ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

****

Cap. 83.

An Act for incloſing Lands in the Pariſh of *Abergele*, in the County of *Denbigh*. [27th *May* 1808.]

WHEREAS there are within the Pariſh of *Abergele*, in the County of *Denbigh*, certain Open Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands, containing in the Whole by Computation Three thouſand Acres or thereabouts: And whereas the King's moſt Excellent Majeſty, in Right of His Crown, is entitled to the Soil of the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands, except as herein-after mentioned: And whereas the Right Reverend *John* Lord Biſhop of *Bangor*, in Right of his See, is Lord of the Manor of *Gogarth*, in the Counties of *Denbigh* and *Carnarvon*, which compriſes amongſt other Lordſhips the Lordſhip of *Llanddulas*, and which laſt-mentioned Lordſhip compriſes Part of the ſaid Pariſh of *Abergele*, and as ſuch is entitled to the Soil, Mines, and Minerals in, over, and under ſo much of the ſaid Commons and Waſte Lands as lie ſituate within the ſaid Lordſhip of *Llanddulas*: And whereas the Right Reverend the Lord Biſhop of *Saint Aſaph* is Rector of the Pariſh of *Abergele* aforeſaid, and the Reverend *Richard Jackſon* Clerk, is Vicar thereof, and as ſuch are entitled to certain Glebe Lands within the ſaid Pariſh of *Abergele*, and in reſpect thereof to Right of Common upon the Commons and Waſte Lands hereby intended to be incloſed: And whereas the Honourable *Charles Finch*, Sir *Edward Pryce Lloyd* Baronet, Sir *John*

Williams Baronet, *Robert William Wynne*, *John Lloyd Wynne*, *Richard Parry*, *Richard Lloyd*, *Edward Lloyd*, *Thomas Jones*, and *Rowland Jones*, Esquires, the Reverend *Edward Hughes* Clerk, and divers other Persons, are Proprietors of Messuages, Lands, and Tenements within the said Parish of *Abergele*, and are entitled in respect thereof to a Right of Common in, over, and upon all and every the Common Marshes, Waste Low Lands, and other Commons and Waste Lands hereby intended to be inclosed, in Proportion to their several and respective Estates, Rights and Interests within the same Parish: And whereas the said Common Marshes, Waste Low Lands, and other Commons and Waste Lands are in their present State of little Value, but if the same were divided and inclosed, and specific Parts thereof allotted to the several Persons entitled thereto or interested therein as aforesaid, a manifest Advantage would result not only to such Persons, but such Inclosure would otherwise be of great publick Utility: Yet as the same cannot be effected and carried into Execution without the Authority of Parliament; may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Matthews*, of *Plas yn Llysfaen* in the County of *Carnarvon*, Gentleman, shall be and he is hereby appointed Commissioner for setting out, dividing, and allotting the said Common Marshes, Waste Low Lands, and other Commons and Waste Lands within the said Parish of *Abergele*, and for putting this Act into Execution, in such Manner, with such Powers, and subject to such Regulations and Directions as are herein-after contained, and with such of the Powers, and subject to such of the Rules, Directions, Regulations, Restrictions, and Provisions, contained in an Act made in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*, as are not repugnant to, or altered, or otherwise provided for, by any of the Clauses, Regulations and Provisions in this Act.

Utility of Inclosure.

Appointment of Commissioner.

Power for His Majesty's Surveyor General to appoint a Commissioner.

II. And be it further enacted, That the Surveyor General of His Majesty's Land Revenue for the Time being may from Time to Time, by Writing under his Hand, nominate and appoint a Commissioner to carry this Act into Execution, so far as relates to His Majesty's Rights and Interests therein.

Appointment of Surveyor.

III. And be it further enacted, That at a General Meeting of the Proprietors of Lands within the said Parish of *Abergele* to be held at *Abergele* aforesaid, within the Space of Two Calendar Months after the passing of this Act, it shall and may be lawful to and for the major Part in Value (such Value to be ascertained by the Land Tax Assessments of the same Parish) of the said Proprietors, or their known or reputed Agents or Attornies, who shall be present at such Meeting, by Writing under their respective Hands, to appoint one or more Surveyor or Surveyors to act in the Execution of this and the said recited Act.

For appointing a new Commissioner

IV. And be it further enacted, That if the said *John Matthews*, and the Surveyor or Surveyors so to be appointed as aforesaid, or either of them,

or any of their respective Successors to be appointed as herein-after mentioned, shall die, or become incapable by Sickness or otherwise, of acting, or shall refuse to act as Commissioner, or Surveyor or Surveyors as aforesaid, for the Space of One Calendar Month before all the Powers vested in them by this and the said recited Act are completely executed, then, and from Time to Time, as often as Occasion may require, it shall and may be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessments as aforesaid) of the Proprietors for the Time being of Lands within the said Parish of *Abergele*, or their known or reputed Agents or Attornies who shall be present at a publick Meeting to be held for that Purpose, in pursuance of Notice in Writing signed by Two or more Proprietors, to be affixed upon the principal outer Door of the Parish Church of *Abergele* aforesaid, and inserted in the *Chester* and *Bangor* Newspapers, or some or one of them, at least Fourteen Days before such Meeting, by Writing under their respective Hands, to appoint a new Commissioner and Surveyor or Surveyors, not interested in the said Inclosure, in the Room of the said *John Matthews*; and such Surveyor or Surveyors so to be appointed as aforesaid, or such of them or their respective Successors as shall die, become incapable, refuse, or neglect to act as aforesaid, and every Commissioner and Surveyor or Surveyors so to be appointed, shall have the like Power and Authority, and shall be subject to the same Power of Removal and Restrictions, as the Person or Persons in whose Place he or they shall be appointed was or were vested with and subject to by virtue of this Act.

and Surveyor, in case of Death, &c.

