ANNO QUINQUAGESIMO

# GEORGII III. REGIS.

## *Cap.* 139.

### An Act for incloſing Lands in the Pariſh of *Dymerchion*, in the County of *Flint*. [24th *May* 1810.]

WHEREAS there are within the Pariſh of *Dymerchion* in the County of *Flint*, certain Commons, Heaths, and Waſte Lands, containing in the Whole by Computation One thouſand Acres, or thereabouts: And whereas the King's moſt Excellent Majeſty, in right of His Crown, is Owner of the Soil of the ſaid Commons, Heaths, and Waſte Lands, except ſuch Part thereof as lies ſituate within the Townſhip of *Bryngwyn-Eſgob* in the ſaid Pariſh of *Dymerchion*: And whereas the Right Reverend the Lord Biſhop of *Saint Aſaph* is Lord of the Manor of *Iſterfyn*, and Owner of the Soil of ſo much of the ſaid Commons, Heaths, and Waſte Lands as lie ſituate within the Townſhip of *Bryngwyn-Eſgob*, as Part of the ſaid Manor of *Iſterfyn*: And whereas *William Cleaver* Clerk is Rector of the ſaid Rectory and Pariſh of *Dymerchion*, and *John Roberts* Clerk is Vicar thereof, and as ſuch are, or One of them is, entitled to certain Glebe Lands within the ſame Pariſh, and in reſpect thereof to a Right of Common upon the Commons, Heaths, and Waſte Lands, hereby intended to be incloſed: And whereas *Heſter Lynch Piozzi* Widow, as Leſſee for Lives, is entitled to the Rectorial Tythes ariſing, growing, and renewing within the ſaid Pariſh of *Dymerchion*, and the ſaid *John Roberts*, as ſuch Vicar as aforeſaid, is alſo entitled to the Vicarial Tythes ariſing, growing, and renewing within the ſaid Pariſh of *Dymerchion*: And whereas Sir *Thomas Moſtyn* Baronet, Sir *Edward Pryce Lloyd* Baronet, the ſaid *Heſter Lynch Piozzi*, and divers other Perſons, are Proprietors

of Meſſuages, Lands, and Tenements within the ſaid Pariſh of *Dymerchion*, and are entitled in reſpect thereof to a Right of Common in, over, and upon all and every the Commons, Heaths, and Waſte Lands hereby intended to be incloſed, in Proportion to their ſeveral and reſpective Eſtates, Rights, and Intereſts within the ſame Pariſh: And whereas an Act was paſſed in the Forty-firſt Year of His preſent Majeſty's Reign, 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, Heaths, and Waſte Lands are in their preſent State of little Value, but if the ſame were divided and incloſed, and ſpecific Parts thereof allotted to the ſeveral Perſons entitled thereto, or intereſted therein, a manifeſt Advantage would reſult, not only to ſuch Perſons, but ſuch Incloſure would otherwiſe be of great publick Utility: Yet as the ſame cannot be effected and carried into Execution without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Maughan* of *Hitchin* in the County of *Hertford*, Gentleman, ſhall be and he is hereby appointed Commiſſioner for ſetting out, dividing, and allotting the ſaid Commons, Heaths, and Waſte Lands within the ſaid Pariſh of *Dymerchion*, and for putting this Act into Execution, in ſuch Manner, with ſuch Powers, and ſubject to ſuch Regulations and Directions as are herein-after contained; and with ſuch of the Powers, and ſubject to ſuch of the Rules, Directions, Regulations, Reſtrictions, and Proviſions contained in the ſaid recited Act, as are not repugnant to or altered, or otherwiſe provided for by any of the Clauſes, Regulations, and Proviſions in this Act.

4 G. 3 c. 109.

Utility of Incloſure.

Appointment of Commiſſioner.

Appointment of Surveyor.

II. And be it further enacted, That at a General Meeting of the Proprietors of Lands within the ſaid Pariſh of *Dymerchion* to be held at *Dymerchion* aforeſaid, within the Space of Two Calendar Months after the paſſing of this Act, it ſhall and may be lawful to and for the major Part in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſments of the ſame Pariſh) of the ſaid Proprietors, or their known or reputed Agents or Attornies, who ſhall be preſent at ſuch Meeting, by Writing under their reſpective Hands, to appoint One or more Surveyor or Surveyors not intereſted in the ſaid Incloſure, to act in the Execution of this and the ſaid recited Act.

For appointing a new Commiſſioner and Surveyor in caſe of Death, &c.

