ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 150.

An Act for incloſing Lands in the Pariſh of *Caſcob*, and Townſhips of *Ednol* and *Kinnerton*, in the County of *Radnor*. [3d *June* 1813.]

WHEREAS there are within the Pariſh of *Caſcob*, and within the Townſhips of *Ednol* and *Kinnerton*, in the Pariſh of *Old Radnor*, in the County of *Radnor*, certain Commons or Waſte Grounds, containing by Eſtimation One thouſand five hundred Acres, or thereabouts: And whereas the King's moſt Excellent Majeſty in Right of His Crown is Lord of the Lordſhip of *Cantremellenith*, and is, as Lord as aforeſaid, ſeiſed of and entitled to the Soil and Royalties in and over that Part of the ſaid Commons or Waſte Grounds lying within the Pariſh of *Caſcob* aforeſaid; and alſo is or claims to be ſeiſed of and entitled to Land called *Cwmygerwyn*, otherwiſe *Cwmbergerwyn*, in the Pariſh of *Caſcob* aforeſaid: And whereas *Samuel Lewin* Eſquire, *Thomas Stephens* Eſquire, *John Whittaker* Eſquire, and ſeveral other Perſons, are ſeiſed and poſſeſſed of divers Meſſuages, Tenements, ancient incloſed Grounds and Hereditaments within the ſaid Pariſh of *Caſcob* and Townſhips of *Ednol* and *Kinnerton* reſpectively, and in reſpect thereof, or as appendant, appurtenant, or belonging thereto, they or their Leſſees, Farmers, or Tenants, are entitled to Right of Common and raiſing Stone in, upon, and over the ſaid Commons or Waſtes: And whereas the ſaid *Samuel Lewin* is Lord of the Manor of *Ednol*, and as ſuch is entitled to the Soil and Royalties in and over that Part of the ſaid Commons or Waſte Grounds lying within the Townſhip of *Ednol* aforeſaid: And whereas the ſaid *Thomas Stephens* is Lord of the Manor of *Kinnerton*, otherwiſe *Kinnarton*, and as ſuch is

ſeiſed of or entitled to the Soil and Royalties in and over that Part of the ſaid Commons or Waſte Grounds lying within the ſaid Townſhip of *Kinnerton*: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Commons or Waſtes in their preſent State are of little Uſe or Advantage, but the Whole are capable of Cultivation and Improvement, and the ſeveral Perſons entitled to ſuch Right of Common and raiſing Stone as aforeſaid, are willing and deſirous that the ſaid Commons or Waſtes ſhould be divided and allotted by Commiſſioners in that Behalf to be appointed, unto and amongſt them proportionably, and according to the Value of their reſpective Eſtates, Rights, and Intereſts therein, and that ſuch Allotments ſhould be incloſed and held in Severalty; but the beneficial Purpoſes aforeſaid cannot be effected without the Aid and 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 Cheeſe* of *Lyonſhall*, in the County of *Hereford*, Gentleman, and *James Stephens* of *Preſteign*, in the County of *Radnor*, Gentleman, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing the ſaid Commons or Waſtes, and for putting in Execution this Act, with ſuch of the Powers, Authorities, Directions, and Proviſions contained in the ſaid recited Act as are not altered, controlled, otherwiſe provided for, or affected by this Act.

Commiſſioners appointed.

II. And be it further enacted, That the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, or the Surveyor General of His Majeſty's Land Revenue for the Time being, may from Time to Time, by Writing under their or his Hands or Hand, nominate and appoint an Aſſiſtant Commiſſioner to carry this Act into Execution, ſo far as relates to His Majeſty's Rights and Intereſts to and in the ſaid Commons and Waſtes; 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 Commiſſioner ſhall be paid out of the Monies herein-after provided, at the Rate of Two Pounds Twelve Shillings and Sixpence, and no more, for every Day that he ſhall be actually employed in the Execution of the Duty hereby in him repoſed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences; and ſhall bear and pay his own Expences during the Time he ſhall be ſo employed.

Power to the Commiſſioners of Woods, &c. to appoint an Aſſiſtant Commiſſioner to attend to His Majeſty's Intereſt.

III. And be it further enacted, That in caſe either of the ſaid firſt-mentioned Commiſſioners ſhall refuſe to act or qualify himſelf as a Commiſſioner for the Execution of this Act, or if he ſhall, before the Powers and Truſts repoſed in the ſaid Commiſſioners ſhall have been fully executed, die or become incapable of acting as a Commiſſioner, it ſhall be lawful for the major Part in Value of the Proprietors for the Time being of the Lands and Hereditaments entitled to ſuch Right of Common as aforeſaid, according to the Aſſeſſment thereof to the Land Tax, who ſhall by themſelves or their reſpective Agents attend the Meeting or Meetings

For the Appointment of new Commiſſioners

to

to be appointed for that Purpose as herein-after is mentioned, by Writing under their respective Hands, to appoint some other fit Person (not interested in the said intended Inclosure) to be a Commissioner in the Place of the Commissioner so refusing, dying, or becoming incapable, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, refuse, or become incapable of acting as aforesaid; and in case Default shall be made in appointing any such new Commissioner within Three Calendar Months after the Death of any Commissioner, or his Refusal or becoming incapable to act, then the surviving or remaining Commissioner shall and he is hereby required from Time to Time, by Writing under his Hand, within Three Calendar Months next after the Expiration of the said Three Calendar Months allowed to the Parties for appointing such new Commissioner or Commissioners, or so soon after as conveniently may be, to appoint one other Commissioner not interested in the Premises, in the room of any such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every Commissioner to be appointed in Manner herein-before directed shall have the like Powers and Authorities as the Commissioners named and appointed by this Act: Provided always, that Two or more of the said Proprietors shall cause Notice to be given of the Time and Place of Meeting for every such Election, (which Place shall be in One of the said Parishes of *Cascob* and *Old Radnor*, or within the Distance of Eight Miles therefrom) at least Fourteen Days before the Time of holding such Meeting; such Notice to be publicly read in the Parish Church of *Cascob*, and in the Churches or Chapels of *Ednol* and *Kinnerton* aforesaid, on some *Sunday* immediately after Divine Service, and to be inserted in the Newspaper called *The Hereford Journal*, or some other Newspaper generally circulated in the County of *Radnor*.

How Differences between the Commissioners are to be settled.

IV. And for the effectually obviating and preventing any Inconvenience or Delay which might otherwise happen or be occasioned in the Proceedings of the said *John Cheese* and *James Stephens*, Commissioners as aforesaid, or between such Person or Persons as may be appointed Commissioners in place of them, or either of them, by reason of any Difference of Opinion between them touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Points or Questions arising out of or relating thereto; be it further enacted, That if any Difference of Opinion shall happen to arise between the Commissioners for the Time being, touching or concerning any Matrer or Thing in the Execution of the Powers of this Act, or any Point or Points, Question or Questions, arising out of or relating thereto, then and as often as the Case shall so happen all and every such Matters or Things, or Points or Questions respectively, upon which there shall be any such Difference of Opinion between the said Commissioners as aforesaid, shall be referred by the said Commissioners, by Writing under their Hands, to some disinterested and skilful Person as Umpire, whom it shall be lawful for the said Commissioners to nominate and appoint, by Writing under their Hands for that Purpose, from Time to Time and as often as they shall think necessary, to determine all and every such Matters or Things, and Points and Questions respectively as aforesaid; and the Determination of every such Umpire so to be appointed, to be expressed in Writing under his Hand, shall be and shall be deemed and taken as conclusive and binding upon all Persons whomsoever, as to all and every the Matters or Things, or

Points or Questions, so respectively referred to his Determination as aforesaid, so far as the Determination of the said Commissioners as to such Matters or Things, or Points and Questions, would have been conclusive and binding; to the Intent that the said Commissioners may be thereby enabled to proceed in the Execution of the Powers of this Act, and to make their General Award as herein-after directed, notwithstanding any such Difference in Opinion between them as aforesaid; and every such Person so to be appointed for the Purpose aforesaid shall, after taking and subscribing the Oath herein-after directed to be taken, have and is hereby vested with the same Powers and Authorities as by the said Act and this present Act, are given to the Commissioners hereby appointed, but so nevertheless as that any such Person shall not be empowered to act for any other Purpose than the determining of such Matters as may be so referred to him as aforesaid.