V. And be it further enacted, That the said Commissioner shall, and he is hereby required to cause Notice to be affixed, upon some *Sunday* during or immediately after Divine Service on the principal outer Door of the Parish Church of *Abergele* aforesaid, and also by Advertisement to be inserted in the *Chester* and *Bangor* Newspapers, or some or one of them, or if the same shall not be then published, then in some other Newspaper usually circulated in the said County of *Denbigh*, of the Time and Place of holding his first and every other Sitting for the Execution of this and the said recited Act, at least Fourteen Days before any such Sitting shall be held (Sittings by Adjournment only excepted), and every such Notice shall express the Purpose for which such Sitting is to be held; and that the said Commissioner may and he is hereby authorized to adjourn any such Sitting from Time to Time, as he shall see Occasion, and every Adjournment shall be made known to Four Proprietors at least, before the Business of such Adjournment shall be proceeded in; and in case the said Commissioner shall not meet at the Time and Place appointed for any such Sitting, or to which any such Sitting shall be adjourned, it shall and may be lawful for the Clerk to the said Commissioner to adjourn such Sitting to any future Day, not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the same Place, and so from Time to Time until the said Commissioner shall meet; and such Clerk is hereby required to give Notice of such Adjournment to the said Commissioner; and every Sitting or Meeting of the said Commissioner for putting this Act into Execution, whether by Adjournment or otherwise, shall be holden at *Abergele*, and not elsewhere, and shall continue open from Eleven of the Clock in the Forenoon until Six of the Clock in the Afternoon of each Day such Sittings or Meetings shall be respectively held.

Commissioner to give Notice of Sittings.

VI. Provided

Other Notices how to be given.

VI. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioner in purſuance of this or the ſaid recited Act, ſhall be made and given by Advertiſement, to be inſerted in the *Cheſter* and *Bangor* Newſpapers, or ſome or one of them, or if the ſame ſhall not be then publiſhed, then in ſome other Newſpaper uſually circulated in the ſaid County of *Denbigh*.

Commiſſioner to inquire into Incroachments made above Sixty Years, which are to have Allotments.

VII. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby authorized and required, by Examination of Witneſſes on Oath to be adminiſtered by ſuch Commiſſioner, and by ſuch other legal Ways and Means as he ſhall think proper to inquire into and determine what Incloſures have been taken from and made upon the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands hereby intended to be incloſed, for upwards of Sixty Years laſt paſt; and all Incloſures which ſhall be proved to the Satisfaction of the ſaid Commiſſioner to have been taken in and incloſed before or for the Period of Sixty Years, ſhall be deemed old Incloſures, and the Proprietors thereof be entitled to have Allotments from off the ſaid Commons and Waſte Grounds (in like Manner as the ancient Incloſures) although they were formerly Part of ſuch Common and Waſte Ground.

Commiſſioner to ſettle Diſputes, &c.;

VIII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties intereſted or claiming to be intereſted in the ſaid Diviſion and Incloſure intended to be made in purſuance of this Act; or touching or concerning the Share, Right or Intereſt, or reſpective Shares, Rights and Intereſts which any of them ſhall claim in or upon the ſaid Commons and Waſte Lands, or any of them; or touching or concerning any Share or Shares, Proportion or Proportions which they or any of them ought to have or ſhall claim to have in lieu of their Rights of Common, or other Rights or Intereſts upon or ariſing from the ſaid Commons and Waſte Lands ſo to be divided and incloſed, or any of them, on the ſaid intended Diviſion and Incloſure; or touching or concerning improper Claims made by any Perſon or Perſons not entitled to any Allotment or Allotments, it ſhall and may be lawful for the ſaid Commiſſioner, and he is hereby authorized and required, upon Examination of any Witneſs or Witneſſes, or upon any other ſufficient Evidence, to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to hear and determine any Difference or Diſpute which may ariſe touching or concerning the Title of any Perſon or Perſons to any Meſſuage, Lands, Tenements, or Hereditaments whatſoever.

but not to determine Titles.

Power to award Coſts.

IX. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections to be delivered to him in purſuance of the ſaid recited Act or of this Act, ſee Cauſe to award any Coſts, it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby empowered, upon Application made to him for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as he ſhall think reaſonable to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioner ſhall be made, by the Perſon or Perſons whoſe Claim or Claims, Objection

Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand and Seal, directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may try their Rights by an Issue at Law.

