ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 129.

An Act for inclosing Lands in the Parish of *Bettws-Abergele*, in the County of *Denbigh*.

[27th *May* 1809.]

WHEREAS there are within the Parish of *Bettws-Abergele*, in the County of *Denbigh*, certain Commons, Heaths, and Waste Lands, containing in the Whole, by Computation, Three thousand five hundred Acres, or thereabouts: And whereas the King's most Excellent Majesty, in Right of His Crown, is entitled to the Soil of the said Commons, Heaths, and Waste Lands: And whereas the Right Reverend *William* Lord Bishop of *Saint Asaph* is the Rector of the Parish of *Bettws-Abergele* aforesaid, and the Reverend *Edward Evans* is Vicar thereof; and the said *Edward Evans* as such Vicar is entitled to certain Glebe Lands within the same Parish, and in respect thereof to a Right of Common upon the Commons, Heaths, and Waste Lands hereby intended to be inclosed: And whereas Sir *Watkin Williams Wynn* Baronet, Sir *Edward Pryce Lloyd* Baronet, *John Lloyd Wynne*, and *Robert William Wynne*, Esquires, and divers other Persons, are Proprietors of Messuages, Lands, and Tenements within the said Parish of *Bettws-Abergele*, and are entitled in respect thereof to a Right of Common in, over, and upon all and every the Commons, Heaths, 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 Commons, Heaths, 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, and *John Maughan*, of *Hitchin*, in the County of *Hertford*, Gentleman, and their Succeſſors, to be elected in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, and allotting the ſaid Commons, Heaths, and Waſte Lands within the ſaid Pariſh of *Bettws 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.

Appointment of Commiſſioners.

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

Umpire.

III. And be it further enacted, That at a General Meeting of the Proprietors of Lands within the ſaid Pariſh of *Bettws-Abergele*, to be held at *Bettws-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, not intereſted in the ſaid Incloſure, to act in the Execution of this and the ſaid recited Act.

Appointment of Surveyor.

IV. And

For appointing new Commissioners and Surveyors in case of Death, &c.

IV. And be it further enacted, That if the said Commissioners herein-before named, and the Surveyor or Surveyors so to be appointed as aforesaid, or any or either of them, or their or any or either of their respective Successors, to be appointed as herein-after mentioned, shall die or become incapable by Sickness or otherwise of acting, or shall refuse to act as Commissioner or Commissioners, 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 *Bettws-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 *Bettws-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 or Commissioners, and Surveyor or Surveyors, not interested in the said Inclosure, in the Room of the said Commissioners herein-before named; and the Surveyor or Surveyors so to be appointed as aforesaid, or any or either of them, and such Commissioner or Commissioners, Surveyor or Surveyors, or such of them or their respective Successors as shall die, become incapable, refuse or neglect to act as aforesaid, and every Commissioner or Commissioners, 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.

Appointment of Umpire on Vacancies.

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

their Hands, the Choice and Appointment of such Person to be Umpire accordingly; and every Umpire to be appointed in the Manner hereinbefore directed shall have the like Powers and Authorities as are by this Act vested in the Umpire hereby appointed.

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

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

Oath of Umpire.

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

'I do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, 'execute and perform the Trusts, Powers, and Authorities vested and 'reposed in me as Umpire, by virtue of an Act of Parliament passed in 'the Forty-ninth Year of the Reign of King *George* the Third, for inclosing 'Lands in the Parish of *Bettws-Abergele*, in the County of *Denbigh*, according to Equity and good Conscience, and without Favour or Affection, 'Prejudice or Partiality, to any Person or Persons whomsoever.

'So help me GOD.'

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

Commissioners to give Notice of Sittings.

VIII. And be it further enacted, That the said Commissioners shall and they are hereby required to cause Notice to be given to the Surveyor General of His Majesty's Land Revenue for the Time being, and a like Notice to be affixed upon some *Sunday*, during or immediately after Divine Service, on the principal outer Door of the Parish Church of *Bettws-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 their First and every other Sitting for the Execution of this and the said recited Act, at least Fourteen Days before any such Sitting shall be held (Sittings by Adjournment only excepted); and every such Notice shall express the Purpose for which such Sitting is to be held; and that the said Commissioners may and they are hereby authorized to adjourn any such Sitting from Time to Time as they shall see Occasion; and every Adjournment shall be made known to Four Proprietors at least before the Business of such Adjournment shall be proceeded in; and in case the said Commissioners shall not meet at the Time and Place appointed for any such Sitting, or to which any such Sitting shall be adjourned, it shall and may be lawful for the Commissioner present at such Time and Place, and if no Commissioner shall then attend, for the Clerk to the said Commissioners to adjourn