Oath to be taken by Umpire.

V. Provided always, and be it further enacted, That no Person shall be capable of acting in the Execution of this Act as Umpire, until he shall have taken and subscribed an Oath in the Form 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 passed in the Fifty-third Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality to any Person or Persons 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 Oaths, so taken and subscribed by such Umpire, shall be annexed to and enrolled with the Award of the said Commissioners.

Surveyor.

VI. And be it further enacted, That it shall be lawful for the said Commissioners, by Writing under their Hands, to appoint One or more fit and proper Person or Persons, not interested in the Premises, to be a Surveyor or Surveyors for the Purposes of this Act, for and during the Will and Pleasure of the said Commissioners, and on his Death or Removal, in like Manner to appoint some other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion; and every such Surveyor shall, at the First Meeting of the said Commissioners after his Appointment, take and subscribe an Oath in the Form herein-after set forth.

Oath to be taken by Surveyor.

VII. And be it further enacted, That no Person shall be capable of acting as a Surveyor in the Execution of this Act, until he shall have taken and subscribed an Oath in the Form following, *videlicet*,

'I Do sincerely promise and swear, that I will act in the Execution of the Powers, Authorities, and Trusts reposed in me as Surveyor by virtue of an Act passed in the Fifty-third Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*], truly, impartially, and honestly, according to the best of my Skill, Judgment and Ability, without Favour or Affection, Prejudice or Malice, to any Person or Persons whomsoever. So help me GOD.'

And

And either of the ſaid Commiſſioners is hereby authorized to adminiſter the ſaid Oath to the ſaid Surveyor; and the Oath ſo taken and ſubſcribed by each Surveyor ſhall be annexed to and enrolled with the Award of the ſaid Cmmiſſioners.

Commiſſioners to give Notice of Meetings.

VIII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby directed to cauſe public Notice to be affixed on the principal Outer Doors of the Pariſh Church of *Cascob*, and of the Churches or Chapels of *Ednol* and *Kinnerton* aforeſaid, of the Time and Place of their Firſt and every other Meeting for the Execution of this Act, at leaſt Eight Days before any ſuch Meeting ſhall be holden (Meetings by Adjournment excepted), and the ſaid Commiſſioners may, and they are hereby authorized to adjourn any ſuch Meeting from Time to Time, and Place to Place, as they ſhall ſee Occaſion; and in caſe both the ſaid Commiſſioners ſhall not meet at the Time and Place appointed for any ſuch Meeting, or to which any ſuch Meeting ſhall be adjourned, it ſhall be lawful for the Commiſſioner preſent at ſuch Time and Place, or if no Commiſſioner ſhall then attend, for the Clerk to the ſaid Commiſſioners (which Clerk they are hereby authorized to appoint), to adjourn ſuch Meeting to any future Day, not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the ſame or any other convenient 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 to the abſent Commiſſioner or Commiſſioners; provided that all the Meetings of the Commiſſioners ſhall be holden within one of the ſaid Pariſhes of *Cascob* and *Old Radnor*, or within the Diſtance of Eight Miles therefrom.

Other Notices how to be given.

IX. And be it further enacted, That all other Notices requiſite or neceſſary to be made and given by the ſaid Commiſſioners ſhall be made and given by Advertiſement, to be inſerted in the ſaid Newſpaper called *The Hereford Journal*, or in ſome other Newſpaper generally circulated in the ſaid County of *Radnor*.

Commiſſioners to determine Differences except as to Titles.

X. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties that now are or ſhall, before the making of the Award of the ſaid Commiſſioners, be intereſted or claim to be intereſted in the ſaid intended Diviſion and Allotments or any of them, touching and concerning the reſpective Shares and Proportions which they or any of them ſhall claim or ought to have in any of the ſaid Lands and Grounds hereby directed to be divided and incloſed, or in the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners and they are hereby authorized and required to examine into, hear and determine the ſame: Provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Cottages, Lands, or Hereditaments whatſoever: Provided alſo, that nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners or Umpire to determine any Right between any Parties contrary to the Poſſeſſion of any ſuch Parties; but in caſe the ſaid Commiſſioners or Umpire 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 by or recovered from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Power to award Costs.

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

Parties may try their Rights by an Issue at Law.

XII. Provided always, and be it further enacted, That in case any Person or Persons interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claims, Objections, Rights, or Interests to, in, over or upon the Lands and Hereditaments intended to be divided or allotted by this Act, or any Part thereof, and shall by Writing under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their known Agent or Agents, signifying the same to the said Commissioners within Two Calendar Months next after such Determination shall be made, in such Case, but not otherwise, it shall be lawful for the Person or Persons so dissatisfied with such Determination to have the Subject of such Claim or Objection in respect of which such Determination shall have been made tried by an Action at Law, to be brought by him, her, or them against the said Commissioners, or some one or more of the Parties in whose Favour such Determination shall have been made, upon a feigned Issue, to be settled by the proper Officer of the Court in which such Action shall have been brought, in case the Parties shall differ about the same, such Action to be brought within Four Calendar Months next after such Determination shall have been made, and the Defendant or Defendants in such Action or Actions shall, and is and are hereby required to appear to such Action, accept a Declaration, and plead to Issue; and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the First or Second Assizes to be holden for the County of *Hereford* next after the commencing of such Action, unless the Court shall direct further Time to be given; and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights or Interests than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the *Postea* in Addition to the Verdict given upon the Issue or Issues joined; but nevertheless

less the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made, and the Verdict of the Jury on such Trial or Judgment thereon, or the Judgment in such Action or Actions for the Want of a Plea or Pleas shall be final and conclusive between the Parties, unless the Court in which such Action shall be brought shall cause or direct a new Trial, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict shall be obtained, and not set aside by the Court, or Judgment for want of a Plea, the said Commissioners shall, and they are hereby required to act in conformity thereto, and thereupon to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials, or Judgment for want of a Plea: Provided always, that all such Orders and Determinations of the said Commissioners or Umpire touching such Claim or Claims, Rights or Interests, in, over, or out of the Lands hereby directed to be divided and inclosed, or any Part thereof, which shall not be objected to by such Notice to be given to the said Commissioners as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive on all Persons whomsoever: Provided always, that if any of the Parties in any Action so to be brought as aforesaid 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; and 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 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 Notice of such Action or Actions in the same Manner as the Party or Parties might have been served therewith, if living; and it shall be thereupon 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 should have been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions not to abate by Death of Parties. How Actions may be brought after the Death of Parties.