X. Provided always nevertheless, and be it further enacted, That if any Person or Persons, Body or Bodies Politick, Corporate or Collegiate, making any Claim or Claims to the Soil of the said Common Marshes, Waste Low Lands, and other Commons and Waste Lands herein-before mentioned, or of any Rights of Common or other Rights or Interests in, over, or upon the same or any Part thereof, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioner, and shall be desirous of having such Claim or Claims, Rights or Interests respectively tried at Law, and shall by himself or herself or themselves respectively, or his, her, or their Agent or Agents, Attorney or Attornies respectively give Notice in Writing to the said Commissioner within Fourteen Days next after such Determination shall have been so made by the said Commissioner (of which Notice the said Commissioner is hereby required to give immediate Information, by Writing under his Hand, to the adverse Party or Parties, or his, her, or their Agent or Agents, Attorney or Attornies respectively, to be delivered to or left at the usual Place of Abode of such Party or Parties, or his, her, or their Agent or Agents, Attorney or Attornies respectively, and to make an Entry of such Notice in the Book of Proceedings by him kept under the Authority of this Act) then, but not otherwise, it shall and may be lawful for the Person or Persons giving such Notice within such Time as aforesaid, his, her, or their Heirs or Assigns respectively, to proceed to a Trial at Law of the Matter or Matters in question, at the next or second Assizes to be holden for the County of *Salop* or for the County of *Chester*, after the Expiration of Three Calendar Months from the Time of such Notice being given as aforesaid, in a feigned Action or Actions, Issue or Issues, to be commenced for such Purpose in one of His Majesty's Courts of Record at *Westminster*, by the Person or Persons giving such Notice as aforesaid, his, her, or their Heirs or Assigns respectively, against the adverse Party or Parties making such Claim or Claims, Objection or Objections as aforesaid; and the Defendant or Defendants in such Action or Actions shall forthwith name an Attorney or Attornies, who shall appear or file Common Bail, and accept one or more Issue or Issues whereby such Claim or Claims, Right or Interest, Rights or Interests may be properly tried and determined (such Issue or Issues to be settled by the proper Officer or Officers of the Court wherein such Action or Actions shall be commenced, if the Parties differ about the same); and the Verdict or Verdicts which shall be given in the said Action or Actions shall be final and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politick, Corporate or Collegiate; and the Costs of such Action or Actions shall follow such Verdict or Verdicts, and be taxed and

recovered in such Manner as Costs in other Actions in the same Court; and after any Verdict or Verdicts shall have been so obtained (if not set aside by the Court in which such Action was commenced, which it shall be lawful for such Court to do in case such Court shall so think proper) the said Commissioner shall and he is hereby authorized and required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided also, that all such Determinations of the said Commissioner as shall not be objected to, or, being objected to, if the dissatisfied Party or Parties respectively shall not give such Notice, within such Time as aforesaid, or, giving such Notice, shall not cause such Action or Actions to be brought and proceeded in conformably to the Directions of this Act, shall be binding, final, and conclusive upon all Parties whatsoever.

Parties dying not to hinder the Commissioner proceeding, nor to abate any Action.

XI. And be it further enacted, That if any Person or Persons, by or for whom any Claim or Claims of Right of Common shall be made, shall happen to die before the said intended Division and Inclosure shall be made and perfected, and before the said Commissioner shall have made his Award touching the same, then and in such Case the Powers and Authorities hereby given to the said Commissioner shall not be anyways determined, suspended or affected by such Death or Deaths, but that the said Commissioner shall and may proceed in and execute the said Powers and Authorities and every of them in such and the like Manner as he could or might have done if such Person or Persons had not died; and if any of the Parties in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

Provision in Cases of Death of Parties before Actions brought.

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

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

XIII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any of such Parties, except in Cases of Encroachments made within the Period of Twenty

Twenty Years, as herein-after mentioned; but in caſe the ſaid Commiſſioner ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, he ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been given up, or recovered from ſuch Perſon or Perſons by Ejectment or other due Courſe of Law.

Allotment for getting Materials, &c.

XIV. And be it further enacted, that the ſaid Commiſſioner ſhall and he is hereby authorized and required to ſet out, allot, and award, unto and for the Surveyor or Surveyors of the Highways in the ſaid Pariſh of *Abergele* for the Time being, ſuch Plot or Plots of the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands, in ſuch Pariſh, not exceeding in the whole Three Statute Acres, in ſuch Places as he ſhall judge moſt expedient, with convenient Roads to and from the ſame, to be uſed and enjoyed for ever thereafter by the reſpective Proprietors of Lands and Hereditaments and their reſpective Tenants within the ſaid Pariſh of *Abergele* for the Time being, in common, for the Purpoſe of getting Lime Stone, Building Stone, Gravel and Sand, for the Uſe, Benefit, or Improvement of ſuch Lands or Hereditaments, and of the Allotment or Allotments to be ſet out under the Authority of this Act, and alſo for the Repairs of the Highways, private Roads and Paths within the ſame Pariſh, and ſhall be veſted in the Surveyor or Surveyors of the Highways of the ſaid Pariſh for the Time being for ever, in Truſt, for the Purpoſes aforeſaid; and the getting and raiſing ſuch Stone, Gravel, and Sand, and the Labourers to be employed therein, and the Graſs and Herbage of the ſaid Plots reſpectively, ſhall be and are hereby declared to be ſubject to ſuch Regulations and Reſtrictions as the ſaid Commiſſioner ſhall by his general Award make, order, direct, or appoint, or ſhall, conſiſtently with ſuch Regulations, Orders and Reſtrictions, be made by Order of Veſtry of the ſaid Pariſh of *Abergele*, for that Purpoſe firſt legally convened, ſhall from Time to Time direct and appoint; and ſuch Plots and Roads reſpectively ſhall be properly fenced off, and the Expence of ſuch Fences ſhall be raiſed and paid in the ſame Manner as the Expences of paſſing and carrying this Act into Execution: Provided always, that ſuch Stone, Gravel, and Sand, or either of them, ſhall not directly or indirectly be ſold or diſpoſed of to any Perſon or Perſons whomſoever, or conveyed out of the ſaid Pariſh of *Abergele*, under any Pretence whatſoever, under the Penalty of Twenty Shillings for every Cart Load ſo ſold or conveyed out of the ſaid Pariſh of *Abergele*, and ſo proportionably for any greater or leſs Quantity, to be paid by ſuch Perſon or Perſons by whom or for whoſe Uſe ſuch Stone, Gravel, or Sand ſhall be dug up or got, to the Churchwardens or Overſeers of the Poor of the ſaid Pariſh of *Abergele* for the Time being, and to be by them accounted for and applied in Aid of the Rates to be made for the Relief of the Poor within the ſaid Pariſh of *Abergele*; and the ſaid Commiſſioner may where Occaſion ſhall require, ſet out and appoint Springs and Pools, and other Watering Places for Cattle and Beaſts, within the ſaid Pariſh of *Abergele*, upon the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands aforeſaid, and for the Common Uſe and Benefit of all Owners and Occupiers of Meſſuages, Tenements, Lands, or Hereditaments within the ſaid Pariſh of *Abergele*.