III. And be it further enacted, That if the ſaid *John Maughan*, and the Surveyor or Surveyors ſo to be appointed as aforeſaid, or either of them, or any of their reſpective Succeſſors to be appointed as herein-after mentioned ſhall die or become incapable, by Sickneſs or otherwiſe, of acting, or ſhall refuſe to act as a Commiſſioner or Surveyor or Surveyors as aforeſaid, for the Space of One Calendar Month before all the Powers veſted in them by this and the ſaid recited Act are completely executed, then and from Time to Time as often as Occaſion may require, it ſhall and may be lawful for the major Part in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſments as aforeſaid) of the Proprietors for the Time being of Lands within the ſaid Pariſh of *Dymerchion*, or their known or reputed Agents or Attornies, who ſhall be preſent at a publick

publick Meeting to be held for that Purpoſe, in purſuance of Notice in Writing ſigned by Two or more Proprietors, to be affixed upon the principal outer Door of the Pariſh Church of *Dymerchion* aforeſaid, and inſerted in the *Cheſter* and *Bangor* Newſpapers, or ſome or One of them, at leaſt Fourteen Days before ſuch Meeting, by Writing under their reſpective Hands, to appoint a new Commiſſioner and Surveyor or Surveyors not intereſted in the ſaid Incloſure, in the room of the ſaid *John Maughan*, and ſuch Surveyor or Surveyors ſo to be appointed as aforeſaid, or ſuch of them or their reſpective Succeſſors as ſhall die, become incapable, refuſe or neglect to act as aforeſaid; and every Commiſſioner and Surveyor or Surveyors ſo to be appointed ſhall have the like Power and Authority, and ſhall be ſubject to the ſame Power of Removal and Reſtrictions as the Perſon or Perſons in whoſe Place he or they ſhall be appointed was or were veſted with and ſubject to by virtue of this Act.

Commiſſioner to give Notice of Sittings.

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

Other Notices how to be given.

V. Provided always, and be it further enacted, That all other Notices neceſſary or requiſite to be made and given by the ſaid Commiſſioner in purſuance of this or the ſaid recited Act, ſhall be made and given by Advertiſement to be inſerted in the *Cheſter* and *Bangor* Newſpapers, or ſome or One of them, or if the ſame ſhall not be then publiſhed, then in ſome other Newſpaper uſually circulated in the ſaid County of *Flint*, and the ſaid Surveyor General ſhall have at leaſt Fourteen clear Days Notice of all Meetings and Adjournments when any Proceeding is to

be carried on wherein His Majesty, His Heirs and Successors, shall be interested.

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

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

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

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

Commissioner to settle Disputes, &c.

VIII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Division and Inclosure intended to be made in pursuance of this Act, or touching or concerning the Share, Right, or Interest, or respective Shares, Rights, and Interests which any of them shall claim in or upon the said Commons and Waste Lands, or any of them, or touching or concerning any Share or Shares, Proportion or Proportions, which they or any of them ought to have or shall claim to have in lieu of their Rights of Common, or other Rights or Interests upon or arising from the said Commons and Waste Lands so to be divided and inclosed, or any of them, on the said intended Division and Inclosure, or touching or concerning improper Claims made by any Person or Persons not entitled to any Allotment or Allotments, it shall and may be lawful for the said Commissioner, and he is hereby authorized and required, upon Examination of any

any Witneſs or Witneſſes, or upon any other ſufficient Evidence, to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to hear and determine any Difference or Diſpute which may ariſe touching or concerning the Title of any Perſon or Perſons to any Meſſuages, Cottages, Lands, Tenements, or Hereditaments whatſoever. but not to determine Titles.

IX. And be it further enacted, That in caſe the ſaid Commiſſioner ſhall upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in purſuance of the ſaid recited Act or of this Act, ſee cauſe to award any Coſts, it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby empowered, upon Application made to him for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as he ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioner ſhall be made by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or overruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby authorized and required, by Warrant under his Hand and Seal directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand to the Perſon or Perſons whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale. Power to award Coſts.