XIII. And be it further enacted, That all Inclosures and Encroachments which have been taken from or made upon the said Commons (save and except such as have been peaceably and quietly enjoyed for the Space of Twenty Years last past, or upwards, without any Interruption or Payment of any Acknowledgment, shall be deemed Part and Parcel of the said Commons so to be divided; and in case any Difference or Dispute shall arise touching any such Inclosures or Encroachments, being deemed Part or Parcel of the said Commons, such Differences or Disputes shall be examined into and determined by the said Commissioners.

Encroachments, except those made for Twenty Years, to be deemed Part of the Commons.

XIV. Provided

Encroachments to be allotted to Persons in Possession thereof,

XIV. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby required in all Cases where the same can be done without Prejudice or Inconvenience to the Occupation of the adjoining Lands, to assign or allot unto such Person or Persons, Body or Bodies Politic or Corporate, entitled to and having Right of Common upon the said Commons or Wastes, as are in the Possession of any such Encroachment or Encroachments as is or are herein-before directed to be deemed Part and Parcel of the said Commonable Lands and Grounds, all and every the Lands and Grounds comprized therein, and all Edifices and Buildings erected thereon, for or in Part of the Allotment or Allotments which shall be made to them respectively by virtue of this Act, excepting such Encroachment or Encroachments as have been made within the Space of Five Years now last past, and are now not tilled or otherwise cultivated, unless it shall happen that such respective Encroachments shall be greater or more (Quantity and Quality considered,) than the Allotment or Allotments would amount unto which such Person or Persons, Body or Bodies Politic or Corporate, in the Possession of such Encroachment or Encroachments respectively, would be entitled to, for and in respect of their ancient Estate, in which Case a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively; and the said Commissioners are hereby directed and required, in their Valuation of such Encroachments for the Purposes aforesaid, to estimate the same according to the original Value in their open State, without any Regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected and built thereupon.

except Encroachments made within Five Years.

Commissioners to make Drains, &c.

XV. And be it further enacted, That the said Commissioners shall and may scour and widen all ancient Brooks, Drains, Watercourses, Tunnels and Bridges, and also shall and may set out and make such new Ditches, Drains, or Watercourses, Tunnels, Watergates, Banks and Bridges in, through, and over the Commons or Wastes hereby directed to be divided and inclosed, or any inclosed Lands in the said Parish and Townships respectively, of such Breadth and Depth, and in such Directions as the said Commissioners shall think proper, provided no such Works shall be made upon any inclosed Lands without the previous Consent of the Owners or Persons seised of such inclosed Lands, and that no Brooks, Drains, Watercourses, Tunnels, Watergates, Banks or Bridges shall be diverted or altered without the Consent of the Owner or Owners of the Lands from which the same shall be diverted, or through or into which the same shall be turned, such Consent to be testified by Writing under their respective Hands; and the said Commissioners shall and may and they are hereby directed, in and by the said Award to order and direct by whom, at whose Expence, at what Time and Times, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Watergates, Banks and Bridges, shall be made, and thereafter repaired, cleansed, scoured and maintained.

Power to stop Roads between or over old Inclosures.

XVI. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered to divert or stop up any old public Carriage Road, Driftway, Bridleway, or Footpath, leading between, through, and over any of the old Inclosures in the

the ſaid Pariſh of *Caſcob*, and in the ſaid Townſhips of *Ednol* and *Kinnerton* in the ſaid Pariſh of *Old Radnor*, and the Soil of the Roads and Ways ſo to be ſtopped ſhall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act, provided that no ſuch Carriage Road, Driftway, Bridleway, or Footpath, paſſing or leading between, through, or over any of the old Incloſures in the ſaid Pariſh ſhall be ſtopped up without the Concurrence and Order of Two Juſtices of the Peace for the ſaid County of *Radnor* not intereſted in ſuch Roads or Ways, and that every ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions for the ſaid County of *Radnor*, in like Manner, and under the ſame Forms and Reſtrictions, as Orders originally made by Juſtices for diverting and turning Roads and Ways.

Juſtices at Seſſions to declare new Roads completed.

XVII. And be it further enacted, That when and ſo ſoon as any of the public Carriage Roads to be ſet out in purſuance of the ſaid recited Act ſhall be completed and put into good and ſufficient Repair, it ſhall be lawful for the Juſtices of the Peace in and for the ſaid County of *Radnor*, at their Special Seſſions, to declare ſuch Road or Roads to be fully and ſufficiently formed, completed, and repaired; and from ſuch Time and for ever thereafter, ſuch Road or Roads ſhall be ſupported and kept in Repair by ſuch Perſons, and in like Manner as the public Roads within the ſaid ſeveral Pariſhes and Townſhips reſpectively now are or ought by Law to be amended and kept in Repair.

Commiſſioners to determine to what Townſhips Roads ſhall belong.

XVIII. And for preventing all Diſputes and Differences which may ariſe touching the Repairs of the public Highways and Roads which ſhall be ſet out and appointed in purſuance of this Act, or of the ſaid Act of the Forty-firſt Year aforeſaid; be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required to determine what Part or Parts of the ſaid Highways and Roads ſo to be ſet out and appointed ſhall or do belong to any Townſhip or Diviſion reſpectively within the ſaid Pariſhes, and the ſaid Commiſſioners ſhall, in and by their General Award, order and direct by what Townſhips or Diviſions reſpectively ſuch Highways and Roads ſhall be maintained, amended, and kept in Repair; and the Owners or Occupiers for the Time being in each of ſuch Townſhips or Diviſions reſpectively, ſhall, from and after the Execution of the General Award of the ſaid Commiſſioners, maintain, amend, and keep ſuch reſpective public Highways and Roads in Repair as ſhall be ſo determined to belong to ſuch Townſhips or Diviſions reſpectively, in the ſame Manner as ancient and Common public Highways and Roads are by Law to be amended and kept in Repair.

Public Quarries to be ſet out, and how to be enjoyed.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to ſet out, appoint, and allot ſuch and ſo many Stone and Slate Quarries in the ſaid Commonable Lands or Grounds as they ſhall think neceſſary for the Uſe and Benefit of the Proprietors and Occupiers of the ſeveral Allotments which ſhall be made of the ſaid Commonable Lands or Grounds in purſuance of this Act, and alſo of all the Proprietors or Occupiers of ancient Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which any ſuch Allotment ſhall be made, to be uſed in or upon ſuch Allotment or ancient Meſſuages, Lands, Tenements, and Hereditaments reſpectively, but not for Sale, or upon any other

Buildings or Lands, or for any other Uſe or Purpoſe; and the ſaid Commiſſioners ſhall, in and by their ſaid General Award, order and direct how and in what Manner the ſame ſhall reſpectively be worked for the general Advantage of the reſpective Perſons intereſted therein.

