paid, borne, and defrayed by the several Persons making such Exchanges in such Shares and Proportions and at such Time and to such Person or Persons as the said Commissioner shall by any Writing under his Hand direct or appoint, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

Tenures of
Allotments.

LXI. And be it further enacted, That the several Lands, Grounds, and Hereditaments to be allotted and awarded upon the said Division, Allotment, and Inclosure to the several Persons or Corporations interested therein shall, immediately after the same shall have been allotted and awarded, be holden by the said several Persons or Corporations respectively by and under the same Tenures (whether Freehold or Leasehold) and subject to the same Rents, Payments, Heriots,

Fines, Customs, and Services by, under, and subject to which the several Lands, Tenements, and Hereditaments in lieu or in respect of which the same Lands, Grounds, and Hereditaments shall be so allotted and awarded were respectively held immediately before the passing of this Act, and all such Allotments shall thereupon be so distinguished in the Award to be made by the said Commissioner.

LXII. And be it further enacted, That if any Person hath sold or shall at any Time before the Execution of the Award of the said Commissioner sell his Right, Interest, or Property in the said Commons and Waste Lands hereby directed 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 Commissioner, and he is hereby authorized and required, upon such Sale being made, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his Heirs or Assigns, for or in respect of such Right, Interest, and Property so sold as aforesaid, and every such Vendee or Purchaser, or his Heirs or Assigns, shall and may from and after the Execution of the said Award hold and enjoy the Land so to be allotted to him as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person who shall be entitled to any Allotment under or by virtue of this Act to devise, give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or any Part thereof, or all or any Part of his Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award, and every such Devise, Gift, Grant, Bargain, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment to sell, dispose of, and convey the Estate in right of which he may be entitled to any such Allotment separate and apart from and retaining to himself such Allotment, Common Right, and Interest, and the said Commissioner is hereby required to award such Allotment accordingly.

In Cases of Sales before the Execution of the Award, the Commissioner may make the Allotments to the Purchasers.

LXIII. And be it further enacted, That it shall be lawful for all Husbands, Guardians, Trustees, or Committees of any of the Owners or Proprietors of any of the Commons and Waste Lands to be by virtue of this Act divided, allotted, and inclosed, being under Cover-
 ture, Infants, Idiots, Lunatics, or Persons beyond the Seas, or otherwise incapacitated, Tenants in Tail or for Life only, or Feoffees for charitable or other Uses, or any of them (by and with the Consent of the said Commissioner testified in Writing under his Hand and Seal), from Time to Time to charge their Allotments with any Sum or Sums of Money which the said Commissioner shall in his Discretion judge necessary for the Purpose of inclosing, fencing, and dividing their respective Allotments, and for defraying the Expences of carrying this Act into execution, not exceeding Five Pounds for every Acre of such Allotment respectively, and for securing the Re-
 payment

Persons having limited Interests may raise Money by Mortgage for Expences.

payment of such Sum or Sums of Money, with Interest, to grant, mortgage, lease, or demise or otherwise subject the said Allotments or any Part thereof to such Persons as shall advance and lend the same respectively, their respective Executors, Administrators, and Assigns, for any Term or Number of Years, so as such Grant, Demise, Lease, or Mortgage be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or assigned, when such Sum or Sums thereby to be secured, with Interest thereon, shall be fully paid and satisfied, and so as in every such Grant, Demise, Lease, or Mortgage which shall be made by or on behalf of any Person interested in or entitled to any such mortgaged Premises for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the said Money to be secured during his Life in such Manner as that no Person afterwards becoming possessed of such Lands and Grounds shall be subject or liable to pay any further or larger Arrear of Interest than for Six Calendar Months preceding the Time when the Title of such Possession shall accrue or commence; and every such Grant, Mortgage, Lease, or Demise so to be made in pursuance of this Act shall be good, valid, and effectual in the Law for the Purpose thereby intended.

Mortgages
may be as-
signed.

LXIV. And be it further enacted, That any Person to whom any Grant, Lease, or Demise shall be made by virtue of this Act as a Security for any Sum of Money by him lent and advanced on the Credit of and for the Purposes mentioned in this Act, or who shall be entitled to the Money thereby secured, shall and may from Time to Time, by any Deed or Writing under his Hand or Seal, to be executed in the Presence of and attested by One or more credible Witness or Witnesses, assign and transfer the same, or the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his Estate, Right, Title, or Interest and Term of Years then to come and unexpired of, in, and to the same, unto any Person whomsoever, who may again in like Manner assign the same, and so *toties quoties*; and such Mortgagee or Assignee, his Executors or Administrators, and all Persons claiming under them or any of them, shall and may use, take, and pursue all such lawful Methods, Causes, and Expedients in Law or Equity for recovering or obtaining Possession of the Premises so to be mortgaged, demised, or assigned as aforesaid, in case of Nonpayment of the Principal Money and Interest to be thereby secured or any Part thereof respectively, as is or are taken, used, and pursued in Cases of the like Nature.