X. Provided always nevertheleſs, and be it further enacted, That if His ſaid Majeſty, His Heirs and Succeſſors, or the ſaid Biſhop of *Saint Aſaph*, or any other Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, making any Claim or Claims to the Soil of the ſaid Commons, Heaths, and Waſte Lands herein-before mentioned, or of any Rights of Common, or other Rights or Intereſts in, over, or upon the ſame, or any Part thereof, or objecting to any ſuch Claim or Claims, ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, and ſhall be deſirous of having ſuch Claim or Claims, Rights or Intereſts reſpectively tried at Law, and ſhall by himſelf or herſelf or themſelves reſpectively, or his, her, or their Agent or Agents, Attorney or Attornies reſpectively, give Notice in Writing to the ſaid Commiſſioner within Fourteen Days next after ſuch Determination ſhall have been ſo made by the ſaid Commiſſioner (of which Notice the ſaid Commiſſioner is hereby required to give immediate Information by Writing under his Hand to the adverſe Party or Parties, or his, her, or their Agent or Agents, Attorney or Attornies reſpectively, to be delivered to or left at the uſual Place or Places of Abode of ſuch Party or Parties, or his, her, or their Agent or Agents, Attorney or Attornies reſpectively, and to make an Entry of ſuch Notice in the Book of Procedings by him kept under the Authority of this Act), then but not otherwiſe, it ſhall be lawful for the Perſon or Perſons giving ſuch Notice within ſuch Time as aforeſaid, his, her, or their Heirs or Aſſigns reſpectively, to proceed to Trial at Law of the Matter or Matters in Queſtion at the next or ſecond Parties may try their Rights by an Iſſue at Law.

Aſſizes to be holden for the County of *Salop*, or for the County of *Cheſter*, after the Expiration of Three Calendar Months from the Time of ſuch Notice being given as aforeſaid, in a feigned Action or Actions, Iſſue or Iſſues, to be commenced for ſuch Purpoſe in One of His Majeſty's Courts of Record at *Weſtminſter*, by the Perſon or Perſons giving ſuch Notice as aforeſaid, his, her, or their Heirs or Aſſigns reſpectively, againſt the adverſe Party or Parties making ſuch Claim or Claims, Objection or Objections as aforeſaid, and the Defendant or Defendants in ſuch Action or Actions ſhall forthwith name an Attorney or Attornies who ſhall appear or file Common Bail, and accept One or more Iſſue or Iſſues, whereby ſuch Claim or Claims, Right or Rights, Intereſt or Intereſts may be properly tried and determined (ſuch Iſſue or Iſſues to be ſettled by the proper Officer or Officers of the Court wherein ſuch Action or Actions ſhall be commenced, if the Parties differ about the ſame), and the Verdict or Verdicts which ſhall be given in the ſaid Action or Actions ſhall be final and concluſive upon all and every Perſon and Perſons whomſoever, Body or Bodies Politick, Corporate or Collegiate; and the Coſts of ſuch Action or Actions ſhall follow ſuch Verdict or Verdicts, and be taxed and recovered in ſuch Manner as Coſts in other Actions in the ſame Court; and after any Verdict or Verdicts ſhall have been ſo obtained (if not ſet aſide by the Court in which ſuch Action was commenced, which it ſhall be lawful for ſuch Court to do, in caſe ſuch Court ſhall ſo think proper), the ſaid Commiſſioner ſhall and he is hereby authorized and required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials; provided alſo, that all ſuch Determinations of the ſaid Commiſſioner as ſhall not be objected to, or being objected to, if the diſſatisfied Party or Parties reſpectively ſhall not give ſuch Notice within ſuch Time as aforeſaid, or giving ſuch Notice ſhall not cauſe ſuch Action or Actions to be brought and proceeded in conformably to the Directions of this Act, ſhall be binding, final, and concluſive upon all Parties whomſoever.

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

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

Proviſion in Caſes of Deaths of Parties before Action brought.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any ſuch Determination as aforeſaid ſhall have been made, and againſt whom any ſuch Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politick or Corporate, who might have

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brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living, and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

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

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

Power for the Crown to appoint Assistant Commissioner,

XIV. And be it further enacted, That the Surveyor General of His Majesty's Land Revenue for the Time being may from Time to Time, by Writing under his Hand, nominate and appoint an Assistant Commissioner to carry this Act into Execution as far as relates to His Majesty's Rights and Interests to and in the said Commons, Heaths, and Waste Lands, and such Assistant Commissioner before he proceeds to the Execution hereof, shall take the same Oath as the Commissioner hereby appointed or hereafter to be appointed is required to take, and such Assistant Commissioner shall be paid out of the Money to be raised for the general Purposes of this Act, at the Rate of Two Pounds and Two Shillings for every Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences, and shall bear and pay his own Expences during the Time he shall be so employed.

Allotments for getting Materials, &c.