Part of the Common to be ſet out for Peat Moſs.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall, with Conſent of the ſaid Aſſiſtant Commiſſioner, aſſign, ſet out, and appoint ſuch Part or Parts, Parcel or Parcels of the ſaid Commonable Lands or Grounds as is or are conveniently ſituate, and fit and proper for the digging, cutting, and curing of Peats, (if any ſuch there be), for the Uſe and Benefit of the Proprietors and Occupiers for the Time being of Meſſuages or other Buildings, in reſpect whereof any Allotments of the ſaid Common Lands or Grounds ſhall be made in purſuance of this Act, or which ſhall be erected and built upon any ſuch Allotment or Allotments to be uſed in all Times thereafter, as Peat Moſſes, by the ſaid Proprietors and Occupiers for the Time being, and their ſeveral Tenants and Leſſees, all which Peats ſhall be uſed for Fuel in and upon the Meſſuages or other Buildings to be erected upon the ſaid reſpective Allotments, or in or upon the ſeveral Meſſuages or other Buildings in reſpect whereof ſuch Allotments ſhall be made, but not for Sale, or any other Purpoſe whatſoever.

Commiſſioners may reſtrict the Uſe of any particular Quarries, &c.

XXI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners in their ſaid Award, if they ſhall think it proper ſo to do, to reſtrict the Uſe and Enjoyment of any particular Quarry or Quarries, or Peat Moſs or Peat Moſſes, ſo by them to be ſet out and appointed reſpectively as aforeſaid, to any particular Proprietor or Claſs of Proprietors in Excluſion of the others or other of them, provided other Quarry or Quarries, or Peat Moſs or Peat Moſſes, are by them the ſaid Commiſſioners ſet out and appointed for the excluſive Uſe and Enjoyment of thoſe ſo excluded; and provided alſo, that no Proprietor or Claſs of Proprietors of Lands or Tenements in one Pariſh ſhall have any further or other Uſe or Enjoyment of any Quarry or Quarries, Peat Moſs or Peat Moſſes, in the other Pariſh, than hath been cuſtomary for the laſt Sixty Years.

Allotment to His Majeſty.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall, after ſuch neceſſary Roads and Highways, Quarries and Peat Moſſes as aforeſaid, ſhall have been ſet out, in the next place aſſign, ſet out, and allot unto and for the Uſe of the King's moſt Excellent Majeſty, His Heirs and Succeſſors, with the Concurrence and Approbation in Writing of the ſaid Aſſiſtant Commiſſioner, and not otherwiſe, ſo much and ſuch Part or Parts of the Reſidue of the ſaid Commons or Waſtes hereby directed to be incloſed, lying within the ſaid Pariſh of *Caſcob*, as ſhall be equal in Value to One full Twentieth Part or Share of ſuch Reſidue remaining after deducting ſuch Roads, Highways, Quarries and Peat Moſſes ſo ſet out as aforeſaid, for, and in Lieu, Satisfaction and Extinction of the Rights and Intereſts of His ſaid Majeſty, His Heirs and Succeſſors, in, over, and upon the Soil of the ſaid Commons or Waſtes within the ſaid Pariſh of *Caſcob* ſo directed to be incloſed as aforeſaid, over and above and excluſive of ſuch Share or Allotment of the ſaid Commons or Waſtes as His Majeſty ſhall be entitled to in reſpect of any other Right or Intereſt whatſoever.

XXIII. And

Allotment to the Lord of the Manor of Ednol.

XXIII. And be it further enacted, That the ſaid Commiſſioners ſhall, after ſuch neceſſary Roads and Highways, Quarries and Peat Moſſes as aforeſaid, ſhall have been ſet out, aſſign, ſet out, and allot unto and for the Uſe of the Lord of the Manor of *Ednol* for the Time being, ſo much and ſuch Part or Parts of the Reſidue of the ſaid Commons or Waſtes hereby directed to be incloſed, lying within the ſaid Townſhip of *Ednol*, as ſhall be equal in Value to One full Seventeenth Part or Share of ſuch Reſidue remaining, after deducting ſuch Roads, Highways, Quarries, and Peat Moſſes ſo ſet out as aforeſaid, for, and in Lieu, Satisfaction, and Extinction of the Rights and Intereſts of the ſaid *Samuel Lewin*, his Heirs and Aſſigns, as Lord or Lords, Lady or Ladies of the ſaid Manor of *Ednol*, in, over, and upon the Soil of the ſaid Commons or Waſtes within the ſaid Manor, ſo directed to be incloſed as aforeſaid.

Allotment to the Lord of the Manor of Kinnerton.

XXIV. And be it further enacted, That the ſaid Commiſſioners ſhall, after ſuch neceſſary Roads and Highways, Quarries and Peat Moſſes as aforeſaid, ſhall have been ſet out, aſſign, ſet out, and allot unto and for the Uſe of the Lord or Lords of the ſaid Manor of *Kinnerton*, otherwiſe *Kinnarton*, for the Time being, ſo much and ſuch Part or Parts of the Reſidue of the ſaid Commons or Waſtes hereby directed to be incloſed, lying within the ſaid Townſhip of *Kinnerton*, as ſhall be equal in Value to One Seventeenth Part or Share of ſuch Reſidue remaining, after deducting ſuch Roads, Highways, Quarries, and Peat Moſſes, ſo ſet out as aforeſaid, for, and in Lieu, Satisfaction, and Extinction of the Rights and Intereſts of the Lord or Lords, Lady or Ladies of the ſaid Manor of *Kinnerton*, otherwiſe *Kinnarton*, in, over, and upon the Soil of the ſaid Commons or Waſtes within the ſaid Manor ſo directed to be incloſed as aforeſaid.

Commiſſioners to ſet out Part of the Common to pay Expences.

XXV. And be it further enacted, That after ſuch Roads, Highways, Quarries and Peat Moſſes as aforeſaid, and the ſaid Allotments to the Lords of the ſaid Manors reſpectively, ſhall have been deducted, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, as ſoon as conveniently may be, to appropriate, mark, and ſet out, by proper Stakes or Land Marks, ſo much and ſuch Part or Parts of the ſaid Commons or Waſtes as to them ſhall ſeem competent, neceſſary, and ſufficient to be ſold as herein-after mentioned; which Part or Parts of the ſaid Commons or Waſtes ſo to be appropriated, marked, and ſet out to be ſold ſhall be incloſed at the Expence of the Purchaſer or Purchaſers thereof by a Boundary Fence or Ditch, to be made round the Outſide thereof, according to the Order of the ſaid Commiſſioners, and ſhall be diſpoſed of in ſuch Way and Manner as herein-after is directed.

Lands ſet apart to be ſold, to be diſpoſed of by public Auction.

XXVI. And as to ſo much or ſuch Part or Parts of the ſaid Commons or Waſtes as ſhall be appropriated, marked, and ſet out to be ſold by the ſaid Commiſſioners in purſuance of the Directions herein contained; be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, as ſoon as may be after the ſame ſhall be appropriated, marked, and ſet out as aforeſaid, and at ſuch convenient Times and Places as to them ſhall ſeem meet, to cauſe all ſuch Part or Parts of the ſaid Commons or Waſtes as ſhall be ſo appropriated, marked, and ſet out to be ſold as aforeſaid, be put up to public Sale or Auction in ſuch Lots or Parcels as to them ſhall ſeem fit and proper, and the ſame ſhall be accordingly ſold and diſpoſed of in ſuch Way and Manner and under and ſubject to ſuch

Directions as are contained in the ſaid Act of the Forty-firſt Year of the preſent Reign; and upon Payment to the ſaid Commiſſioners of the Purchaſe Money for which the ſame ſhall be ſold, the ſaid Commiſſioners ſhall, in and by their General Award, allot and appoint the Part or Parts of the ſaid Commons or Waſtes which ſhall be ſo ſold as aforeſaid unto the reſpective Purchaſers thereof, or to ſuch Perſon or Perſons as he, ſhe, or they ſhall reſpectively direct; and all and every ſuch Part or Parts of the ſaid Commons or Waſtes as ſhall be ſo ſold, allotted, and appointed as aforeſaid, ſhall from and immediately after the Execution of the ſaid General Award of the ſaid Commiſſioners, become, and the ſame is and are hereby declared to be veſted in the Perſon or Perſons to whom the ſame ſhall be ſo allotted and appointed, and his, her, or their Heirs and Aſſigns for ever.