Deeds, Wills,
&c. not to be
affected.

LXV. Provided always, and be it further enacted, That nothing in this Act contained, or to be contained in the Award or Awards of the said Commissioner, shall extend to revoke, annul, make void, alter, vary, or in anywise affect any Grant, Assurance, Limitation of Use or Uses, Declaration of Trust, or any Deed or Will whatsoever, or to prejudice any Persons having any Claim of Dower, Jointure, Portion, Rent-charge, Annuity, Debt, Rent, Incumbrance, or other Claim or Demand, out of or upon or affecting any of the Commons or Waste Lands hereby directed to be divided and allotted, or any of the Messuages, Lands, or Hereditaments which shall be exchanged
or

or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Hereditaments which shall be assigned in partition or in compensation for any other Estate or Right by virtue of this Act or the said recited Acts, or either of them, shall immediately after such Allotment, Exchange, Partition, or Assignment remain and enure, and the several Persons to whom the same shall be allotted, assigned, or given in exchange or on partition as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Estates, Intents, Trusts, and Purposes respectively, and subject and liable to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances in all respects, as the several Lands, Tenements, and Hereditaments in respect whereof such Allotments, Exchanges, Partitions, and Assignments shall have been made should or would have stood severally limited, settled, vested, or subject or liable to or been held by in case the same had not been allotted, exchanged, parted with, or assigned as aforesaid, and this Act had not been passed, subject nevertheless to all such Mortgages and Sales as shall be made by Authority hereof or of the said first-recited Act.

LXVI. And be it further enacted, That when the Proprietors of Lands or other Hereditaments which shall be inclosed, allotted, or exchanged by virtue of this Act shall hold their said respective Lands or other Hereditaments under different Titles or for different Estates, the said Commissioners shall, upon the Request of the said respective Proprietors in Writing under their Hands, ascertain and distinguish the Lands or other Hereditaments held for each of such Estates and under each of such Titles respectively, and shall accordingly in his Award set out and distinguish distinct and several Allotments for such respective Lands or other Hereditaments.

Separate Allotments to be made in respect of Lands held under separate Titles.

LXVII. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said first herein-before recited Act or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, or for or in respect of any Matter or Thing whatsoever, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, or Feme Covert or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses, it shall and may be lawful to and for the said Commissioner out of such Sums to defray such Proportion of the Expence of passing this Act and of carrying the same and the said recited Act into execution as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee, in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged or on which

Application of Monies paid for Purchases or Exchanges if amounting to 200*l*.

[*Private.*]

p

such

1 G. 4. c. 35.

such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made, and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Person or Corporation, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer at *Westminster*, to be placed to his Account there *ex parte* "The Commissioner for executing this Act," pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward; and shall, when so paid in, remain there until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Corporation who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments belonging to such Person or Corporation, or settled therewith to the same Uses as the said Court of Exchequer shall authorize to be purchased or redeemed, or paid or discharged, or such Part or Parts thereof as shall be necessary, or in the Expence of any such permanent Improvement as aforesaid; or until the same shall, upon the like Application in a summary Way, be laid out by Order of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the afore-mentioned Lands, Tenements, or Hereditaments stood limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities, or Government or Real Securities, shall from Time to Time be paid, by Order of the said Court, to the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

LXVIII. Pro-

LXVIII. Provided always, and be it further enacted, That in case the Surplus of any Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Corporation for the Time being entitled to the Rents and Profits of the Lands, Tenements, and Hereditaments so purchased or exchanged, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the same Approbation, to Two Trustees, to be nominated by the Person or Corporation who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal, as the Case may be, of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money to be paid into the Bank in the Name of the Accountant General of the said Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

If less than 200*l.* and amounting to 20*l.*

LXIX. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Corporation who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his or their own Use and Benefit, or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person and Persons respectively entitled thereto.