XV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out, allot, and award unto and for the Surveyor or Surveyors of the Highways in the said Parish of *Dymerchion* for the Time being, such Plot or Plots of the said Commons, Heaths, and Waste Lands in such Parish, not exceeding in the Whole Six Statute Acres, in such Places as he shall judge most expedient, with convenient Roads to and from the same, to be used and enjoyed for ever thereafter by the respective Proprietors of Lands and Hereditaments, and their respective Tenants within the said Parish of *Dymerchion* for the Time being, in common, for the Purpose of getting Lime-stone, Building-stone, Gravel, and Sand, for the Use, Benefit, and Improvement of such Lands or Hereditaments, and of the Allotment or Allotments to be set out under the Authority of this Act, and also for the Repairs of the Highways, private Roads, and Paths within the same Parish, and shall be

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vested in the Surveyor or Surveyors of the Highways of the said Parish for the Time being for ever, in Trust for the Purposes aforesaid; and the getting and raising such Stone, Gravel, and Sand, and the Labourers or Persons to be employed therein, and the Grass and Herbage of the said Plots respectively, shall be and are hereby declared to be subject to such Regulations and Restrictions as the said Commissioner shall by his general Award make, order, direct, or appoint, or shall consistently with such Regulations, Orders, and Restrictions to be made by Order of Vestry of the said Parish of *Dymerchion*, for that Purpose first legally convened, shall from Time to Time direct and appoint, and such Plots and Roads respectively shall be properly fenced off, and the Expence of such Fences shall be raised and paid in the same Manner as the Expences of passing and carrying this Act into Execution: Provided always, that such Stone, Gravel, and Sand, or any or either of them, shall not directly or indirectly be sold or disposed of to any Person or Persons whomsoever, or conveyed out of the said Parish of *Dymerchion*, under any Pretence whatsoever, under the Penalty of Twenty Shillings for every Cart-load so sold or conveyed out of the said Parish of *Dymerchion*, and so proportionably for every greater or less Quantity, to be paid by such Person or Persons by whom or for whose Use such Stone, Gravel, or Sand, shall be dug up, cut, or got, to the Churchwardens or Overseers of the Poor of the said Parish of *Dymerchion* for the Time being, and to be by them accounted for and applied in Aid of the Rates to be made for the Relief of the Poor within the said Parish of *Dymerchion*, and the said Commissioner may, where Occasion shall require, set out and appoint Springs and Pools, and other Watering-places for Cattle and Beasts within the said Parish of *Dymerchion*, upon the said Commons, Heaths, and Waste Lands aforesaid, for the common Use and Benefit of all Owners and Occupiers of Messuages, Tenements, Lands, or Hereditaments within the same Parish.

Not to alter Watercourses, &c.

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

Allotment of Four Acres to the Vicar to build upon, the Profits in the mean Time to be applied in Aid of the Poor Rates.

XVII. And whereas the said *John Roberts*, as Vicar of the said Parish of *Dymerchion*, has not sufficient Glebe Land with the same to build a Dwelling House thereon for his Residence; be it further enacted, That in order to enable him and the succeeding Vicars for the Time being to reside within the said Parish of *Dymerchion*, the said Commissioner shall set out, allot, and award unto the said Lord Bishop of *Saint Asaph*, and his Successors Bishops of *Saint Asaph*, in Trust for the Purposes herein-after mentioned, Four Statute Acres of the said Commons, Heaths, and Waste Lands, in One entire Parcel, and such Trust is hereby declared to be that such Four Acres shall be Glebe Land, and belong to the Vicar

for the Time being of the ſaid Pariſh of *Dymerchion*, to the Intent that ſuch Vicar may be at Liberty to build a Dwelling Houſe and ſuitable Offices on ſome convenient Part of the ſaid Parcel of Land for his Reſidence; and that until ſuch Buildings ſhall be made and completed as aforeſaid, the Rents and Profits of the ſaid Four Acres of Land ſhall, ſubject to the Expence of fencing out the ſame, and the Treſpaſs committed by reaſon of Cartage or otherwiſe in reſpect of the Buildings aforeſaid, be paid to and received by the Churchwardens and Overſeers of the Poor for the Time being of the ſaid Pariſh of *Dymerchion*, and be by them uſed and applied in Aid of the Poor Rates within the ſaid Pariſh of *Dymerchion*; yet nevertheleſs the ſaid *John Roberts*, and every other ſucceeding Vicar ſhall, until ſuch Buildings be made as aforeſaid, and during the Time the ſame are carried on, be at Liberty to hold and occupy ſuch intended Allotment at a fair annual Rent, to be eſtimated by the ſaid Commiſſioner.