For watering Places.

XV. Provided

Not to alter Watercourses, &c.

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

Allotments to His Majeſty and the Biſhop of Bangor, in Right of the Soil.

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall (after the Boundaries directed to be ſet out by the ſaid recited Act ſhall have been aſcertained and fully determined, and after ſetting out the Roads and Ways which by the ſaid recited Act he is authorized to ſet out, and the Allotment for Materials and Watering Places as herein-before mentioned) aſſign, ſet out, and allot unto and for the Uſe of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, ſo much and ſuch Part or Parts of all the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands hereby directed to be incloſed, as do not lie within the ſaid Lordſhip of *Llanddulas* as ſhall be equal to one full Twentieth Part or Share in Value thereof reſpectively; and alſo ſhall aſſign, ſet out, and allot, unto and for the Uſe of the ſaid Lord Biſhop of *Bangor* and his Succeſſors, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Lands lying within that Part of the ſaid Lordſhip of *Llanddulas* which is ſituate in the ſaid Pariſh of *Abergele*, as ſhall be equal to one full Twentieth Part or Share in Value thereof reſpectively, for and in lieu, Satisfaction, and Extinction of the Rights and Intereſts of His ſaid Majeſty, His Heirs and Succeſſors and of the ſaid Lord Biſhop of *Bangor* and his Succeſſors, reſpectively in, over, and upon the Soil of the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands ſo directed to be divided and incloſed as aforeſaid, and for their Conſent to the Diviſion and Incloſure thereof.

Allotments of the Reſidue to the ſeveral Proprietors of Lands within the Pariſh;

except ſuch Perſons who may claim Allotments as Purchaſers under the Rhuddlan Embankment Act;

XVII. And be it further enacted, That the ſaid Commiſſioner ſhall in the next Place aſſign, ſet out, and allot in Severalty the Reſidue of the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands hereby directed to be incloſed, unto and amongſt the ſaid Lord Biſhop of *Saint Aſaph*, the Honourable *Charles Finch*, Sir *Edward Pryce Lloyd*, Sir *John Williams*, *Robert William Wynne*, *John Lloyd Wynne*, *Richard Parry*, *Richard Lloyd*, *Edward Lloyd*, *Thomas Jones*, *Rowland Jones*, and *Edward Hughes*, and the ſeveral other Perſons, Owners and Proprietors of Lands and Hereditaments within the ſaid Pariſh of *Abergele*, (ſave and except ſuch Perſon or Perſons who may claim any Allotment or Allotments in Right or by virtue of ſuch Lands and Hereditaments as have been acquired by Purchaſe under the Powers of an Act paſſed in the Thirty-fourth Year of His preſent Majeſty's Reign, intituled, *An Act for embanking, and otherwiſe fencing from the Sea, the Lands on the Sea Coaſts of the Pariſh of* Abergele *in the County of* Denbigh, *and* Rhuddlan Marſh, *in the ſeveral Pariſhes of* Abergele *aforeſaid, and of* Saint Aſaph *and* Rhuddlan

Rhuddlan *and the Franchiſe of* Rhuddlan *in the County of* Flint, *and ſundry other Marſhes, Commons, and Waſte Lands, in the ſaid Pariſh of* Rhuddlan, *and in the ſeveral Pariſhes of* Diſerth *and* Melidan *in the ſaid County of* Flint, *and to cut and make, in or through the ſame or ſome Part thereof, one or more Aqueducts or other Watercourſes and Drains, and to incloſe, divide and ſell competent Parts of the ſaid ſeveral Marſhes, Commons, and Waſte Lands, to defray the Expences of the ſaid Works, and to raiſe a Fund for the future Repair and Preſervation thereof*; and alſo ſave and except ſuch Perſon or Perſons who may claim any Allotment or Allotments in Right or by virtue of any Incloſures or Encroachments which have been taken from and made upon the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands at any Time within Sixty Years laſt paſt, before the paſſing of this Act) rateably and in due Proportion to the Value of their reſpective Meſſuages, Tenements, Lands, and Hereditaments in reſpect whereof they are ſeverally intitled to ſuch Right of Common as aforeſaid, ſuch Value to be aſcertained and fixed by the ſaid Commiſſioner, who ſhall not, upon any Account or under any Pretence, give any undue Preference, to any of the Parties intereſted in the ſaid Diviſion, in their or any of their Allotments or Shares of the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands aforeſaid; nor ſhall the ſaid Commiſſioner ſet out or allot any Part or Parts of the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands, to any Perſon or Perſons whatſoever, unleſs he, ſhe, or they ſhall deliver or cauſe to be delivered to the ſaid Commiſſioner, at one of his Sittings to be held in purſuance of the ſaid firſt recited Act, ſuch Notice or Account in Writing of their reſpective Rights or Claims as is preſcribed or required in and by the ſame Act.

and by virtue of Encroachments made within Sixty Years laſt paſt.