Monies ariſing from Sale of the Common to be applied for paying Expences of the Diviſion.

XXVII. And be it further enacted, That the Monies which ſhall ariſe by or from ſuch Sale or Sales as aforeſaid ſhall be appropriated and applied by the ſaid Commiſſioners acting under this Act, ſo far as the ſame will extend, in and towards the Payment of the Charges and Expences incident to or attending, or which may be occaſioned by the ſoliciting, obtaining, and paſſing this Act, and the ſaid intended Diviſion of the ſaid Commons or Waſtes, and of the ſetting out and making, forming, erecting, cutting and opening the Highways, Roads, Bridges, Drains and Watercourſes, which the ſaid Commiſſioners ſhall direct to be made or ſet out, or in anywiſe relating thereto; and in caſe there ſhall be any Surplus of the Monies ariſing by or from ſuch Sale or Sales as aforeſaid, after Payment of all ſuch Charges and Expences as aforeſaid, ſuch Surplus Monies ſhall be divided between the ſeveral Perſons intereſted in the ſaid Lands and Grounds in Proportion to their reſpective Intereſt and Property therein, and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of ſuch other Perſons reſpectively ſhall be applied in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent Majeſty, with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands or Hereditaments to be ſettled to the ſame Uſes: Provided always, that in all Caſes where any of the Perſons, Bodies Politic or Corporate, intereſted in any Allotment or Allotments of the ſaid Commonable Lands or Grounds, ſhall be minded and deſirous of paying their reſpective Shares of the ſaid Expences in Money, inſtead of ſuſtaining a Loſs of Land in their ſaid Allotments, and ſhall and do, at the Firſt, Second, or Third Meeting of the ſaid Commiſſioners, give Notice in Writing to the ſaid Commiſſioners of ſuch their Mind and Deſire, that then and in every ſuch Caſe the Share or reſpective Shares of the Party or Parties ſo giving ſuch Notice as aforeſaid, of and in all Expences ſhall be paid and defrayed in Money by ſuch Party or Parties reſpectively, in ſuch Manner, and at ſuch Time or Times, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall, by Writing under their Hands, order, direct, and appoint; and in all Caſes where any ſuch Payment or Payments in Money ſhall be ſo made as aforeſaid, the ſaid Commiſſioners in ſetting out the Allotment or Allotments of the Party or Parties making ſuch Payment or Payments ſhall have regard to the Amount of ſuch Payment or Payments reſpectively, in aſcertaining the Share and Portion of the ſaid Commons or Waſtes ſo to be ſet out and allotted to ſuch Party or Parties reſpectively.

XXVIII. And

Allotment of the Reſidue.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall immediately after making ſuch Allotments as herein-before are directed to be made, divide, ſet out, allot, and award, all the Reſidue of the Lands and Grounds hereby directed to be divided and allotted unto the King's moſt Excellent Majeſty, His Heirs and Succeſſors, in reſpect of the ſaid Land called *Cwmygerwyn*, otherwiſe *Cwmbergerwyn*, and unto and amongſt the ſaid *Samuel Lewin*, *Thomas Stephens*, and the ſeveral other Perſons intereſted therein, in ſuch Quantities, Shares, and Proportions as by the ſaid Commiſſioners ſhall be adjudged and determined to be a fair, juſt, and reaſonable Compenſation and Satisfaction for His Majeſty's and their ſeveral and reſpective Rights of Common, and other Rights and Intereſts therein for which no Compenſation is herein-before ſpecifically directed to be made.

Separate Allotments for ſeparate Titles,

XXIX. And be it further enacted, That where the Proprietor or Proprietors of any of the Lands or Grounds hereby directed to be divided and incloſed ſhall hold his, her, or their reſpective Eſtates under ſeparate Titles, the ſaid Commiſſioners ſhall, upon the Requeſt of ſuch reſpective Proprietors in Writing under their Hands, ſet out and diſtinguiſh in their ſaid Award diſtinct and ſeveral Allotments for the Lands or other Hereditaments held under each Title; and where from the Want of the neceſſary Information before the ſaid Commiſſioners, or from any other Cauſe, their Award ſhall omit diſcriminating as aforeſaid, ſuch different Titles, and Requeſt ſhall within Twelve Calendar Months after the Execution of the Award of the ſaid Commiſſioners be made to the ſaid Commiſſioners by any Perſon or Perſons intereſted, by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioners are hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other Reſpect to proceed and act as if the Award had not been made; and when they ſhall have obtained what they ſhall think ſufficient Information, they are hereby alſo authorized by any Deed or Inſtrument under their Hands and Seals to aſcertain and diſtinguiſh the various Titles, and accordingly to make diſtinct and ſeveral Allotments in the ſame Manner as is hereby required, where ſuch Diſcrimination ſhall be contained in the ſaid Award; and every ſuch ſeparate Inſtrument, after having been duly executed by the ſaid Commiſſioners, ſhall have the ſame Effect as if it was contained in the ſaid Award, and ſhall be delivered to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in Queſtion ſhall in the Opinion of the ſaid Commiſſioners moſt properly belong for the Time being, and all Expences which ſhall be reaſonably incurred in or about any ſuch ſupplemental Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners as aforeſaid, or by his or their Heirs, Executors, or Adminiſtrators.

Objections to Allotments, to be determined by the Commiſſioners.

XXX. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors in the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively

ſpectively in lieu thereof, and ſuch propoſed Allotment and Allotments ſhall be ſtaked and marked out, they the ſaid Commiſſioners ſhall hold a Meeting at ſome convenient Time and Place, when and where the Proprietors may be informed of ſuch intended Allotments, and a Map thereof ſhall be produced for their Inſpection; and if any of the ſaid Proprietors ſhall upon ſuch Inſpection be diſſatisfied with any of the propoſed Allotments, the ſaid Commiſſioners ſhall at ſuch Time and Place as laſt aforeſaid, or at ſome other Time and Place to be appointed by them for that Purpoſe, receive Statements in Writing of the Complaints and Objections of any Proprietor or Proprietors againſt any Allotment or Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame, and ſuch Determination being reduced into Writing and ſigned by them, ſhall be binding and concluſive upon all Parties intereſted in any ſuch Allotment or Allotments.

For fencing Allotments.

XXXI. And be it further enacted, That the ſeveral Allotments to be made by virtue of this Act, ſhall be incloſed, hedged, ditched, and fenced, at the Expence of the reſpective Proprietors to whom ſuch Fences ſhall be allotted or directed to belong, with Quickſets, or in ſuch other Manner and within ſuch Time as the ſaid Commiſſioners ſhall by their Award or any other Writing under their Hands direct or appoint.

Gaps to be left.