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

XVIII. And be it further enacted, That all and every the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing this Act, and of the Surveys, Admeaſurements, and Plans of the ſaid Commons, Heaths, and Waſte Lands hereby directed to be incloſed, and of all other Surveys, Plans, and Admeaſurements which ſhall be made by the Order of the ſaid Commiſſioner, and alſo of valuing, dividing, ſetting out, and allotting the ſaid Commons, Heaths, and Waſte Lands, or any Part thereof, and of forming, making, and completing the publick Roads, Ways, and Watering-places, which ſhall be ſet out and appointed by virtue of this or the ſaid recited Act, and of preparing, inrolling, and depoſiting the ſaid Award, and making a Copy thereof, and all other the Coſts, Charges, and Expences of the ſaid Commiſſioner, and of the ſeveral Perſons employed and conſulted by him in carrying the ſeveral Powers of this and the ſaid recited Act into Execution, or in any Ways concerning the ſame, either before or after the Execution of the ſaid Award, together with the Coſts and Charges of the ſaid Aſſiſtant Commiſſioner, in Manner herein-before in that Reſpect mentioned, ſhall be paid, borne, and defrayed by the ſeveral Owners or Proprietors of and the Perſons intereſted in the ſaid Commons, Heaths, and Waſte Lands, (other than and except His ſaid Majeſty, His Heirs and Succeſſors, and alſo the ſaid *John Roberts* and every other ſucceeding Vicar of the ſaid Pariſh of *Dymerchion*, and the Surveyor or Surveyors of the Highways, in reſpect of the ſeveral Allotments herein-before mentioned to be given upon Truſt for the Purpoſes aforeſaid), in ſuch Shares, Parts, and Proportions, and ſhall be paid to ſuch Perſon or Perſons, and at ſuch Time or Times, Place or Places, and in ſuch Manner as the ſaid Commiſſioner ſhall in and by his ſaid Award, or by any other Writing or Writings under his Hand, either previous to or after the Execution of his ſaid Award, order, direct, and appoint, according to the Value of their reſpective Allotments in the ſaid Commons, Heaths, and Waſte Lands; and the ſaid Commiſſioner is hereby authorized and required from Time to Time, and at any Time or Times hereafter, as often as he ſhall deem it neceſſary and proper, to make and form Eſtimates of all ſuch Coſts, Charges, and Expences, and to raiſe the Amount of ſuch Eſtimates by a Rate or Rates accordingly, and ſhall in every ſuch Rate expreſs the Purpoſe to which the ſame is to be applied; and in caſe any ſuch Proprietor or Proprietors ſhall refuſe or neglect to pay his, her, or their Share, Part, or Proportion,

tion, Shares, Parts, or Proportions of such Costs, Charges, and Expences according to such Order, Direction, and Appointment as aforesaid, then and in such Case the same shall and may be levied and recovered in Manner directed by the said recited Act.

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

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

Allotments to His Majesty and the Lord Bishop of St. Asaph, as Lord of the Manor of Isterfyn.

XX. And be it further enacted, That the said Commissioner shall (after the Boundaries directed to be set out by the said recited Act shall have been ascertained and fully determined, and after setting out the Roads and Ways which by the said recited Act he is authorized to set out, and the several Allotments for getting Materials for Watering-places, and for the Use of the Vicar as herein-before mentioned, and before any other Allotment whatsoever shall be set out), assign, set out, and allot unto, and for the Use of the King's most Excellent Majesty, His Heirs and Successors, with the Concurrence and Approbation in Writing of the said Assistant Commissioner, and not otherwise, so much and such Part or Parts of all the said Commons, Heaths, and Waste Lands hereby directed to be inclosed as do not lie within the said Township of *Bryngwyn-Esgob*, as shall be equal to One full Twentieth Part or Share in Value thereof respectively, and also shall assign, set out, and allot unto and for the Use of the said Lord Bishop of *Saint Asaph* and his Successors as Lord of the said Manor of *Isterfyn*, so much and such Part or Parts of the said Commons, Heaths, and Waste Lands lying within the said Township of *Bryngwyn-Esgob* as shall be equal to One full Twentieth Part or Share in Value thereof respectively, for and in Lieu, Satisfaction, and Extinction of the Rights and Interests of His said Majesty, His Heirs and Successors, and of the said Lord Bishop of *Saint Asaph* and his Successors respectively, in, over, and upon the Soil of the said Commons, Heaths, and Waste Lands so directed to be divided and inclosed as aforesaid.

Power to the Bishop to grant Leases of his Allotments.

XXI. Provided always, and be it further enacted, That the Lord Bishop of *Saint Asaph* for the Time being and his Successors shall have full Power and Authority from Time to Time to grant any Lease or Leases of all or any Part of the Allotment and Allotments herein directed to be made to him and them, either for Three Lives or for Twenty-one Years, in such Manner and Form in all Respects as the said Lord Bishop of *Saint Asaph* and his Successors are by Law enabled to lease their Lands and Estates within the said County of *Flint* and elsewhere.