Commiſſioner not to give any undue Preference;

nor ſet out Allotments without Notice of Claims being delivered.

XVIII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to make an Extract on Parchment, under his Hand and Seal, of ſo much of his Award as ſhall contain an accurate Deſcription of the Allotment or Allotments to be made to His ſaid Majeſty in reſpect of the Lordſhip of *Denbigh*, together with ſuch Regulations or Proviſions relative to ſuch Allotment or Allotments, or to any other Rights or Intereſts of His Majeſty as may be contained in ſuch Award, and alſo a Map or Plan of ſuch Allotment or Allotments, and tranſmit the ſame to the Surveyor General of His Majeſty's Land Revenue for the Time being, within Three Calendar Months next after the making and executing the ſaid Award, to be by him filed and kept among the Muniments of his Office.

Extract of ſo much of the Award as relates to the King's Allotment, to be ſent to the Surveyor General.

XIX. Provided always, and be it further enacted, That in caſe it ſhall happen that the ſame Perſon or Perſons is or are ſeiſed of Meſſuages, Lands, or Hereditaments for Life only, and of the Fee Simple and Inheritance of other Meſſuages, Lands, or Hereditaments within the ſaid Pariſh of *Abergele*, and any other Perſon or Perſons having or claiming to have Rights or Intereſts in the Lands and Grounds hereby directed to be divided and incloſed, and ſhall be intitled or claim to be intitled to Right of Common in reſpect of both ſuch Eſtates; then and in ſuch Caſe the Commiſſioner, upon the Requeſt in Writing of ſuch Perſon or Perſons, or of his, her, or their Agent or Attorney, ſhall ſet out and allot the Share or Proportion of ſuch Perſon or Perſons in reſpect of his, her, or their dif-

Allotments to Tenants for Life and in Fee Simple.

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

Commiſſioner empowered to ſet out Common Paſtures.

XX. And be it further enacted, That in caſe any of the Proprietors intitled to Rights of Common in or over the Lands or Grounds hereby directed to be divided and allotted, or any Part thereof, ſhall requeſt to have their Common Rights compenſated by a Common Paſture inſtead of diſtinct Allotments of Land, and ſhall give Notice thereof in Writing to the ſaid Commiſſioner, within ſuch Time as the ſaid Commiſſioner ſhall for that Purpoſe appoint; and if the Commiſſioner ſhall be of Opinion that the Number of Proprietors who have made ſuch Requeſt ſhall be ſufficient to enable the ſaid Commiſſioner to ſet out ſuch an Allotment or Allotments as will anſwer the Purpoſe of a Common Paſture, then it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required to ſet out and allot, to and for the Proprietors making ſuch Requeſt, from and out of ſuch Parts of the Common and Waſte Lands aforeſaid, moſt convenient for that Purpoſe, ſuch Parcel or Parcels thereof as ſhall in the Judgement of the ſaid Commiſſioner be an Equivalent and Compenſation for the Rights of Common to which the Proprietors making ſuch Requeſt ſhall be intitled; and if it ſhould appear to the ſaid Commiſſioner (without any ſuch Requeſt to him made) that any of the Commons and Waſte Lands within the ſaid Pariſh of *Abergele*, by reaſon of Situation, the Smallneſs of the Quantity, or Interſection by Roads, or other Circumſtances, cannot be divided and incloſed to the Advantage of the Perſons intereſted therein, the ſaid Commiſſioner is hereby authorized to ſet out and allot the Herbage of ſuch Commons or Waſte Lands as and for Common Paſture to ſuch of the Proprietors of or Perſons having common Rights or other Intereſts in the Lands and Grounds hereby directed to be divided and allotted, to whom the ſame ſhall in the Judgement of the ſaid Commiſſioner be moſt convenient and valuable in Situation, in or towards Satisfaction for the Rights and Intereſts of ſuch Proprietors reſpectively; and the Lands ſo to be allotted for Common Paſtures, whether the ſame ſhall be allotted at the Requeſt of ſuch Proprietors as aforeſaid, or without ſuch Requeſt, ſhall be uſed and enjoyed by the reſpective Proprietors to whom the ſame ſhall be allotted, and by their Succeſſors and Tenants reſpectively, in ſuch Proportions, and ſhall be ſtocked with ſuch Kinds and Number of Cattle, and at ſuch Seaſons and Times of the Year, and ſubject to ſuch Regulations and Orders as the ſaid Commiſſioner, by the Award to be by him made, ſhall eſtabliſh and direct; and the Soil of the Land which ſhall be ſo allotted for Common Paſtures, ſhall by virtue of this Act, immediately on the Allotment thereof, be veſted in the Lord for the Time being of the Manor within which the ſame ſhall be ſituated, as the Conſervator and Truſtee of every ſuch Allotment, for the Perſons to whom the Right of Common thereon ſhall be allotted.

Reſpecting Encroachments.