ſuch Sitting to any future Day, not exceeding Twenty Days from the Day of Adjournment, to be holden at the ſame Place, and ſo from Time to Time until both the ſaid Commiſſioners ſhall meet; and the Commiſſioner or Clerk making ſuch Adjournment is hereby required to give Notice thereof to the abſent Commiſſioner or Commiſſioners; and every Sitting or Meeting of the ſaid Commiſſioners for putting this Act and the ſaid recited Act into Execution, whether by Adjournment or otherwiſe, ſhall be holden at *Bettws-Abergele* aforeſaid, or within Eight Miles thereof, 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.

Other Notices how to be given.

IX. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioners in purſuance of this or the ſaid recited Act, ſhall be ſo made and given by Advertiſement to be inſerted in the *Cheſter* and *Bangor* Newſpapers, or ſome or One of them, or if the ſame ſhall not be then publiſhed, then in ſome other Newſpaper uſually circulated in the ſaid County of *Denbigh*; and that the ſaid Surveyor General ſhall have at leaſt Fourteen clear Days Notice of all Meetings and Adjournments, when any Proceeding is intended to be carried on wherein His Majeſty, His Heirs and Succeſſors, ſhall be intereſted.

Power for Commiſſioners to ſurvey the incloſed Lands, at the Expence of the Proprietors.

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

Commiſſioners to enquire into Encroachments made above Sixty Years, which are to have Allotments.

XI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, by Examination of Witneſſes on Oath, to be adminiſtered by ſuch Commiſſioners or either of them, and by ſuch other legal Ways and Means as they ſhall think proper, to enquire into and determine what Incloſures have been taken from and made upon the ſaid Commons, Heaths, 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 Commiſſioners 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.

Commissioners to settle Disputes,

XII. 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 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 Commissioners, and they are 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 Commissioners or Umpire to hear and determine any Difference or Dispute which may arise, touching or concerning the Title of any Person or Persons to any Messuages, Cottages, Lands, Tenements, or Hereditaments whatsoever.

but not to determine Titles.

Power to award Costs.

XIII. And be it further enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in pursuance of the said recited Act or of this Act, see Cause to award any Costs, it shall and may be lawful to and for the said Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioners shall be made, by the Person or Persons whose Claim or Claims, 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 Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus, if any, upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

Parties may try their Rights by an Issue at Law.

XIV. Provided always, 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 Commons, Heaths, and Waste Lands herein-before mentioned, or of any Rights of Common or other Rights

Rights or Interests in, over, or upon the same, or any Part thereof, or objecting to any such Claim or Claims, shall be dissatisfied with the Determination of the said Commissioners or Umpire, and shall be desirous of having such Claim or Claims, Rights or Interests respectively tried at Law, and shall by himself or herself, or themselves respectively, or his, her, or their Agent or Agents, Attorney or Attornies respectively, give Notice in Writing to the said Commissioners or either of them, within Fourteen Days next after such Determination shall have been so made by the said Commissioners or Umpire, of which Notice the said Commissioners or either of them are or is hereby required to give immediate Information, by Writing under their or his Hands or Hand, to the adverse Party or Parties, or his, her, or their Agent or Agents, Attorney or Attornies respectively, to be delivered to or left at the usual Place 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 thereto 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 Commissioners shall and they are 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 Commissioners 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.

XV. And

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

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

Provision in Cases of Death of Parties before Actions brought.

XVI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any 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 Commissioners with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

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

Power for the Crown to appoint Assistant Commissioner.

XVIII. 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 an Assistant Commissioner to carry this Act into Execution, as far as relates to His Majesty's Rights and Interests to and in the said Commons, Heaths, and Waste Lands; and such Assistant Commissioner, before he proceeds to the Execution thereof, shall take the same Oath as the Commissioners hereby appointed or hereafter to be appointed are required to take; and such Assistant Com-

missioner shall be paid at the Rate of Two Pounds and Two Shillings for every Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences; and shall bear and pay his own Expences during the Time he shall be so employed.