Allotment of the Residue to the several Proprietors (except Persons who may claim Allotments by vir-

XXII. And be it further enacted, That the said Commissioner shall in the next Place assign, set out, and allot in Severalty, the Residue of the said Commons, Heaths, and Waste Lands hereby directed to be inclosed unto and amongst the said Sir *Thomas Mostyn*, Sir *Edward Pryce Lloyd*, and *Hester Lynch Piozzi*, and the several other Persons Owners and Proprietors of Lands and Hereditaments within the said Parish of *Dymer-*

*chion*

*chion* (ſave and except ſuch Perſon or Perſons who may claim any Allotment or Allotments in right or by virtue of any Incloſures or Encroachments which have been taken from and made upon the ſaid Commons, Heaths, and Waſte Lands at any Time within Sixty Years laſt paſt before the paſſing of this Act), rateably and in due Proportion to the true and real Value of their reſpective Meſſuages, Tenements, Lands, and Hereditaments, in reſpect whereof they are ſeverally entitled to ſuch Right of Common as aforeſaid; ſuch Value to be aſcertained and fixed by the ſaid Commiſſioner, who ſhall not upon any Account or under any Pretence give any undue Preference to any of the Parties intereſted in the ſaid Diviſion, in their or any of their Allotments or Shares of the ſaid Commons, Heaths and Waſte Lands aforeſaid; but the ſaid Commiſſioner in making the Diviſion and Allotment thereof ſhall have due Regard to the Quality, Situation, and Convenience, as well as Quantity of the Land to be allotted, and ſhall and he is hereby required where the ſame can be done, to ſet out and allot the Share or Shares of every Perſon reſpectively in One or more Parcel or Parcels, and contiguous to every Perſon's principal Farm, Homeſtead, and Eſtate reſpectively.

tue of Encroachments made within Sixty Years laſt paſt.)

Commiſſioner to have Regard to Quality and Situation, and to ſet out Allotments contiguous to every principal Farm, &c.

XXIII. And be it further enacted, That for the Encouragement of Agriculture, the firſt two Crops of Corn, or other Produce obtained by Tillage in all and every the ſaid Allotments (except ſuch Parts thereof as have already paid Tythe, or have been actually tilled before the paſſing of this Act), ſhall be exempt from the Payment of Tythe, provided ſuch Crops be raiſed within Three Years next after the Execution of the ſaid Award; and that from and after the taking of ſuch Two Crops as aforeſaid, or if the ſame ſhould be taken before and notwithſtanding the Non-execution of ſuch Award, the future Crop ſhall be liable to Tythe in the ſame Manner as other incloſed Lands in the ſaid Pariſh of *Dymerchion*, and ſuch Encroachments as have already yielded Tythes, or have been actually tilled before the paſſing of this Act, ſhall continue to do ſo notwithſtanding the above Exemption.

The firſt two Crops to be exempt from Tythes.

XXIV. Provided always, and be it further enacted, That in caſe it ſhall happen that the ſame Perſon or Perſons is or are ſeiſed of Meſſuages, Lands, or Hereditaments for Life only, and of the Fee Simple and Inheritance of other Meſſuages, Lands, or Hereditaments within the ſaid Pariſh of *Dymerchion*, and any other Perſon or Perſons having or claiming to have Rights or Intereſts in the Lands and Grounds hereby directed to be divided and incloſed, and ſhall be entitled or claim to be entitled to Right of Common in reſpect of both ſuch Eſtates, then and in ſuch Caſe the Commiſſioner, upon the Requeſt in Writing of ſuch Perſon or Perſons, or of his, her, or their Agent or Attorney, ſhall ſet out and allot the Share or Proportion of ſuch Perſon or Perſons, in reſpect of his, her, or their different Eſtates, in diſtinct and ſeparate Parcels from each other, ſo that the Proportion of Common Land awarded in reſpect of the Meſſuages, Lands, or Hereditaments held for Life or ſettled Eſtate be no Way intermixed with, but kept ſeparate from the Portion awarded in reſpect of the unſettled Eſtate.

Allotments to Tenants for Life in Fee Simple.

XXV. And for the more juſt and regular Diviſion, Allotment, and Diſtribution of the ſaid Commons, Heaths, and Waſte Lands by this Act directed to be divided, allotted, and incloſed, be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required, as ſoon as conveniently

Quality of the Land to be publiſhed.