If less than 20*l.*

LXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioner to make One or more Award or Awards in the Manner and Form directed by the said first-recited Act, either wholly for the said Honour or Lordship, or for any Part or Parts thereof, if he shall find it necessary or think proper to do so; and every such Award, together with a proper Map or Plan thereto annexed, shall within Ten Days after the Execution thereof be delivered to the Clerk of the Peace for the County of *Denbigh*, who is hereby required to deposit and keep the same among the Records of the said County, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and such Award shall from and after the Delivery thereof to the said Clerk of the Peace be deemed and

Award to be made and deposited.

and taken to be enrolled within the true Intent and Meaning of the said first-recited Act; and a Copy of such Award and of the said Map or Plan, signed by the said Commissioner, shall within the Time aforesaid be deposited within each of the Parish Churches of *Llangollen* and *Llansaintfraid Glyn Ceiriog*, or in case the same shall relate only to Lands in the said Parish of *Llangollen*, then in the Church of that Parish, or if to Lands in the said Parish of *Llansaintfraid Glyn Ceiriog* only, then in the Church of the last-named Parish, and there respectively kept in a proper Box to be provided for that Purpose; and the said Award or Awards and the said Copies thereof, and any other Copy of the said Award or Awards, or of any Part or Parts thereof, attested by the Clerk of the Peace for the Time being of the said County or his Deputy (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Accounts to
be audited.

LXXI. And be it further enacted, That once at least in every Twelve Calendar Months during the Execution of this Act (to be computed from the Time of passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement and Account of all Sums of Money by him received and expended in the Execution of this Act, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before One of Her Majesty's Justices of the Peace for the County of *Denbigh*, not interested in the said Inclosure, to be by him examined and balanced, and such Balance shall be stated in the Books of Account to be kept in the Office of the Person acting as 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 unless the same shall have been allowed by such Justice, subject nevertheless to the Power of Appeal herein-after contained.

Power of
Appeal.

LXXII. And be it further enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of the said recited Acts or this Act (other than and except as to the Allotments, and except such Claims, Matters, and Things as are herein-before directed or authorized to be ascertained, settled, tried, or determined by any Issue at Law, or where by any of the Provisions of the said recited Acts or of this Act the Determinations, Acts, [or Proceedings of the said Commissioner is directed to be final or conclusive,) he may appeal to any General or Quarter Sessions of the Peace which shall be holden for the said County of *Denbigh* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the said Commissioner and to the Parties concerned Ten Days Notice in Writing of such Appeal, and of the Matter thereof (except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced as aforesaid, may be appealed against at any Time within Six
Calendar

Calendar Months after the depositing of the final Award with the Clerk of the Peace for the said County of *Denbigh*, on giving to the said Commissioner such Notice as last aforesaid); and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Parties liable to pay the same, rendering the Overplus (if any) to the Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant of Distress and Sale; and the Determination of the said Justices shall be final and conclusive on all Parties concerned, and shall not be removed by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous and vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

LXXIII. Provided always, and be it further enacted, That nothing in this Act contained shall defeat, prejudice, or affect the Rights and Interests of the present or any future Lady or Lord of the said Lordship of and to all Mines, Ores, Coals, Metals, Limestone, Fluxing and other Stones, Slates, and other Minerals in or under the said Commons or Waste Lands intended to be divided and allotted as aforesaid, but that such Lady or Lord of the said Lordship as aforesaid, and their respective Lessees, Tenants, Agents, Servants, Miners, and Workmen, shall and may from Time to Time and at all Times hereafter have, hold, use, enjoy, search for, and work all such Mines, Ores, Coals, Metals, Limestone, Fluxing and other Stones, Slates, and other Minerals, and as fully and effectually to all Intents and Purposes as she could or might have done before the passing of this Act; and for that Purpose it shall and may be lawful to and for such Lady or Lord as aforesaid, and her and his and their Lessees, Tenants, Agents, Servants, Miners, and Workmen, from Time to Time and at all Times after the passing of this Act, and as well before the said Commons and Waste Lands shall be divided and inclosed as afterwards, to make, sink, drive, and work all such Pits, Shafts, Levels, Soughs, Tunnels, and Way-gates as she, he, or they shall think necessary for searching for, discovering, and working any such Mines, Ores, Coals, Metals, Limestone, Fluxing and other Stones, Slates, and other Minerals whatsoever in or under the said Commons or Waste Lands; and also to dig and raise Clay for the making and burning of Bricks and Tiles for the Use of any such Mine or Mines, Work or Works, or for the repairing any old or the erecting of any new Buildings which may be necessary for carrying on or working the same; and also to erect any Number of Steam or other Engines and any Kind of Machinery whatsoever in or upon the said Commons or Waste Lands or any of them, or any Part thereof respectively, for the Use of such Mine or Mines, Work or Works, and for the raising, getting, washing, smelting, or manufacturing of any Mines, Ores, Coals, Limestone, Fluxing and other Stones and Slates; and also to

Rights of the Lady of the Manor not to be prejudiced.

