ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 143.

An Act for incloſing Lands in the Pariſh of *Clirow*, in the County of *Radnor*, and extinguiſhing Vicarial Tithes in the ſaid Pariſh. [3d *June* 1813.]

WHEREAS there are within the ſeveral Hamlets, Townſhips, or Diviſions in the Pariſh of *Clirow*, in the County of *Radnor*, certain Commons or Waſte Grounds, containing by Eſtimation Two thouſand Acres or thereabouts: And whereas *Walter Wilkins* Eſquire is Lord of the Manor of *Iſhmoneth*, otherwiſe *Lower Elwell*, within which the ſaid Pariſh of *Clirow* lies, and as ſuch is entitled to the Soil of the ſaid Commons or Waſte: And whereas the ſaid *Walter Wilkins*, *William Davies* Eſquire, *James Beavan* Eſquire, *Samuel Lewin* Eſquire, and ſeveral other Perſons are ſeiſed and poſſeſſed of divers Meſſuages, Tenements, ancient incloſed Grounds and Hereditaments within the ſaid Hamlets, Townſhips, or Diviſions in the ſaid Pariſh, and in reſpect thereof, or as appendant or appurtenant, or belonging thereto, they or their Leſſees, Farmers, or Tenants are entitled to Right of Common and raiſing Stones in, upon, or over the ſaid Common or Waſte: And whereas the Reverend *Richard Venables* Clerk is the Vicar of the Vicarage of *Clirow*, in the County of *Radnor*, and as ſuch is entitled to the Vicarial Tithes ariſing and renewing within the ſaid Pariſh of *Clirow*, and the ſaid *Richard Venables* is in right of his ſaid Vicarage, entitled to certain old incloſed Glebe Lands within the ſaid Pariſh of *Clirow*, in reſpect of which he claims Right of Common over the ſaid Commons or Waſte Grounds, or over ſome Part or Parts thereof: And whereas the Right Reverend *Thomas*, Lord Biſhop of *Saint David's*, is Patron of the ſaid Vicarage:

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 Common or Waſte in its preſent State is of little Uſe or Advantage, but the whole is capable of Cultivation and Improvement, and the ſeveral Perſons entitled to ſuch Right of Common and raiſing Stones as aforeſaid are willing and deſirous that the ſaid Common or Waſte 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; and alſo that in Conſideration of an adequate Compenſation, all the Lands in the ſaid Pariſh of *Clirow*, as well open as incloſed, ſhould be diſcharged from the Vicarial Tithes; 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*, and *James Stephens* of *Preſteigne*, in the County of *Radnor*, Gentlemen, ſhall be and they are hereby appointed Commiſſioners for ſetting out, dividing, allotting, and incloſing the ſaid Common or Waſte, and for putting in Execution this Act, and ſuch of the Powers, Authorities, Directions, and Proviſions contained in the ſaid recited Act as are not altered, controlled, or otherwiſe provided for, nor affected by this Act.

Commiſſioners appointed.

For the Appointment of new Commiſſioners.

II. And be it further enacted, That in caſe either of the ſaid 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 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 the Manner herein-before reſpectively directed ſhall have the like Powers and Authorities as the Commiſſioners named and appointed by

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 the said Parish of *Clirow*, or within the Space 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 *Clirow*, and in the Chapel of *Bettws Clirow* 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.

III. And for the effectually obviating and preventing any Inconvenience or Delay which might otherwise happen, or be occasioned in the Proceedings of the said Commissioners, by Reason of any Difference of Opinion between them, touching or concerning any Matter or Thing in 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 Matter 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, 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 taken and deemed by the said Commissioners as conclusive and binding upon them, as to all and every the Matters or Things, or Points, or Questions, so respectively referred to his Determination as aforesaid, 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 he 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 referred to him as aforesaid.

Oath to be taken by Umpire.

IV. Provided also, 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 *A. B.* 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

'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 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 enrolled with the Award of the ſaid Commiſſioners.

Surveyor.

V. 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.

VI. 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*,

Oath to be taken by Surveyor.

'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 Per-'ſons whomſoever. So help me GOD.'

And either of the ſaid Commiſſioners are 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 Commiſſioners.

Recompence of Commiſſioners and Umpire.

VII. 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 Meetings of the Commiſſioners, or when returning home, after having attended ſuch Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Charge to be paid Surveyor.

VIII. And be it further enacted, That the Surveys or Admeaſurement, 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 the 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.

IX. And be it further enacted, That the ſaid Surveyors 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 Forty Pounds ſhall be paid. Surveyor to make fair Plans upon Vellum of the Common, &c. and his Charge for the ſame.