niently may be after the passing of this Act, to value all the Commons, Heaths, and Waste Lands hereby directed to be divided, allotted, and inclosed, and also the ancient inclosed Lands and Grounds within the said Parish of *Dymerchion*, in respect whereof the several Proprietors have or are entitled to Right of Common over and upon the same Commons, Heaths, and Waste Lands, which Valuation, and the Particulars thereof, shall be reduced into Writing and signed by the said Commissioner, and immediately afterwards be left at the Office of his Clerk, which the said Commissioner is hereby authorized and required to appoint for the Purposes of this Act, and a Duplicate thereof shall be lodged with such Person resident in the said Parish of *Dymerchion*, as the said Commissioner shall appoint, for the Perusal and Inspection of all Persons interested therein and their Agents respectively, Notice of which the said Commissioner is hereby directed to give in the same Manner as is herein-before mentioned with respect to Notices of Sittings; and the said Commissioner shall grant to any Person or Persons interested in the said Valuation, at his, her, or their Request and Expence, a true Copy of such Valuations and Particulars; and in case any Person or Persons interested as aforesaid shall be dissatisfied with the said Valuation, and desirous of having the same reconsidered by the said Commissioner, such Person or Persons so dissatisfied shall deliver or cause to be delivered to the said Commissioner, or to his Clerk, Notice in Writing, (within Twenty-one Days from the Day on which Notice of the Valuation shall appear upon the Church Door), expressing the Grounds of Objections to such Valuation, and the said Commissioner shall within a convenient Time afterwards appoint a Meeting (of which Notice shall be given in the same Manner as Notice of Sittings are directed to be given under this Act), to hear and determine the Objections to made to the said Valuation and Quality, and the said Commissioner shall hear and determine the same, and his Determination therein shall be final.

Respecting Encroachments.

**XXVI.** And be it further enacted, That all Encroachments, exclusive of the Cottages and other Erections thereon, taken from the said Commons, Heaths, and Waste Lands herein-before described, within the Space of Twenty Years before the passing of this Act, or that have been laid open within the said Space of Twenty Years, shall be deemed Part and Parcel of the same Commons, Heaths, and Waste Lands hereby directed to be divided and inclosed; and the same shall be set out and allotted to the Person or Persons in Possession thereof, if such Person or Persons shall be entitled to any Share or Allotment upon the said intended Division and Inclosure, and shall have been in Possession of such Encroachment or Encroachments before the First Day of *November* One thousand eight hundred and nine, and shall request the same by Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Attorney or Agent, at or before the Third Sitting of the said Commissioner, so that such Encroachment or Encroachments, with the additional Road leading thereto from any general Road, which the said Commissioner is to value as Common or Waste Land, without considering the Erections and Improvements made thereon, do not exceed in Value the Allotment or Allotments to which such Person or Persons shall be entitled in lieu of his, her, or their Right of Common, and if the same shall so exceed such Allotment or Allotments the Surplus shall be severed and fenced out at the Expence of the Person or Persons so having encroached, and shall be allotted to some other Person or Persons entitled to an Allotment or Allotments; and when it

it ſhall happen that ſuch Encroachments or Erections have been made by Perſons not entitled to any Right of Common, in ſuch Caſe the ſaid Commiſſioner ſhall ſet a Value on all ſuch Erections, and the ſame ſhall paſs with the Lands in which they ſhall happen to ſtand to the Perſon or Perſons to whom the ſaid Commiſſioner ſhall allot ſuch Land, he, ſhe, or they paying to the Perſon or Perſons at whoſe Expence ſuch Erections were made ſuch Sum of Money as the ſaid Commiſſioner ſhall have valued ſuch Erections at, and if ſuch Perſon to whom ſuch Land ſhall be allotted ſhall refuſe to pay ſuch Valuation, then the Perſon at whoſe Expence ſuch Erections ſhall have been made ſhall have and enjoy ſuch Cottages and Erections for ſuch Time and at ſuch Ground Rent or Acknowledgement, payable to the Perſon to whom the ſaid Land ſhall be allotted, and in ſuch Manner as the ſaid Commiſſioner ſhall direct and appoint.

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

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

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

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

Award to be depoſited.

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

Extract of ſo much of the Award as relates to the King's Allotment to be ſent to the

XXX. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to make an Extract on Parchment, under his Hand and Seal, of ſo much of his Award as ſhall contain an accurate Deſcription of the Allotment or Allotments to be made to His ſaid Majeſty, together with ſuch Regulations or Proviſions relative to ſuch Allotment

Surveyor General.

ment or Allotments, or to any other Rights or Interests of His Majesty as may be contained in such Award; and also a Map or Plan of such Allotment or Allotments, and transmit the same to the Surveyor General of His Majesty's Land Revenue for the Time being, within One Calendar Month next after making and executing the said Award, to be by him filed and kept among the Muniments of his Office, and to be produced and admitted in Evidence on all Occasions where any Question, Doubt, or Controversy may arise relating to or affecting the Rights or Interests of His Majesty, His Heirs and Successors.