XXXII. Provided always, That convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for ſuch a Space of Time next enſuing the Execution of the Award of the Commiſſioners, for the Paſſage of Carts, Carriages, and Cattle, as the ſaid Commiſſioners ſhall in and by their ſaid Award direct and appoint.

Allotments to be of the ſame Tenure as the Eſtates in Right whereof they are made.

XXXIII. And be it further enacted, That all Lands and Grounds which ſhall be allotted, by virtue of this and the ſaid recited Act, to any Perſon or Perſons, for or in reſpect of any Leaſehold Meſſuages, Cottages, Lands, or Grounds, or for or in reſpect of any Right of Common, or any other Right or Intereſt appurtenant or appendant to any ſuch Leaſehold Meſſuages, Cottages, Lands, or Grounds reſpectively, ſhall from and after the Execution of the Award of the ſaid Commiſſioners be deemed and taken to be Leaſehold, and ſhall be held as ſuch by and under the ſame Tenures, Rents, Payments, Fines, Cuſtoms, and Services as the Leaſehold Meſſuages, Cottages, Lands, or Grounds reſpectively for or in reſpect whereof they ſhall or may be allotted are now held; and the ſaid Commiſſioners ſhall by their Award determine and deſcribe the Lands and Grounds reſpectively which are to be and remain Leaſehold; and all other Lands or Grounds to be allotted by virtue of this Act, ſave and except ſuch as ſhall be aſcertained by the ſaid Commiſſioners to be Leaſehold, ſhall be deemed, taken, and enjoyed as Freehold Meſſuages, Cottages, Lands and Grounds.

Proprietors may ſell Allotments before Award and Common Rights ſeparate.

XXXIV. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, ſell, limit, convey and aſſure the ſame, for all or any Part of his, her, or their Eſtates or Intereſts therein, or Right thereto, at any Time before the Execution of the Award of the Commiſſioners; and every ſuch Gift, Grant, Bargain, Sale, Limitation, Conveyance, and Aſſurance ſhall be of the ſame Force

and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall and may be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and incloſed, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparate and diſtinct from the Eſtate in Right of which he, ſhe, or they is entitled to the ſame, in ſuch Manner as he, ſhe, or they might have done at any Time after the Execution of the ſaid Award.

Exchanges. XXXV. And be it further enacted, That it ſhall be lawful for the Commiſſioners to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements, or Hereditaments, old Incloſures, or Allotments within the ſaid Pariſh of *Caſcob*, and within the ſaid Townſhips of *Ednol* and *Kinnerton*, or either of them, in Lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſhes or Townſhips reſpectively, or within any adjoining Pariſh or Townſhip; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioners, or in ſome Deed or Deeds to be executed by them before the Execution of their ſaid Award, and to be therein mentioned or referred to, 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 Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, Fee Tail General or Special, or for Life or Lives, or for Years determinable on a 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 Owners or Proprietors 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 Conſents to be teſtified under the Common Seal of ſuch Body Politic, Corporate, or Collegiate, and under the Hand or 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, or Chapel, or other Eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie or be ſituated, nor of any Lands, Tenements, or Hereditaments holden by Leaſe for Life or Lives, or for Years determinable on a Life or Lives, without the Conſent teſtified as aforeſaid of the Perſon or Perſons ſeiſed of or entitled to ſuch Lands, Tenements, or Hereditaments in Remainder, expectant on the Determination of ſuch Leaſe or Leaſes.

Expences of exchanging. XXXVI. And be it further enacted, That the Coſts, Charges, and Expences attending the making of any Partition or Exchange ſhall be borne and defrayed by the reſpective Parties making ſuch Partition and Exchange, diſtinct and apart from the other Expences attending the Execution of this Act, in ſuch Manner as the ſaid Commiſſioners ſhall order and direct.

XXXVII. And

Poſſeſſors of Livings or Benefices augmented by Queen Anne's Bounty may leaſe their Allotments.

XXXVII. And whereas certain Lands, Tenements, and Hereditaments having Right of Common upon the ſaid Commons or Waſtes, have been purchaſed by the Aid of Queen *Anne's* Bounty for the Augmentation of Eccleſiaſtical Livings or Benefices, and it would tend to the Advantage of the ſeveral Poſſeſſors of ſuch Livings or Benefices, by the better enabling them to improve their ſeveral Allotments to be ſet out in reſpect of ſuch laſt-mentioned Premiſes, if they were reſpectively empowered to grant Leaſes thereof; be it therefore further enacted, That it ſhall be lawful for the ſeveral Poſſeſſors or Incumbents of ſuch Livings or Benefices for the Time being reſpectively, by Indenture or Indentures under their reſpective Hands and Seals, with the Conſent and Approbation of the Biſhop of the Dioceſe, and of the reſpective Patrons of ſuch Livings or Benefices, to leaſe or demiſe all or any Part or Parts of the Allotment or Allotments to be ſet out and allotted to ſuch ſeveral Poſſeſſors or Incumbents in reſpect of ſuch Benefices or Livings, by virtue of this Act, to any Perſon or Perſons whomſoever, for any Term not exceeding Twenty-one Years, to commence at any Time before or within Twelve Calendar Months after the Execution of the ſaid Award, ſo that the Rent or Rents for the ſame ſhall be thereby reſerved to the Poſſeſſors or Incumbents of ſuch Livings or Benefices reſpectively for the Time being, by Four Quarterly Payments in every Year, and ſo that there be thereby alſo reſerved and made payable to ſuch Poſſeſſors or Incumbents reſpectively the beſt and moſt improved Rent or Rents that can be reaſonably had or gotten for the ſame, without taking any Fine, Premium, Foregift, Sum of Money, or other Conſideration for the making or granting any ſuch Leaſe or Demiſe, and ſo that no ſuch Leſſee by any ſuch Leaſe or Demiſe be made diſpuniſhable for Waſte by any expreſs Words to be therein contained, and ſo that there be inſerted in every ſuch Leaſe, Power of Re-entry on Non-payment of the Rent or Rents to be thereby reſerved within a reaſonable Time (to be therein limited) after the ſame ſhall become due, and ſo that a Counterpart of ſuch Leaſe be duly executed by the Leſſee or Leſſees to whom ſuch Leaſe ſhall be ſo made as aforeſaid, and every ſuch Leaſe ſhall be valid and effectual, any Law or Uſage to the contrary notwithſtanding.

Allotments for Property by Leaſes at Rack Rent to be ſet out to the Leſſors.

XXXVIII. Provided always, and be it further enacted, That all the Allotments to be ſet out and made by virtue of this Act, in reſpect of any Property granted or demiſed or held by any Leaſes or Agreements for any Term or Number of Years not exceeding Twenty-one Years at Rack Rent, ſhall be allotted to the reſpective Leſſors or Owners of ſuch Property, and ſhall be held and enjoyed by them reſpectively free from all Right, Title, and Intereſt of their reſpective Leſſees or Tenants by virtue of or under ſuch Leaſes or Agreements; and ſuch reſpective Leſſors or Owners ſhall make ſuch Abatement of the Rents reſerved or made payable by ſuch Leaſes or Agreements reſpectively, for and on account of their taking ſuch Allotments, as the ſaid Commiſſioners ſhall adjudge and determine to be juſt and reaſonable, and ſhall in and by their General Award or any Writing under their Hands aſcertain, direct, and appoint.