Allotment for getting Materials, &c.

XIX. And be it further enacted, That the said Commissioners shall and they are 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 *Bettws-Abergele* for the Time being, such Plot or Plots of the said Commons, Heaths, and Waste Lands in such Parish, not exceeding in the Whole Ten Statute Acres, in such Places as they 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 *Bettws-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 or Persons 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 Commissioners shall by their geneaal 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 *Bettws-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 any 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 *Bettws-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 *Bettws 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, cut, or got, to the Churchwardens or Overseers of the Poor of the said Parish of *Bettws-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 *Bettws Abergele*; and the said Commissioners 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 *Bettws-Abergele*, upon the said Commons, Heaths, and Waste Lands aforesaid, for the common Use and Benefit of all Owners and Occupiers of Messuages, Tenements, Lands, or Hereditaments within the same Parish.

For Watering Places.

Not to alter Watercourse, &c.

XX. Provided always nevertheleſs, and be it further enacted, That it ſhall not be lawful for the ſaid Commiſſioners to alter or change the Courſe of any 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.

Allotment for a Schoolmaſter.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall ſet out, allot, and award unto the ſaid *John Lloyd Wynne*, *Robert William Wynne*, and their Heirs reſpectively; and the ſaid *Edward Evans*, and his Succeſſors, Vicar of the ſaid Pariſh of *Bettws-Abergele* for the Time being reſpectively, in Truſt for the Purpoſes herein after mentioned, ſo much and ſuch Part of the ſaid Commons, Heaths, and Waſte Lands (the Expences of fencing and incloſing the ſame to be paid out of the Money to be raiſed for the general Purpoſes of this Act) as ſhall in the Judgement of the ſaid Commiſſioners be of the annual Value of Ten Pounds, which, with the increaſed annual Rents thereof, ſhall from Time to Time be received by the ſaid Truſtees, and be by them paid to and for the Uſe, Benefit, and Advantage of a Schoolmaſter for the ſaid Pariſh of *Bettws-Abergele*, or otherwiſe diſpoſed of and applied in ſuch Manner, and ſubject to ſuch Regulations, Orders, and Reſtrictions, as the ſaid Truſtees, or the major Part of them, ſhall from Time to Time direct or appoint.

Allotments to His Majeſty in Right of the Soil.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall (after the Boundaries directed to be ſet out by the ſaid recited Act ſhall have been fully aſcertained and determined, and after ſetting out the Roads and Ways which by the ſaid recited Act they are authorized to ſet out, and the ſeveral Allotments for getting Materials for Watering Places, and for a Schoolmaſter, as herein-before mentioned, and before any other Allotment whatſoever ſhall be made or ſet out) aſſign, ſet out, and allot unto and for the Uſe of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, with the Concurrence and Approbation in Writing of the ſaid Aſſiſtant Commiſſioner, and not otherwiſe, ſo much and ſuch Part or Parts of all the ſaid Commons, Heaths, and Waſte Lands hereby directed to be incloſed, 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, in, over, or upon the Soil of the ſaid Commons, Heaths, and Waſte Lands ſo directed to be divided and incloſed as aforeſaid, and for his Conſent to the Diviſion and Incloſure thereof.

Expences of this Act to be raiſed by a Sale of Part of the Commons.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required from Time to Time, as often as they ſhall judge expedient, to ſet out, aſcertain, and allot ſo much and ſuch convenient Part or Parts of the ſaid Commons, Heaths, and Waſte Lands, as in the Judgement of the ſaid Commiſſioners ſhall be ſufficient to raiſe a competent Sum of Money for paying and defraying all and every the Coſts,

Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, and of the Surveys, Admeaſurements and Plans of the ſaid Commons, Heaths, 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 Commiſſioners (except where the ſame may apply to the ancient incloſed Lands as aforeſaid), and alſo of valuing and dividing, ſetting out and allotting the ſaid Commons, Heaths, and Waſte Lands or any Part thereof, and of forming, making, and completing the public Roads and Ways which ſhall be ſet out and appointed by virtue of this or the ſaid recited Act, and of fencing and incloſing the ſaid Allotment ſo to be made for the Benefit of a Schoolmaſter as aforeſaid, and of preparing, inrolling, and depoſiting the ſaid Award and making a Copy thereof, and all and every other Coſts, Charges, and Expences ariſing and accruing in the courſe of carrying the Powers herein and in the ſaid recited Act contained into full and complete Execution and Effect; and ſhall expoſe the ſaid Allotment or Allotments to public Sale by Auction or otherwiſe, in Manner and ſubject to the Directions and Regulations mentioned in the ſaid recited Act; and that the ſaid Commiſſioners herein-before appointed, or their Succeſſors to be appointed as aforeſaid, ſhall, on Payment of the Purchaſe Money for ſuch Allotment or Allotments ſo to be ſold for the Purpoſes aforeſaid, by Indentures under their Hands and Seals, to be by them executed in the Preſence of and atteſted by Two or more credible Witneſſes, convey, aſſure, and confirm, by way of Leaſe and Releaſe, the ſame Allotment or Allotments unto and to the Uſe of the Purchaſer or Purchaſers thereof, his, her, or their Heirs and Aſſigns for ever, or unto ſuch Perſon or Perſons, for ſuch Uſe or Uſes, upon ſuch Truſt or Truſts, and for ſuch Limitation or Limitations, as ſuch Purchaſer or Purchaſers ſhall direct or appoint, ſuch Direction or Appointment to be in Writing under his, her, or their Hands and Seals reſpectively.

Commiſſioners may borrow Money to pay Expences till Sale of Land.

XXIV. And be it further enacted, That in caſe it ſhall be found neceſſary, before ſuch Sale can be effected, to raiſe any Sum or Sums of Money for defraying the Expences aforeſaid, it ſhall be lawful for the ſaid Commiſſioners to borrow and take up at Intereſt ſuch Sum or Sums of Money as they ſhall from Time to Time think neceſſary for the Purpoſes aforeſaid, not exceeding Five Pounds *per* Acre, of the ſaid Commons, Heaths, and Waſte Lands, which Money ſo to be borrowed ſhall be repaid with Intereſt, at the Rate of Five Pounds *per Centum per Annum*, out of the Monies to be raiſed by ſuch Sale as aforeſaid, and ſhall in the Meantime be a Charge upon the ſaid Commons and Waſte Lands, or ſuch Part or Parts thereof as the ſaid Commiſſioners ſhall think proper ſo to charge therewith.

Application of Surplus Money.

XXV. And be it further enacted, That in caſe any Part or Parts of the ſaid Commons and Waſte Grounds ſhall be ſold for more Money than will be required to defray ſuch Charges and Expences as aforeſaid, then and in ſuch Caſe ſuch Surplus Money ſhall be divided and apportioned between the ſeveral Proprietors of the Lands hereby directed to be divided and incloſed, according to their ſeveral and reſpective Intereſts therein, and paid to them in caſe they ſhall be ſeiſed in Fee Simple of their ſeveral Allotments, or otherwiſe ſuch Surplus Money ſhall be paid into the Bank of *England*, in manner directed by the ſaid recited Act with reſpect to Money thereby directed to be paid into the Bank for the Purchaſe or Exchange of Lands, Tenements, or other Hereditaments, or of any Timber or Wood growing

growing thereon, where any such last-mentioned Money ought to be laid out in the Purchase of other Lands, Tenements or Hereditaments to be settled to the same Uses.

Deficiency, if any, to be made good by the Proprietors.

XXVI. Provided always, That in case the Money to be raised by such Sale as aforesaid, shall not be sufficient to pay and defray all the Costs, Charges, and Expences as aforesaid, and of repaying the Money so to be borrowed, then the Deficiency shall be borne, paid, and defrayed by the several Proprietors of or Persons interested in the said Commons, Heaths, and Waste Lands intended to be hereby divided and inclosed, (except His said Majesty, His Heirs and Successors, the Surveyor or Surveyors of the Highways, and the said *John Lloyd Wynne*, *Robert William Wynne*, and *Edward Evans*, in respect of the several Allotments to be given to them upon Trust for the Purposes 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 Commissioners shall in and by their said Award, or by any other Writing or Writings under their Hands, either previous to, or after the Execution of their said Award, order, direct, and appoint, according to the Value of their respective Allotments in the said Commons and Waste Lands; and the said Commissioners are hereby authorized and required from Time to Time, and as often as they shall deem it necessary and proper, either before or after the Execution of the said Award, to raise the Amount of such Deficiency by a Rate or Rates accordingly; and in case any 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 recited Act.