X. 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 *Clirow* and Chapel of *Bettws Clirow* 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 Meetings 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 ſaid Commiſſioner ſhall be holden within the ſaid Pariſh of *Clirow*, or within the Diſtance of Eight Miles therefrom. Commiſſioners to give Notice of Meetings.

XI. 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*. Other Notices how to be given.

XII. 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 Commiſſioners to determine Differences except as to Titles. Commiſſioners not to determine Rights contrary to Poſſeſſion.

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 taken from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

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, 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.

XIV. 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 affected 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, ſignify 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 to 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

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, 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 ſpecial Finding had been made, and the Verdict of the Jury on ſuch Trial, or the 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 ſee Cauſe to 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 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 upon 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.

XV. And be it further enacted, That all Incloſures and Encroachments which have been taken from the ſaid Common (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 Common ſo to be divided, and in caſe any Difference or Diſpute ſhall ariſe touching any ſuch Incloſures or Encroachments being deemed Part and Parcel of

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

the ſaid Common, ſuch Differences or Diſputes ſhall be examined into and determined by the ſaid Commiſſioners.

Encroachments to be allotted to Perſons in Poſſeſſion thereof.

XVI. 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 and allot unto ſuch Perſon or Perſons, Body or Bodies Politic or Corporate, entitled to and having Right to Common upon the ſaid Common or Waſte 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 Common Lands and Grounds, all and every the Lands and Grounds compriſed 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, 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 the 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.

Commiſſioners to make Drains, &c.

XVII. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour and widen all ancient Brooks, Ditches, 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 Common or Waſte hereby directed to be divided and incloſed, or any incloſed Lands in the ſaid Hamlets, Townſhips or Diviſions in the ſaid Pariſh, 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, through, or into which any Water ſhall be conveyed by the ſaid Brooks, Drains, Watercourſes, or Tunnels reſpectively, 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 their 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.

XVIII. And be it further enacted, That it ſhall and may 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 ſaid Hamlets, Townſhips, or Diviſions in the ſaid Pariſh of *Clirow*,

Clirow, and the Soil of the Roads and Ways ſo to be ſtopped up, 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.

XIX. 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 of 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 which 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 Hamlets, Townſhips, or Diviſions in the ſaid Pariſh reſpectively now are or ought by Law to be amended and kept in Repair.

Commiſſioners to determine to what Townſhips Roads ſhall belong.

XX. 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 and adjudge what Part or Parts of the ſaid Highways and Roads ſo to be ſet out and appointed, ſhall or do belong to any Hamlets, Townſhips, or Diviſions reſpectively within the ſaid Pariſh; and the ſaid Commiſſioners ſhall, in and by their general Award, order and direct by what Hamlets, 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 Hamlets, 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 and adjudged to belong to ſuch Hamlets, 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.

XXI. 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 Common Land or Ground 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 Common Lands or Grounds in purſuance of this Act, and alſo of all the Proprietors and 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.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out, and appoint ſuch Part or Parts, Parcel or Parcels of the ſaid Common 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.

XXIII. 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 Townſhip ſhall have any further or other Uſe or Enjoyment of any Quarry or Quarries, Peat Moſs or Peat Moſſes, in the other Townſhip, than hath been cuſtomary for the laſt Sixty Years.

Allotment to the Lord of the Manor of Iſhmoneth.

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 of the ſaid Manor of *Iſhmoneth*, otherwiſe *Lower Elwell*, or the Perſon or Perſons who ſhall be Lord or Lords, Lady or Ladies of the ſaid Manor, One full Sixteenth Part or Share of ſuch Reſidue remaining, after deducting ſuch Roads, Highways, Quarries, and Peat Moſſes ſo ſet out as aforeſaid, for and in full Compenſation or Satisfaction for their, his, or her Right to the Soil thereof, as ſuch Lords or Lord, Ladies or Lady as aforeſaid.

Allotment in lieu of Vicarial Tithes.