Intereſt in Common Lands or Grounds, and

XXXIX. And be it further enacted, That from and immediately after the ſaid Commons or Waſtes ſhall have been ſo divided or allotted, all former Eſtate, Right, Title, and Intereſt of the ſeveral Owners or Proprietors thereto

thereto and therein ſhall ceaſe and be for ever extinguiſhed, and the ſeveral Allotments thereof ſhall be holden and enjoyed in Severalty by the ſeveral Perſons to whom the ſame ſhall be reſpectively awarded and allotted. Allotments thereof to be held in Severalty.

XL. And be it further enacted, That nothing herein contained ſhall revoke, make void, alter or annul any Will or Settlement of or concerning any Lands, Tenements, or Hereditaments which ſhall be allotted or exchanged by virtue of this Act, or prejudice any Perſon having any Claim or Intereſt to or out of the ſame; but the ſame Lands, Tenements, and Hereditaments ſhall, upon the Allotment and Exchange thereof reſpectively, go and remain to the ſame Uſes, upon the ſame Truſts, and to and for the ſame Intents and Purpoſes, and be under and ſubject to the ſame Powers, Proviſoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Proviſions of every Kind, and in the ſame Manner as the Lands and Hereditaments in reſpect whereof the ſame ſhall be reſpectively allotted and exchanged would ſtand or be limited upon or be ſubject to if ſuch Allotment or Exchange had not been made, or this Act had not been paſſed, except as to ſuch Leaſes or Agreements for Leaſes at Rack Rent, or from Year to Year, as ſhall be determined by virtue of this Act, or where any of the Proviſions of the ſaid recited Act, or of this Act, ſhall be to the contrary, and alſo except ſuch Charges and Incumbrances as ſhall be made thereon by virtue of this Act. Allotments and Exchanges not to affect Settlements, but to go to the ſame Uſes.

XLI. And be it further enacted, That in the mean Time, and until ſuch Diviſions and Allotments ſhall be made as aforeſaid, all the Lands hereby directed to be divided and incloſed ſhall be ſtocked with ſuch Cattle, and ſown by the reſpective Owner or Owners, Occupier or Occupiers thereof, with ſuch Sort of Corn or Grain, and ſhall be kept, ordered, and continued in ſuch Courſe of Huſbandry as the ſaid Commiſſioners, by any Writing or Writings under their Hands in that Behalf, ſhall award, order, direct, or appoint, any Uſage or Cuſtom of Stocking or Sowing to the contrary notwithſtanding; and that no Lands and Grounds hereby directed to be divided and incloſed ſhall before that Time be ploughed, broken up, or converted into Tillage. Commiſſioners to direct the Courſe of Huſbandry.

XLII. And be it further enacted, That no Goats ſhall be depaſtured in any of the ſaid intended new Incloſures during the Space of Seven Years from the Execution of the Award of the ſaid Commiſſioners, and that no Sheep or Lambs ſhall be depaſtured therein during the ſaid Space of Seven Years, unleſs the Perſons reſpectively ſo depaſturing or keeping Sheep or Lambs do, at their own Expence, effectually guard and fence their Neighbours Quickſets adjoining to ſuch Incloſures reſpectively in which Sheep or Lambs ſhall be depaſtured or kept as aforeſaid, ſo as to prevent any Damage or Injury from being done to ſuch Fence or Fences and Quickſets by any ſuch Sheep or Lambs. No Lambs, Sheep, or Goats, to be depaſtured.

XLIII. And be it further enacted, That any Money which ſhall be advanced or lent for the Purpoſe of obtaining and paſſing this Act, ſhall be repaid with lawful Intereſt to the Perſon or Perſons who ſhall advance or lend the ſame, his Executors, Adminiſtrators, or Aſſigns, out of the Money advanced for the Act to be repaid with Intereſt.

First Monies which shall be raised for defraying the Expences of passing and executing this Act.

Recompence to Commissioners and Umpire.

XLIV. And be it further enacted, That each of the said Commissioners, and the said Umpire, shall be allowed and paid the Sum of Two Pounds Twelve Shillings and Sixpence, and no more, for each and every Day he shall actually attend and be employed as a Commissioner or Umpire in the Execution of this Act, or shall necessarily travel from Home to attend the Meeting of Commissioners, or when returning Home after having attended such Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Allowance to Surveyor.

XLV. And be it further enacted, That the Surveys or Admeasurements, including all necessary Re-surveys, and all Plans (except the fair Plans upon Vellum herein-after particularly mentioned), shall be paid for at and after the Rate of Sixpence *per* Acre for each and every Acre of Land which shall be surveyed, admeasured, and planned in pursuance of this Act; and the said Surveyor shall at all Times bear and pay his own Expences; and in case of the Death of any such Surveyor before such Surveys, Admeasurements, and Plans as aforesaid shall be finished, then and in every such Case the Executors or Administrators of every such Surveyor so dying shall be paid after the like Rate of Sixpence *per* Acre for each and every Acre which shall have been so surveyed and admeasured in his Life-time.

Plans to be made.

XLVI. And be it further enacted, That the said Surveyor shall, after the said Division and Allotment of the Lands and Grounds intended to be hereby divided and inclosed shall be completed, make fair Plans upon Vellum of all the said Lands and Grounds intended to be hereby divided and allotted, whereon respectively shall be truly and distinctly delineated, set down, marked and expressed, the several Matters and Things necessary or proper to be inserted therein for the better explaining the Award of the said Commissioners; and for which fair Plans upon Vellum the Sum of Thirty Pounds shall be paid.

For raising deficiency of Expences not raised by Sales,

XLVII. And be it further enacted, That so much of the Charges and Expences of soliciting, obtaining, and passing this Act, and of surveying, planning and measuring, dividing and allotting, the said Common Lands or Grounds, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act as are not hereby otherwise directed to be paid, shall be borne, paid, and defrayed by the several and respective Persons, Body and Bodies Politic and Corporate, to whom any Allotment or Allotments of the said Commonable Lands or Grounds shall be respectively made, his, her or their Heirs, Successors, Executors, Administrators, and Assigns (other than and except the King's most Excellent Majesty, and the respective Purchasers of such Part or Parts of the said Commons or Wastes as shall be sold by the said Commissioners in pursuance of this Act), for and in respect of such Purchases in Proportion to the real Value of their respective Allotments, to be settled and ascertained by the said Commissioners, and the several and respective Shares and Proportions of all such Costs, Charges, and Expences as aforesaid, shall be payable and paid by such Owners and Proprietors respectively, to such Person or Persons, and at such Time or Times as shall, by the said Commissioners, either before or after the Execution

cution of their General Award, as aforesaid, be ordered, directed and appointed in Writing under their Hands respectively Twenty Days before the Time appointed for such Payment.

Commissioners to account.