Allotment of the Residue to the several Proprietors of Lands within the Parish, &c.

XXVII. And be it further enacted, That the said Commissioners shall in the next Place assign, set out, and allot in Severalty the Residue of the said Commons, Heaths, and Waste Lands hereby directed to be inclosed, unto and amongst the said Sir *Watkin Williams Wynne*, Sir *Edward Pryce Lloyd*, *John Lloyd Wynne*, and *Robert William Wynne*, and the several other Persons Owners and Proprietors of Lands and Hereditaments within the said Parish of *Bettws-Abergele* (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 Commons, Heaths, 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 entitled to such Right of Common as aforesaid, such Value to be ascertained and fixed by the said Commissioners, who shall not upon any Account or under any Pretence give any undue Preference to any of the Parties interested in the said Division, in their or any of their Allotments or Shares of the said Commons, Heaths, and Waste Lands aforesaid.

Extract of so much of the Award as relates to the King's Allot-

XXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to make an Extract on Parchment under their Hands and Seals, of so much of their Award as shall contain an accurate Description of the Allotment or Allotments to be made to His said Majesty,

in

in respect to 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 One Calendar Month next after the making and executing the said Award, to be by him filed and kept among the Muniments of his Office, and to be produced and admitted in Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting the Rights and Interests of His Majesty, His Heirs and Successors.

ment, to be sent to the Surveyor General.

XXIX. 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 *Bettws-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 entitled or claim to be entitled to Right of Common in respect of both such Estates, then and in such Case the Comissioners, 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 different 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.

Allotments to Tenants for Life and in Fee Simple.

XXX. And be it further enacted, That in case any of the Proprietors entitled 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 Commissioners, within such Time as the said Commissioners shall for that Purpose appoint; and if the Commissioners shall be of Opinion that the Number of Proprietors who have made such Request shall be sufficient to enable the said Commissioners 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 Commissioners and they are hereby required to set out and allot to and for the Proprietors making such Request, from and out of such Parts of the Commons and Waste Lands aforesaid most convenient for that Purpose, such Parcel or Parcels thereof as shall in the Judgement of the said Commissioners be an Equivalent and Compensation for the Rights of Common to which the Proprietors making such Request shall be entitled; and if it should appear to the said Commissioners (without any such Request to them made) that any of the Commons and Waste Lands within the said Parish of *Bettws-Abergele*, by reason of Situation and 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 Commissioners are 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 Commissioners be most convenient

Commissioners empowered to set out Common Pastures.

venient 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 Commiſſioners, by the Award to be by them made, ſhall eſtabliſh and direct; and the Soil of the Land which ſhall be ſo allotted for Common Paſture, ſhall, by virtue of this Act, immediately on the Allotment thereof, be veſted in ſuch Truſtees as the ſaid Commiſſioners ſhall by their Award appoint, for the Benefit of the Perſons to whom the Right of Common thereon ſhall be allotted.

Reſpecting Encroachments.

XXXI. And be it further enacted, That all Encroachments, excluſive of the Cottages and other Erections thereon, taken from the ſaid Commons, Heaths, and Waſte Lands herein-before deſcribed, within the Space of Twenty Years before the paſſing of this Act, or that have been laid open within the ſaid Space of Twenty Years, ſhall be deemed Part and Parcel of the ſame Commons, Heaths, 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 eight, 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 Sittings of the ſaid Commiſſioners, ſo that ſuch Encroachment or Encroachments, with the additional Road leading thereto from any general Road, which the ſaid Commiſſioners are to value as Common or Waſte Land, without conſidering the Erections and Improvements made thereon, do not exceed in Value the Allotment or Allotments to which ſuch Perſon or Perſons ſhall be entitled in lieu of his, her, or their Right of Common, and if the ſame ſhall ſo exceed ſuch Allotment or Allotments, the Surplus ſhall be ſevered and fenced out at the Expence of the Perſon or Perſons ſo having encroached, and ſhall be allotted to ſome other Perſon or Perſons entitled to an Allotment or Allotments; and when it ſhall happen that ſuch Encroachments or Erections have been made by Perſons not entitled to any Right of Common, in ſuch Caſe the ſaid Commiſſioners ſhall ſet a Value on all ſuch Erections, and the ſame ſhall paſs with the Lands in which they ſhall happen to ſtand, to the Perſon or Perſons to whom the ſaid Commiſſioners ſhall allot ſuch Land, he, ſhe, or they paying to the Perſon or Perſons at whoſe Expence ſuch Erections were made, ſuch Sum of Money as the ſaid Commiſſioners ſhall have valued ſuch Erections at; and if ſuch Perſon to whom ſuch Land ſhall be allotted, ſhall refuſe to pay ſuch Valuation, then the Perſon at whoſe Expence ſuch Erections ſhall have been made, ſhall have and enjoy ſuch Cottages and Erections, for ſuch Time and at ſuch Ground Rent or Acknowledgment, payable to the Perſon to whom the ſaid Land ſhall be allotted, and in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint.