XXI. And be it further enacted, That all Encroachments, excluſive of the Cottages and other Erections thereon, taken from the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands herein-before deſcribed, within the Space of Twenty Years before the paſſ-

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

Notice for peruſing Schedule, and Map of intended Allotments to be given,

XXII. And be it further enacted, That when and as ſoon as the ſaid Commiſſioner ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors in the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands to be 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 give Notice in Manner aforeſaid, of ſome convenient Time and Place when and where all Proprietors and Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and a Map or Plan whereon the ſame ſhall be ſet out and delineated, and may have and receive a Copy of ſuch Schedule, as far as the ſame relates to ſuch Proprietors reſpectively.

Commiſſioner may make any Alterations in the

XXIII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, at any Time not exceeding Twelve Calendar Months next after the ſaid Allotments ſhall be ſet out, to make ſuch Alterations in the Allotments and Fences which he may have ſet out and ordered

Allotments, before the Execution of the Award.

ordered, as he ſhall think right and expedient; and in caſe any Perſon or Perſons ſhall happen to be injured by ſuch Alterations, or on Account of any Expences he, ſhe or they may have been at, the ſaid Commiſſioner ſhall aſcertain and determine what Recompence ſhall be made to him, her, or them, and ſhall direct by whom and in what Manner ſuch Recompence ſhall be made.

Award to be depoſited.

XXIV. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when inrolled in Manner directed by the ſaid firſt-recited Act, ſhall be depoſited in a Tin Box, and kept for publick Inſpection in the Office of the Clerk of the Peace for the County of *Denbigh*; and a true Copy thereof ſhall be written on Parchment, and lodged in the Pariſh Church of *Abergele* aforeſaid, for the Peruſal of all Perſons intereſted therein.

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

XXV. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons intereſted in the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands at any Time before the Execution of the Award of the ſaid Commiſſioner, to give, grant, bargain, ſell, demiſe, mortgage, convey, aſſure, and diſpoſe of all ſuch Eſtate, Right, and Intereſt as he, ſhe, or they hath or have in, to, or upon the ſame Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands, or in or to any Allotment or Allotments to be made in reſpect thereof by virtue of this Act, ſeparate from ſuch Eſtate in Right whereof he, ſhe, or they is, are or ſhall be ſo intitled; and every ſuch Sale, Demiſe, Conveyance, and Diſpoſition thereof, as well by Will as by any other Inſtrument or Aſſurance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioner, and he is hereby authorized and required to allot ſuch Eſtate and Intereſt as ſhall be conveyed or paſs under ſuch Aſſurances as aforeſaid, to the Purchaſer or Purchaſers thereof, or other Perſon or Perſons who ſhall be intitled to the ſame by virtue of ſuch Diſpoſition, and he, ſhe, or they ſhall, immediately after the Execution of ſuch Award as aforeſaid, have, hold, uſe, and enjoy ſuch Allotment or Allotments, and ſhall uſe and exerciſe any Act of Ownerſhip in and upon the ſame, in as full, large, ample, and beneficial a Manner, to all Intents and Purpoſes, as the former Proprietor or Vender thereof could or might have done in caſe any ſuch Sale or Diſpoſition had not been made.

Wills and Settlements not to be affected.

XXVI. And be it further enacted, That nothing in this or the ſaid firſt recited Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will, Deed, or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Lands, Grounds, and Hereditaments to be divided and allotted, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right by virtue of this or the ſaid firſt recited Act, or any Part or Parts thereof reſpectively; but as well the Lands allotted, as the Tenements and other Hereditaments which ſhall be aſſigned in Exchange or in Compenſation for any other Eſtate or Right ſhall, immediately after ſuch Allotment, Exchange, or Aſſignment ſhall be made, be veſted, remain,

and enure, and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange as aforeſaid, ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, and ſubject and liable to ſuch and the ſame Wills, Deeds, Settlements, Dowers, Jointures, Portions, Debts, Rents, or Incumbrances as the Meſſuages, Tenements, Lands, Grounds, and Hereditaments, in reſpect whereof ſuch Allotments, Aſſignments, and Exchanges, ſhall be made, would have been ſubject to be charged with or affected by in caſe this Act had not been paſſed.

Expences of this Act to be raiſed by a Rate, to be paid as Commiſſioner ſhall direct.

XXVII. And be it further enacted, That all and every the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, and of the Surveys, Admeaſurements, and Plans of the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands hereby directed to be incloſed, and of all other Surveys, Plans, and Admeaſurements which ſhall be made by the Order of the ſaid Commiſſioner, and alſo of valuing, dividing, ſetting out, and allotting the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands, or any Part thereof, and of forming, making and completing the publick Roads and Ways which ſhall be ſet out and appointed by virtue of this or the ſaid Firſt recited Act, and of preparing, inrolling, and depoſiting the ſaid Award, and making a Copy thereof, and all other the Coſts, Charges, and Expences of the ſaid Commiſſioner, and of the ſeveral Perſons employed and conſulted by the ſaid Commiſſioner in carrying the ſeveral Powers of this and the ſaid Firſt recited Act into Execution, or in anyways concerning the ſame, ſhall be paid, borne, and defrayed by the ſeveral Owners or Proprietors of, and the Perſons intereſted in the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands (other than and except His ſaid Majeſty, His Heirs and Succeſſors, and the Surveyor or Surveyors of the Highways in reſpect of the Allotments for getting Materials as aforeſaid) in ſuch Shares, Parts, and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, Place or Places, and in ſuch Manner as the ſaid Commiſſioner ſhall, in and by his ſaid Award, or by any other Writing or Writings under his Hand, either previous to or after the Execution of his ſaid Award, order, direct, and appoint, according to the Value of their reſpective Allotments in the ſaid Common Marſhes, Waſte Low Lands, and other Commons and Waſte Lands; and the ſaid Commiſſioner is hereby authorized and required from Time to Time, as often as he ſhall deem it neceſſary and proper, to make and form Eſtimates of all ſuch Coſts, Charges, and Expences, and to raiſe the Amount of ſuch Eſtimates by a Rate or Rates accordingly, ſuch Rate or Rates to be approved of by Two Juſtices of the Peace acting for the ſaid County of *Denbigh*, not intereſted in the Premiſes, and ſhall in every ſuch Rate expreſs the Purpoſe to which the ſame is to be applied; and in caſe any of ſuch Proprietor or Proprietors ſhall refuſe or neglect to pay his, her, or their Share, Part, or Proportion, Shares, Parts or Proportions of ſuch Coſts, Charges, and Expences, according to ſuch Order, Direction, and Appointment as aforeſaid, then and in ſuch Caſe the ſame ſhall and may be levied and recovered in Manner directed by the ſaid Firſt recited Act.