[*Private.*]

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lay

lay all Stone, dead Rubbish, Earth, and Soil which shall be raised or gotten out of such Mines or Quarries in or upon the said Commons and Waste Lands, and to make, burn, and convert Coal and Culm into Charcoal and Coke, and also to collect Water upon the said Commons and Waste Lands for the Purpose of washing and manufacturing any Mines, Ores, Coals, Limestone, Fluxing and other Stone, Slates, and other Minerals to be dug, gotten, or raised in or from the same; and also to make and use all necessary and convenient Ways, Roads, Passages, and Railways in, through, upon, and over the said Commons and Waste Lands, when inclosed, for the Use of any Mines, Works, or Quarries which shall or may be sunk, made, or worked in any Part or Parts thereof, and with Carts, Waggon, and other Carriages to take and carry away the Mines, Ores, Coals, Limestone, Fluxing and other Stones, Slates, and other Minerals there to be found and raised as aforesaid, and to do all other Acts which shall be reasonable and necessary or useful and convenient in and upon the said Commons and Waste Lands for the searching for, discovering, and working, and raising and manufacturing, taking away, removing, selling, and disposing of all Mines, Ores, Coals, Limestone, Fluxing and other Stones, Slates, and other Minerals whatsoever, without any Molestation or Interruption; making full Satisfaction from Time to Time to the respective Owners and Occupiers of the said Allotments of the said Commons and 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, such Satisfaction, in case the Parties disagree, to be settled and determined by Two indifferent Persons, to be nominated and appointed Arbitrators for that Purpose, the one by the Party exercising such Powers, and the other by the Party to whom such Satisfaction is to be made, or in case the said Arbitrators cannot agree therein, then by such Third indifferent Person as they the said Parties or Arbitrators shall nominate as Umpire therein; and every such Determination of the said Arbitrators and Umpire respectively shall be final and conclusive unto and upon all Parties.

Reservation
of the Game
on the un-
inclosed
Lands.

LXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to alter, lessen, defeat, or impeach the Right and Privilege of the Lady of the said Lordship to the Game upon any of the Allotments to be made by virtue of this Act which may be left open, uninclosed, or uncultivated, or which, if at one Period inclosed and cultivated, may at any future or other Time again become open, uninclosed, or uncultivated, but the Lady of the said Lordship, and her Servants and others by her Appointment, shall have full Power and Authority at all Times hereafter, when any of such Allotments shall be open, uninclosed, or uncultivated, to enter upon the same to hunt, course, and shoot, and to do all other necessary Acts for the Purpose of preserving, pursuing, taking, and killing the Game thereon, to the Exclusion of the several Persons to whom the said Allotments may be made by the said Commissioner and all others, and as fully to all Intents and Purposes as if this Act had not been made and passed.

Saving of
Manorial
Rights.

LXXV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to give unto the Lady of the said Lordship any further or other Manorial Rights,

Rights, Title, or Interest than those she is now entitled to, nor to defeat, lessen, prejudice, or affect her Right, Title, or Interest of, in, or to the Rents, Services, Courts, Perquisites and Profits of Courts, Goods and Chattels of Felons and Fugitives, Felons in themselves and put in Exigent, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Jurisdictions, Privileges, Pre-eminences, and Appurtenances whatsoever incident, belonging, or appertaining to the said Lordship, (other than and except those meant and intended to be barred, destroyed, or extinguished by virtue of this Act,) but that the same and every of them shall remain and be enjoyed by the Lady of the said Lordship in as full, ample, and beneficial a Manner to all Intents and Purposes as she could or might have held and enjoyed the same respectively in case this Act had not been passed.

LXXVI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Persons and Person, Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished by this Act), as they, every or any of them, could or might have had, held, and enjoyed of, in, to, or out of the said Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

General
Saving.

LXXVII. And be it further enacted, That where in this Act any Word is used importing the Singular Number or the Masculine Gender only, such Word shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and where the Word "Corporation" shall be used, the same shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Rules for the
Interpreta-
tion of
Words in
this Act.

LXXVIII. And be it further enacted, That this Act shall be printed by the several Printers to the Queen'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.

Act as printed
by Queen's
Printers to be
Evidence.