XXV. And be it further enacted, That for the making an adequate Compenſation to the ſaid *Richard Venables*, and his Succeſſors, Vicars of the Vicarage of *Clirow* aforeſaid, for all Vicarial Tithes ariſing, increaſing, renewing, or payable to the Vicar of *Clirow* aforeſaid, from, for, out of, or in reſpect of any Meſſuages, Homeſteads, Gardens, Orchards, Lands, or Grounds, within the ſaid Pariſh of *Clirow*, the ſaid Commiſſioners ſhall, and they are hereby authorized and required to ſet out, and allot to and for the ſaid *Richard Venables* and his Succeſſors, Vicars as aforeſaid, ſuch

ſuch Part and Share of the ſaid Commons or Waſte Grounds ſo to be divided and incloſed as aforeſaid, as ſhall in the Judgment of the ſaid Commiſſioners be a full and adequate Compenſation for all the Vicarial Tithes and Dues ariſing, renewing, increaſing, or payable, as well from, for, out of, or in reſpect of the ſaid Commons or Waſte Grounds, as alſo from, for, out of, or in reſpect of the Meſſuages, Homeſteads, Gardens, Orchards, Lands, or Grounds, within the ſaid Pariſh of *Clirow*, in reſpect of which any Perſon or Perſons ſhall be entitled to any Allotment or Allotments of the ſaid Commons or Waſte Grounds by virtue of this Act; and in all Caſes where any Proprietor or Proprietors of any Meſſuages, Homeſteads, Gardens, Orchards, Lands, or Grounds, ſhall be ſeparately entitled to any Right of Common upon any Part or Parts, Portion or Portions, of the ſaid Commons or Waſtes intended to be incloſed as aforeſaid, and the whole of ſuch Part or Parts, Portion or Portions, of the ſaid Commons or Waſtes, ſhall not in the Judgment of the ſaid Commiſſioners be a full and adequate Compenſation for all the Vicarial Tithes ariſing from and in reſpect of ſuch Parts of the ſaid Commons and Waſtes, and alſo from and out of the ſaid Meſſuages, Homeſteads, Gardens, Orchards, Lands, or Grounds ſo entitled to Common thereon, then the ſaid Commiſſioners ſhall, and they are hereby authorized and required to allot and ſet out to and for the ſaid *Richard Venables* and his Succeſſors, Vicars as aforeſaid, ſo much and ſuch Part or Parts of the ſaid laſt-mentioned Lands and Grounds within the ſaid Pariſh of *Clirow* as ſhall, in the Judgment of the ſaid Commiſſioners, be adequate to make up ſuch Deficiency in Value of the Compenſation for the ſaid Vicarial Tithes; and the ſaid Commiſſioners are hereby further authorized and required to allot and ſet out to and for the ſaid *Richard Venables* and his Succeſſors, Vicars as aforeſaid, ſo much and ſuch Part or Parts of the Homeſteads, Gardens, Orchards, Lands, or Grounds, within the ſaid Pariſh of *Clirow*, in reſpect of which the Proprietor or Proprietors thereof is or are not entitled to any Allotment or Allotments of the ſaid Commons or Waſte Grounds as ſhall, in the Judgment of the ſaid Commiſſioners, be a full and adequate Compenſation for all the Vicarial Tithes and Dues ariſing, renewing, increaſing, or payable from, for, out of, or in reſpect of the ſaid laſt-mentioned Homeſteads, Gardens, Orchards, Lands, or Grounds; and the Allotment or Allotments ſo to be made and ſet out, as well of the ſaid Commons or Waſte Grounds as of the ſaid Homeſteads, Gardens, Orchards, Lands, or Grounds, ſhall be veſted in and become the ſole Property of the ſaid *Richard Venables* and his Succeſſors, Vicars as aforeſaid, and ſhall be taken and accepted by him and them in lieu of, and full Compenſation and Satisfaction for all Manner of Vicarial Tithes, Oblations, Obventions, Compoſitions, and Payments in lieu of Tithes, and all other Eccleſiaſtical Dues (*Eaſter* Offerings, Mortuaries, and Surplice Fees excepted) ariſing, renewing, or payable to him the ſaid *Richard Venables*, or his Succeſſors, Vicars as aforeſaid, from, out of, or in reſpect of all and every the Eſtates and Lands, as well incloſed as unincloſed, within the ſaid Pariſh of *Clirow*; and all ſuch Vicarial Tithes, Oblations, Obventions, Compoſitions, Dues, and Payments as aforeſaid, (except as aforeſaid), ſhall ceaſe and determine at the Feaſt of Saint *Michael* next following the Execution of the general Award of the ſaid Commiſſioners.

Expence of ſetting out Allotments for Tithes.

XXVI. Provided always, and be it further enacted, That the Coſts, Charges, and Expences, attending the ſurveying, meaſuring, and valuing the

the Homesteads, Gardens, Orchards, Lands, or Grounds, in respect of which the Proprietor or Proprietors thereof is or are not entitled to any Allotment or Allotments of the said Commons or Wastes, and also the setting out and allotting such Part or Parts thereof as aforesaid in lieu of the Vicarial Tithes, and all other Expences incidental thereto, shall be paid to the said Commissioners by such Proprietor or Proprietors, and shall be recoverable in the Manner directed and provided for by the said recited Act.