XXXII. And

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

XXXII. And be it further enacted, That when and as soon as the said Commissioners shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors in the said Commons, Heaths, and Waste Lands to be inclosed by virtue of this Act, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioners shall give Notice in Manner aforesaid of some convenient Time and Place, 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 at their Expence a Copy of such Schedule, as far as the same relates to such Proprietors respectively; and a Copy of such Map or Plan and Schedule, so far as the same relates to the Allotments to be made to His Majesty, shall, by the said Commissioners Fourteen Days at the least previously to the Time of Meeting for the Perusal of such Schedule, Map, or Plan, be transmitted to the Surveyor General of His Majesty's Land Revenue.

Commissioners may make any Alterations in the Allotments before the Execution of the Award.

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

Award to be deposited.

XXXIV. And be it further enacted, That the Award to be made by the said Commissioners, when inrolled in Manner directed by the said recited Act, shall be deposited in a Tin Box, and kept for public 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 *Bettws-Abergele* aforesaid, for the Perusal of all Persons interested therein.

The King's Allotments may be sold before the Execution of the Award.

XXXV. And be it further enacted, That it shall be lawful for the said Surveyor General of His Majesty's Land Revenue, at any Time before the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Politic, Corporate or Collegiate, for the Sale of all or any Allotments or Allotment to be made to His Majesty, His Heirs and Successors, by virtue of this Act, for the best Prices or Considerations in Money which the said Surveyor-General shall be able to procure for the same; and the Purchase-Money arising from such Sale shall be paid into the Bank of *England*, to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies arising from the Sales of certain Parts of the Property of the Crown, authorized by the Act passed in the Forty-eighth Year of His present Majesty, intituled, *An Act to improve the Land Revenue of the Crown in* England, *and also of His Majesty's Duchy of* Lancaster, are directed to be paid; and the Sale of such Allotments or Allotment shall be made in the same Manner and Form, and under the like Rules, Regulations and Provisions, and shall be, to all Intents and Purposes, as valid and effectual as if the same were made under the said last

recited Act, and after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to aſſign, ſet out and allot ſuch Allotments or Allotment to the Purchaſers or Purchaſer thereof, or other Perſons or Perſon who ſhall be entitled thereto by virtue of ſuch Sale, and he, ſhe, or they ſhall, immediately after the Execution of the ſaid Award as aforeſaid, have, hold, uſe and enjoy ſuch Allotments or Allotment, and ſhall uſe and exerciſe any Act of Ownerſhip in and upon the ſame in as full, large, ample and beneficial a Manner, to all Intents and Purpoſes, as His Majeſty, His Heirs or Succeſſors, or his or their Leſſees or Grantees could or might have done, in caſe ſuch Sale had not been made, but ſubject nevertheleſs to the Rights or Intereſt in or to any Mines, Ores, Minerals, Coal, Limeſtone or other Stone or Matter whatſoever in or under the ſame, as herein-after ſaved and reſerved to His Majeſty, His Heirs and Succeſſors.

If perſons ſell before the Award is executed, the Allotment to be made to the Purchaſer.

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

Wills and Settlements not to be affected.

XXXVII. And be it further enacted, That nothing in this or the ſaid recited Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter or annul any Will, Deed, or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents or Incumbrances out of, upon, or affecting any of the Lands, Grounds, and Hereditaments to be divided and allotted, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right by virtue of this or the ſaid recited Act or any Part or Parts thereof reſpectively, but as well the Lands allotted as the Tenements and other Hereditaments which ſhall be aſſigned in Exchange or in Compenſation for any other Eſtate or Right, ſhall, immediately after ſuch Allotment, Exchange, or 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, charged with, or affected by in caſe this Act had not been paſſed.