Commiſſioner may raiſe the Arrears of Rates after the Execution of the Award.

XXVIII. Provided always, and be it further enacted and declared, That if at the Time of the Execution of the Award of the ſaid Commiſſioner there ſhall

shall remain due from any Person or Persons, Body or Bodies Politick or Corporate, any Sum or Sums of Money which shall have been ordered, directed, or appointed to be paid by virtue of this Act, it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required to levy and raise the same in like Manner as he might and could have done before the Execution of his Award.

Tenants for Life, &c. may charge Estate with the Expences.

XXIX. And whereas some of the Owners and Proprietors of Lands and Grounds within the said Parish of *Abergele*, may have Occasion to borrow Money to defray their respective Shares of the Costs, Charges and Expences of obtaining and carrying this Act into Execution; be it therefore further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, Committees or Attornies of any of the Owners or Proprietors of any of the Lands and Grounds to be divided and allotted by virtue of the said First recited Act and this Act, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability, and for any of the said Owners or Proprietors, being Tenants in Tail or for Life or Lives, or Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courtesy of *England*, or otherwise interested in such Lands and Grounds, to charge such Lands and Grounds with such Sum or Sums of Money as the said Commissioner shall by his said Award, or by Writing under his Hand, either before or after the Execution of such Award, adjudge necessary to pay and defray the Costs, Charges, and Expences incident to and attending the obtaining of this Act, and of ditching, draining and fencing their respective Allotments, and other the Costs, Charges, and Expences of carrying the same into Execution, and of charging such Lands and Grounds as aforesaid, so that the Sum or Sums of Money so to be charged shall not exceed the Sum of Five Pounds for every Acre of such Lands and Grounds; and to grant, mortgage, lease, or demise, or otherwise subject the Lands, Tenements and Hereditaments so to be charged, to such Person or Persons who shall advance and lend the same respectively, his, her or their Executors, Administrators and Assigns, for any Term or Number of Years; or in case any Person in Possession who shall or may be liable to and charged with a Share of the Expences as aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then and in every such Case it shall be lawful for the said Commissioner, by any Deed or Writing under his Hand and Seal, to be attested by Two or more credible Witnesses, in like Manner to grant, mortgage, lease, or demise, or otherwise subject such Lands and Grounds, to such Person or Persons respectively paying and discharging such Sum or Sums of Money, his, her, or their Executors, Administrators and Assigns, for any Term or Number of Years, to and for the Payment of such Sum and Sums of Money so advanced, paid and discharged by him, her or them, with lawful Interest for the same, to commence on the Termination of his, her or their Right in the Premises, so that every such Grant, Mortgage, Lease or Demise be made with a Proviso or Condition to cease and be void, or with an express Trust to be surrendered or reassigned, when such Sum or Sums of Money thereby to be secured shall be fully paid and satisfied; and also with a Covenant to pay and keep down the Interest, so that no Person or Persons afterwards becoming possessed or entitled to any such Lands and Grounds, shall be liable to

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pay any further or larger Arrear of Intereſt than for Twelve Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhould have commenced; and that every ſuch Charge, Grant, Mortgage, Leaſe or Demiſe, ſhall be good, valid and effectual in the Law, for the Purpoſes thereby intended.

For allowing Exchanges, &c. to be made.

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

Commiſſioner's Allowance.

XXXI. And be it further enacted, That the ſaid Commiſſioner ſhall be allowed the Sum of Two Pounds and Two Shillings for every Day that he ſhall be actually employed in any Buſineſs required of him as Commiſſioner by the ſaid recited Act or this Act, including Days of neceſſary travelling as well as others, in full Satisfaction for his Time, Trouble and Expences reſpecting ſuch Buſineſs.

For repaying Money advanced, and Intereſt thereon.

XXXII. Provided always, and be it further enacted, That the Money which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Charges and Expences incident to and attending the ſoliciting, obtaining and paſſing this Act, or which after the paſſing of this Act ſhall be advanced or lent to the ſaid Commiſſioner for carrying the ſame into

Execution, shall be repaid, with lawful Interest, from the Time such Money shall have been actually advanced, to the Person or Persons who shall have advanced the same, his, her, or their Executors or Administrators, out of the First Monies to be raised under and by virtue of this Act for defraying the Expences of obtaining and executing the same.

Commissioner to lay his Accounts before Two Justices.