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

XXVII. And be it further enacted, That (after such necessary Roads and Highways, Quarries and Peat Mosses as aforesaid, and the said Allotment to the said *Walter Wilkins*, his Heirs and Assigns, for the Soil of the Wastes, and the said Allotment in lieu of Tithes, shall have been deducted) it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered 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 Common or Waste as to them shall seem competent, necessary, and sufficient to be sold as herein-after mentioned; which Part or Parts of the said Common or Waste 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.

XXVIII. And as to so much and such Part or Parts of the said Common or Waste 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 Common or Waste as shall be so appropriated, marked and set out to be sold as aforesaid, to be put up to public Sale or Auction, in such Lots or Parcels as to them shall seem fit and expedient; 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 Common or Waste 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 and Parts of the said Common or Waste 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.

Money arising from Sale of the Common

XXIX. 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 and attending, or which may be occasioned by the soliciting, obtaining, and passing this Act, and the said intended Division of the said Common or Waste, and of setting out, 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.

to be applied for paying Expences of the Division.

XXX. Provided always, That in all Cases where any of the Persons, Bodies Politic or Corporate, interested in any Allotment or Allotments of the said Common 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 respective Allotments, and shall and do at the 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 Notices as aforesaid of and in all such Expences, shall be paid and defrayed in Money by such Party or Parties respectively, and 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 Allotment or Allotments of the Party or Parties making such Payment or Payments, shall have Regard to the Amount of such Payment and Payments respectively, in ascertaining the Share and Proportion of the said Common or Waste so to be set out and allotted to such Party or Parties respectively.

Allowing Parties to contribute towards the Expences by Money instead of Lands.

XXXI. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, and they are hereby required to set out and allot unto and for the said *Walter Wilkins*, his Heirs and Assigns, Twenty-five Acres of Land of the average Value of the said Commons adjoining to his other Allotments or inclosed Lands, in Addition to the Allotment hereinbefore directed to be allotted to him as Lord of the Manor of *Ishmoneth*, otherwise *Lower Elwell* aforesaid, the same to be accepted and taken by the said *Walter Wilkins* for and in lieu of his Right to all Mines, Minerals, and Quarries in, under, or upon the Lands hereby directed to be divided and allotted.

Allotment to the Lord in lieu of manorial Rights.

Allotment to the Vicar for his Glebe Lands.

XXXII. And be it further enacted, That the ſaid Commiſſioners, after making ſuch Allotments as aforeſaid, ſhall and they are hereby authorized and required to ſet out and allot unto and for the ſaid *Richard Venables*, and his Succeſſors Vicars of *Clirow*, ſuch Parcel or Parcels of the ſaid Commons or Waſte Grounds within the ſaid Pariſh of *Clirow* as, in the Judgment of the ſaid Commiſſioners, ſhall be a full Equivalent and Compenſation for the Right of Common in reſpect of the Glebe Lands belonging to the ſaid Vicarage within the ſaid Pariſh.

Allotment of the Reſidue.

XXXIII. 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 and amongſt the ſeveral 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 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.

XXXIV. And be it further enacted, That where the Proprietor or Proprietors of any of the Common Lands or Grounds hereby directed to be divided or incloſed ſhall hold his 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, 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 Purpoſeſhall 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, 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.

XXXV. And

Meetings for Objections to Allotments; ſuch Objections to be determined by the Commiſſioners.

XXXV. 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 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 ſee the Scheme thereof ſet out and delineated upon a Map to 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, 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.

XXXVI. 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 Times as the ſaid Commiſſioners ſhall, by their Award or any other Writing under their Hands, direct or appoint: Provided always, that the Allotment or Allotments to be made to the ſaid *Richard Venables* as Vicar, ſhall be incloſed, hedged, ditched, and fenced by the ſaid Commiſſioners as far as the Ring-fence ſhall be allotted and belong thereto; but ſuch Fence ſhall for ever afterwards be maintained by the ſaid *Richard Venables* and his Succeſſors, Vicars as aforeſaid: 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 ſaid Commiſſioners, for the Paſſage of Carts, Carriages, and Cattle, as the ſaid Commiſſioners ſhall, in and by their ſaid Award, direct and appoint.

Gaps to be left.

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

XXXVII. 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 Leaſe-

hold,

hold), shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Cottages, Lands, and Grounds.