XLVIII. And be it further enacted, That the said Commissioners shall and they are respectively required to keep, or cause to be kept, a just and true Statement and Account of all Sums of Money which shall be raised or received and laid out or expended by them or their Order, or for their Use, under, or by virtue or in the Execution of this Act, and of what shall be due and owing to them for their Trouble and Expences, and shall truly and regularly enter all the Particulars of such Statements and Accounts in a Book to be provided for that Purpose, and such Accounts shall, at least once in every Year, from the passing of this Act, till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined and settled by such fit and proper Person as shall be appointed Auditor by the Majority in Value, such Value to be ascertained by the Land Tax Assessment of the said Proprietors, at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meeting of the said Proprietors, for the Purpose of appointing a Commissioner in the Place of any Commissioners dying or declining to act, or becoming incapable of acting; and such Auditor for the Time being shall from Time to Time state in Writing under his Hand the Balance of the said Accounts in such Book as aforesaid, and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in the Law, unless the same shall be duly allowed by such Auditor; and also that such Book of Accounts shall be kept at the Office of the Clerk of the said Commissioners, and shall be open to the Inspection of any of the said Proprietors or their Agents at all seasonable Times during the Progress of the said Division and Inclosure, and until the said Accounts shall have been finally settled and allowed; and in case the said Commissioners or their Clerk shall refuse or neglect so to do, the Commissioner or Commissioners and Clerk respectively so refusing or neglecting, shall for every such Refusal or Neglect forfeit and pay to the Person who shall sue for the same the Sum of Ten Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Award.

XLIX. And be it further enacted, That the General Award to be made by the said Commissioners pursuant to the Directions of the said Act of the Forty-first Year of His present Majesty's Reign, and this Act, shall be executed and published within Three Years from the passing of this Act, and shall be enrolled with the Clerk of the Peace for the County of *Radnor*, within Six Calendar Months after the Execution thereof by the said Commissioners, or so soon after as conveniently may be, and the said original Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in one of the Parish Churches of *Cascob* and *Old Radnor* aforesaid, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division and Inclosure, which said Award and Plans, and every other Writing or Instrument to be lodged with the said Award shall and may be inspected at all reasonable Times, upon reasonable Notice given by the Party requiring such Inspection.

Power to sell His Majesty's Allotment.

L. And be it further enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Land Revenue, at any Time before or after 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 Allotment or Allotments 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 Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the said Surveyor General, shall be able to procure for the same; and the Purchase Money arising from such Sale shall be paid into the Bank of *England* to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies from the Sales of certain Parts of the Property of the Crown, authorized by an Act passed in the Forty-eighth Year of His present Majesty, intituled *An Act to improve the Land Revenue of the Crown of* England, *and also His Majesty's Duchy of* Lancaster, are directed to be paid; and the Sale of such Allotment or Allotments shall be made in the same Manner and Form, and under the like Rules, Regulations, and Provisions, and shall be to all Intents and Purposes as valid and effectual as if the same were made under the said last recited Act; and if such Sale shall be made before the Execution of the said Award, it shall be lawful for the said Commissioners for executing this Act, and they are hereby authorized and required to assign, set out, and allot such Allotment or Allotments to the Purchaser or Purchasers thereof, their Heirs and Assigns, or other Person or Persons 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 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 His Majesty, His Heirs or Successors, or his or their Lessees or Grantees, could or might have done, in case such Sale had not been made, but subject nevertheless to the Right or Interest in or to any Mines, Ores, Minerals, Coal, Limestone, or other Stone or Matter whatsoever in or under the same, as herein-after saved and reserved.

Commissioners to transmit an Extract from the Award to His Majesty's Surveyor General.

LI. 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, 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 Commissioners of His Majesty's Woods, Forests, and Land Revenues, or to the Surveyor General of His Majesty's Land Revenue for the Time being, within Two Calendar Months next after the making and executing the said Award, to be by them or 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.

LII. And

Power to appeal.

LII. 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 the said Act of the Forty-first Year of His present Majesty, or by this Act, (other than and except such Claims, Matters, and Things as are by the said Act or this Act directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where by any of the Provisions of the said Act or this Act the Determination, Acts, or Proceedings of the said Commissioners are directed to be final and conclusive), he, she, or they may appeal to any General Quarter Sessions of the Peace which shall be holden for the County of *Radnor*, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal, expressing the Cause of Complaint to the said Commissioners or Party interested in such Appeal, or their Agent or Agents, Ten Days at least before such General Quarter Sessions; and the Justices of the Peace assembled at such General Quarter Sessions, or at any subsequent Quarter Sessions to which the said Justices shall adjourn any such Appeal, either for the Want of such Notice having been given as aforesaid, or for any other Cause which the same Justices shall deem a sufficient Cause to adjourn such Appeals, are hereby authorized to hear and determine the same, 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 the Damages and Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus, if any, upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and the Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removable by *Certiorari*, or any Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Saving to the Lord of the Lordship of Cantremellenith.

LIII. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of His said Majesty, His Heirs or Successors, or his or their Grantee or Grantees, Vendee or Vendees, Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of, in, or to any Mines, Ores, Minerals, Coals, Limestone, or Slate, in or under the said Commons or Waste Grounds, or of, in, or to the Seignories and Royalties incident or belonging to the aforesaid Lordship of *Cantremellenith*; but that His said Majesty, His Heirs and Successors, and his and their respective Grantees, Vendees, Lessees, Agents, Servants, and Workmen, may search for, work, dig, raise, and carry away all Mines, Ores, Minerals, Coal, Limestone, and Slate, as freely and effectually as if this Act had never been passed; and also His said Majesty, His Heirs and Successors, and his and their respective Grantees, Vendees, Lessees, Stewards, or other Officers, shall and may from Time to Time, and at all Times hereafter, have, hold, receive, and enjoy all Rents, Services, Courts, and Profits of Courts, and all other Rights, Royalties, and Privileges to the said Lordship or any Member thereof incident or appendant, belonging or appertaining (other than and except such Rights and Interests as are mentioned and intended to be barred by this Act), in as full, large, ample and beneficial a Manner, to all Intents and Purposes, as he or they might or ought to have held and enjoyed the same if this Act had never been passed.

Saving to the Lord of the Manor.

LIV. And be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said *Samuel Lewin* and *Thomas Stephens* respectively, as Lords of the said Manors of *Ednol* and *Kinnerton*, or their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, or any future Lord or Lords thereof, of, in, or to the Seignories and Royalties incident or belonging to the aforesaid Manors; but that the Lords of the said Manors respectively for the Time being shall and may, from Time to Time, and at all Times hereafter, have, hold, receive, and enjoy all Rents, Services, Courts, and Profits of Courts, and all other Rights, Royalties, and Privileges to the said Manors incident and appendant, belonging or appertaining, (other than and except such Common of Pasture, Right of Common, Right of Soil, and other Property, as is or are mentioned and intended to be barred by this Act), in as full, large, ample, and beneficial a Manner, to all Intents and Purposes, as he or they might or ought to have held and enjoyed the same before the passing of this Act, or in case the same had not been made: Provided always, that nothing in this Act contained shall be construed or taken to extend to that Part of the said Common or Open Lands within either of the Parishes of *Old Radnor* and *Cascob*, called the Forest of *Radnor*, and whereof *Thomas Frankland Lewis* Esquire is sole Proprietor.

General Saving.

LV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and every Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Successors, Administrators, and Assigns, (other than and except the respective Persons to whom any Allotment or Allotments of Land, or other Compensation, shall be made or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intents and Purposes of the Inclosure hereby authorized to be made shall absolutely require to be barred, destroyed, or extinguished by this Act) all such Estates, Rights, and Interests, as they or any of them had or enjoyed of and to or in respect of the Commons or Wastes hereby directed to be divided and inclosed before the passing of this Act, or could or might have enjoyed if this Act had not been made.

Evidence Clause.

LVI. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty duly authorized to print the Statutes of the United Kingdom, and that a Copy thereof so printed by any of them, shall be admitted Evidence thereof by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1813.