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

XXXVIII. And whereas ſome of the Owners and Proprietors of Lands and Grounds within the ſaid Pariſh of *Bettws-Abergele* may have Occaſion to borrow Money to defray their reſpective Shares of the Coſts, Charges, and Expences of obtaining and carrying this and the ſaid recited Act into Execution; be it therefore further enacted, That it ſhall and may be lawful to and for the Huſbands, Guardians, Truſtees, Committees, or Attor-

nies

nies of any of the Owners or Proprietors of the Lands and Grounds to be divided and allotted by virtue of the said recited Act and this Act, being under Coverture, Minors, Lunatics, beyond the Seas, or under any other legal 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 Commissioners shall by their said Award, or by Writing under their Hands, 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 aforesaid, or enabled by this Act to charge such Lands and Grounds with the same, shall choose to advance, pay, and discharge such Sum or Sums of Money, then and in every such Case it shall be lawful for the said Commissioners, by any Deed or Writing under their Hands and Seals, 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 re-assigned 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 of or entitled to any such Lands and Grounds, shall be liable to 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.

XXXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, and Hereditaments whatsoever, within the said Parish of *Bettws-Abergele*, 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 Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Pro-

prietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body or Bodies Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees or Attornies of or acting for any such Proprietors or Owners as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Femes Covert, Lunatics, or under any other legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself, such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every 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 Commissioners shall by their said Award order and direct.

Allowance to Commissioners and Umpire.

XL. And be it further enacted, That each of the said Commissioners and the Umpire, acting in the Execution of the Trusts and Powers hereby vested in them, shall be allowed and paid in Satisfaction for their Trouble and Expences, the Sum of Two Pounds and Two Shillings for every Day on which they shall be actually respectively employed in travelling to, attending in or returning from so acting, and that at all Sittings or Meetings to be held in pursuance of this Act, the said Commissioners and Umpire, and all Persons attending such Sittings or Meetings, shall pay their own Expences: Provided always, that in order the better to regulate the Charges of the said *John Maughan* as such Commissioner as aforesaid, his Place of Residence shall be considered to be within the County of *Flint* and at no greater Distance.

For repaying Money advanced and Interest thereon.

XLI. 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 Commissioners for carrying the same and the said recited Act 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.

Commissioners to lay their

XLII. 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

the Day of the paſſing thereof) the ſaid Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all and every Sum and Sums of Money by them received and expended, or due to them for their own Trouble and Expences in the Execution of this and the ſaid recited Act; and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by them laid before any Two or more of His Majeſty's Juſtices of the Peace 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 Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed in Writing by ſuch Juſtices.

Accounts before Two Juſtices.

XLIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act, (other than and except ſuch Determinations of the Commiſſioners as are hereby or by the ſaid 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 Commiſſioners or either of them, 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 Order or Warrant to levy ſuch Damages and Coſts by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties 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.

Perſons aggrieved may appeal to th Quarter Seſſions.

XLIV. 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, His Heirs and Succeſſors, in or to any Mines, Ores, Minerals, Coal, Limeſtone, or other Stone or Matters whatſoever, in or under the ſaid Commons and Waſte Lands 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, Coal, Stone, or other Matters, as freely

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

freely and effectually to all Intents and Purposes, 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 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, Limestone, and other Matters, or any of them.

Saving to His Majesty his Rights of Jurisdiction.

XLV. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of His Majesty, His Heirs or Successors, or of his or their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of and for the Manor or Lordship of *Denbigh* and *Denbigh Land*, or any Parcel or Member thereof, of, in, or to the Seigniories and Royalties incident and belonging to the same; but that His Majesty, His Heirs and Successors, and His or their Lessee or Lessees, Steward or Stewards, or other Officers thereof for the Time being, shall and may from Time to Time and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquisites and Profits of Courts, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, Preeminences, Manerial Jurisdictions and Appurtenances whatsoever, to the same, or to the Stewards or other Officers thereof, incident or appendant, belonging or appertaining.

General Saving of Rights.

XLVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Corporate and Politic, his, her, and their Heirs, Successors, Executors and Administrators, all such Right, Title, Estate and Interest (other than those meant and intended to be barred and destroyed by this Act) as they, every or any of them had and enjoyed of, in, to or out of the Commons, Heaths, 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 King's Printer.

XLVII. 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. 1809.