Proprietors may sell Allotments before Award, and Common Rights severate.

XXXVIII. 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, or 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 or she is entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award.

Exchanges.

XXXIX. 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 several Hamlets, Townships, or Divisions in the said Parish of *Clirow*, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within the said Parish of *Clirow*, or within any adjoining Parishes, Townships, Hamlets, or Places respectively; provided that all such Exchanges be ascertained, specified, and declared, or contained in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body 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 the 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 situate, 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.

XL. 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.

Power of leasing Vicar's Allotment.

XLI. And be it further enacted, That it shall be lawful for the said *Richard Venables* and his Successors, Vicars of the Parish of *Clirow* aforesaid, by Indenture or Indentures under his or their Hand and Seal, or respective Hands and Seals, with the Consent of the Bishop of the Diocese of *Saint David's*, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted by virtue of this Act to the said *Richard Venables*, and his Successors, as a Compensation as aforesaid, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the Execution of the said Award, so that the Rent or Rents for the same shall be thereby reserved to the said *Richard Venables* and his Successors, being Vicars of *Clirow* aforesaid, by Four quarterly Payments in every Year, and so that there be also thereby reserved and made payable to him and them, 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.

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

XLII. And whereas certain Lands, Tenements, and Hereditaments having Right of Common upon the said Common or Waste, 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 within Twelve Calendar Months next 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 granted by Leaſes at Rack Rent to be ſet out to the Leſſors.

XLIII. 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 Allotments thereof to be held in Severalty.

XLIV. And be it further enacted, That from and immediately after the ſaid Common or Waſte being ſo divided or allotted, all former Eſtate, Right, Title, and Intereſt of the ſeveral Owners or Proprietors 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 alloted.

Allotments and Exchanges not to affect Settlements, but to go to the ſame Uſes.

XLV. And be it further enacted, That nothing herein contained ſhall revoke, make void, alter, or annul any Will or Settlement of or concerning any of the 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 to or upon, or be ſubject to, if ſuch Allotment or Exchange had not been made or this Act had not 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.

Commiſſioners to direct the Courſe of Huſbandry.

XLVI. 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.

To fence againſt Lambs, Sheep, and Goats.

XLVII. 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.

Any Money advanced for the paſſing this Act to be repaid with Intereſt.

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

Expences of the Diviſions to be paid by the Parties, if the Land to be ſold is not ſufficient.

XLIX. 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 all other the Charges and Expences incident to or attending the Execution of this Act as are not herein otherwiſe directed to be paid, ſhall be borne, paid, and defrayed by the ſeveral and reſpective Perſons, Body and Bodies Politic and Corporate, (except His ſaid Majeſty, His Heirs and Succeſſors,) to whom any Allotment or Allotments of the ſaid Common Lands or Grounds ſhall be reſpectively made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, other than and except the reſpective Purchaſers of ſuch Part or Parts of the ſaid Common or Waſte as ſhall be ſold by the ſaid Commiſſioners in purſuance of this Act, 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

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 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.

L. 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 Perſons as ſhall be appointed Auditor by the Majority in Value, to be aſcertained by or according to 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 Commiſſioner 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 Books as aforeſaid, and that no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or be valid in Law, unleſs the ſame ſhall be duly allowed by ſuch Auditor, and alſo that ſuch Book of Account 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 any 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.

LI. 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 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 the Pariſh Church of *Clirow* 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 and Inſtrument to be lodged with the ſaid Award, ſhall and may be inſpected at all ſeaſonable Times upon reaſonable Notice given by the Party requiring ſuch Inſpection.

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 of 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 or 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 by affixing ſuch Notice, expreſſing the Cauſe of Complaint upon the Principal Doors of the Pariſh Church of *Clirow*, and Chapel of *Betts Clirow* aforeſaid, Ten Days at leaſt before ſuch General or Quarter Seſſions; and the Juſtices of the Peace aſſembled at ſuch General or Quarter Seſſions, or at any ſubſequent General or 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 to the ſame Juſtices ſhall ſeem 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 Charges 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 removeable 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 Manor.

LIII. And be it further enacted, That nothing in this Act contained ſhall prejudice, leſſen, or defeat the Right, Title, or Intereſts of the ſaid *Walter Wilkins*, or any future Lord or Lords thereof, of, in, or to the Seignories and Royalties incident or belonging to the aforeſaid Manor; but that the Lord of the ſaid Manor 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 Manor 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.

General Saving.

LIV. 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.

LV. 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 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. 1813.