XXXIII. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioner shall, and he is hereby required to make a true and just Statement or Account of all and every Sum and Sums of Money by him received and expended, or due to him for his own Trouble and Expences, in the Execution of this and the said First recited Act; and such Statement or Account when so made, together with the Vouchers relating thereto, shall be by him laid before Two or more of His Majesty's Justices of the Peace for the said County of *Denbigh* (not interested in the said intended Division or Inclosure), to be by them examined and balanced, and such Balance shall be by such Justices stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed in Writing by such Justices.

Persons aggrieved, may appeal to the Quarter Sessions.

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

XXXV. Provided

Saving the Rights of the Rhuddlan Marsh Embankment Commissioners.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to defeat, lessen, or abridge the Powers vested in the Commissioners appointed in and by the said herein-before recited Act of the Thirty-fourth Year of the Reign of His present Majesty.

For saving His Majesty's Rights as to Mines, Minerals, &c.

XXXVI. Provided always, and be it further enacted, That this Act shall not defeat or prejudice the Right or Interest of the King's most Excellent Majesty in or to any Mines, Ores, Minerals, Coal, Lime or Stone, in or under so much of the said Commons and Waste Lands as do not lie within the said Lordship of *Llanddulas*, or any Part thereof, but that His Majesty, His Heirs and Successors, and his, her, or their Heirs, Lessees and Grantees, Agents, Servants, and Workmen, may search for, work, dig, raise, and carry away all Mines, Ores, Minerals, and Coal, as freely and effectually as if this Act had not been passed; save only that they shall respectively do as little Damage as possible in the Lands to be inclosed as aforesaid, and shall make reasonable Satisfaction and Recompence from Time to Time to the Person or Persons possessed thereof, for all Trespass and Damage that shall be done thereto, or to any Part thereof, by searching for, working, digging, raising, and carrying away the said Mines, Ores, Minerals, Coal, Lime and Stone, or any of them.

And the Bishop of Bangor's Rights.

XXXVII. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice or defeat the Right or Interest of the said Lord Bishop of *Bangor*, or his Successors, in and to all Mines, Ores, Minerals, Coals, and Quarries of Lime and Stone, of what Nature or Kind soever, in or under so much of the said Commons and Waste Lands as lies within that Part of the said Lordship of *Llanddulas* which is situated in the said Parish of *Abergele*; but the said Lord Bishop of *Bangor*, and his Successors, and their respective Lessee and Lessees, Agents, Servants, Colliers, Miners, and other Workmen, shall and may from Time to Time and all Times hereafter enter into, have, hold, enjoy, search and work all Mines and Mineworks, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, Coals, and Quarries of Lime and Stone whatsoever, as fully and effectually to all Intents and Purposes as they respectively could have had, held and enjoyed the same before the passing of this Act; and for that Purpose shall and may use all Pits, Shafts, Levels, Soughs, and Tunnels already opened and sunk, in so much of the said Commons and Waste Lands as lies within that Part of the said Lordship of *Llanddulas* which is situate in the said Parish of *Abergele*, and all Machines, Engines and Buildings, thereon erected or standing together, with full and free Liberty, Power and Authority to and for the said Lord Bishop of *Bangor*, and his Successors, and their respective Lessee and Lessees, and their and every of their Agents, Servants, Miners, Colliers and other Workmen, to sink, dig, delve, drive, and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, and open and work all and all Manner of Lime or other Stone Quarries which they respectively shall think necessary for raising or getting any Mines, Ores, Minerals, Coal and Lime or Stone whatsoever in or under so much of the said Commons and Waste Lands only as lies within that Part of the said Lordship of *Llanddulas* which is situate in the said Parish of *Abergele*, as well before as after the same shall have been inclosed; and also to erect any Number of Steam or other Engines, Machine and Machines of what Nature or Kind soever,

which they respectively shall think necessary for the Use, Convenience or Advantage of any Mine or Mines whatsoever in or upon their said Premises or any Part thereof respectively, and to place, stack up, and lay all Lead, Copper, Iron and other Ore, Coals and other Minerals, Lime and other Stone, and Matters which shall be gotten and raised, and all Rubbish, Earth and Soil, upon such Part of the said Commons and Waste Lands lastly mentioned; and also to have, make, and use all convenient Roads, Ways, and Railways in, upon, and over the same Common and Waste Lands, when inclosed, for the Use of any Colliery or Mines sunk or made, or any Part or Parts thereof, and for working and carrying on the same; and with Carts, Waggons, and other Carriages to take and carry away the Lead, Copper, Iron, Ores, and Coal, Lime, and Stone, and all other Mines and Minerals whatsoever there to be found and raised as aforesaid, and to do all other reasonable and necessary Acts and Things in and upon such Part of the said Commons and Waste Lands lastly mentioned, when inclosed, for the discovery, getting, working, converting, removing, carrying away, selling, and disposing of all Mines, Coal, and other Minerals, Lime, and Stone whatsoever, without Molestation or Interruption whatsoever, in the same Manner, as fully and effectually to all Intents and Purposes, as they could or might have done in case this Act had not been made; save only that they shall respectively do as little Damage as possible in the Lands lastly mentioned to be inclosed as aforesaid, and shall make reasonable Satisfaction and Recompence from Time to Time to the Person or Persons possessed thereof, for all Trespass and Damage that shall be done thereto, or to any Part thereof, by searching for, working, digging, raising, and carrying away the said Mines, Ores, Minerals, Coal, Lime, and Stone, or any of them.

General saving of Rights.

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

Act to be printed by the King's Printer.

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

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1808.