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

XXXI. And be it further enacted, That it shall be lawful for the said Surveyor General of His Majesty's Land Revenue, at any Time before the Execution of the said Award, to contract and agree with any Person or Persons, or any Bodies Bolitick or Corporate for the Sale of all or any Allotments or Allotment to be made to His Majesty, His Heirs and Successors, by virtue of this Act for the best Prices or Considerations in Money which the said Surveyor General shall be able to procure for the same; and the Purchase Money arising from such Sale shall be paid into the Bank of *England* to the Account of the Commissioners of His Majesty's Treasury, in like Manner as the Monies arising from the Sale 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 in* England, *and also of His Majesty's Duchy of* Lancaster, are directed to be paid; and the Sale of such Allotments or Allotment shall be made in the same Manner and Form and under the like Rules, Regulations, and Provisions, and shall be to all Intents and Purposes as valid and effectual as if the same were made under the said last recited Act, and after the Execution of the said Award; and it shall be lawful for the said Commissioners, and they are hereby authorized and required to assign, set out, and allot such Allotments or Allotment to the Purchaser or Purchasers thereof, or other Persons or Person who shall be entitled thereto by virtue of such Sale, and he, she, or they shall immediately after the Execution of the said Award as aforesaid, have, hold, use, and enjoy such Allotments or Allotment, and shall use and exercise any Act of Ownership in and upon the same in as full, large, ample, and beneficial a Manner to all Intents and Purposes as His Majesty, His Heirs or Successors, or his or their Lessees or Grantees, could or might have done in case such Sale had not been made, but subject nevertheless to the Right or Interest in or to any Mines, Ores, Minerals, Coal, Limestone, and other Stone, or Matters whatsoever, in or under the same as herein-after saved and reserved to His Majesty, His Heirs and Successors.

If Persons sell before the Award is executed the Allotment to be made to the Purchasers.

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

Wills and Settlements

XXXIII. And be it further enacted, That nothing in this or the said first recited Act contained shall extend or be construed to extend to revoke,

make,

make void, alter, or annul any Will, Deed, or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Lands, Grounds, and Hereditaments to be divided and allotted, or which ſhall be exchanged or aſſigned in Compenſation for any other Eſtate or Right by virtue of this or the ſaid firſt recited Act, or any Part or Parts thereof reſpectively; but as well the Lands allotted as the Tenements and other Hereditaments which ſhall be aſſigned in Exchange or in Compenſation for any other Eſtate or Right, ſhall, immediately after ſuch Allotment, Exchange, or Aſſignment ſhall be made, be veſted, remain, and enure; and the ſeveral Perſons to whom the ſame ſhall be allotted, aſſigned, or given in Exchange, as aforeſaid, ſhall thenceforth ſtand and be ſeiſed and poſſeſſed thereof reſpectively, and ſubject and liable to ſuch and the ſame Wills, Deeds, Settlements, Dowers, Jointures, Portions, Debts, Rents, or Incumbrances, as the Meſſuages, Tenements, Lands, Grounds, or Hereditaments, in reſpect whereof ſuch Allotments, Aſſignments, and Exchanges ſhall be made, would have been ſubject to be charged with or affected by in caſe this Act had not been paſſed. not to be affected.

XXXIV. And whereas ſome of the Owners and Proprietors of Lands and Grounds within the ſaid Pariſh of *Dymerchion* may have Occaſion to borrow Money to defray their reſpective Shares of the Coſts, Charges, and Expences of obtaining and carrying this Act into Execution; be it therefore further enacted, That it ſhall and may be lawful to and for the Huſbands, Guardians, Truſtees, Committees, or Attornies of any of the Owners or Proprietors of any of the Lands and Grounds to be divided and allotted by virtue of the ſaid firſt recited Act and this Act, being under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Diſability; and for any of the ſaid Owners or Proprietors being Tenants in Tail or for Life or Lives, or Years determinable on any Life or Lives, or on any other Contingency, or Tenants by the Courteſy of *England*, or otherwiſe intereſted in ſuch Lands and Grounds, to charge ſuch Lands and Grounds with ſuch Sum or Sums of Money as the ſaid Commiſſioner ſhall by his ſaid Award, or by Writing under his Hand, either before or after the Execution of ſuch Award, adjudge neceſſary, to pay and defray the Coſts, Charges, and Expences incident to and attending the obtaining of this Act, and of ditching, draining, and fencing their reſpective Allotments, and other the Coſts, Charges, and Expences of carrying the ſame into Execution, and of charging ſuch Lands and Grounds as aforeſaid, ſo that the Sum or Sums of Money ſo to be charged ſhall not exceed the Sum of Five Pounds for every Acre of ſuch Lands and Grounds, and to grant, mortgage, leaſe, or demiſe, or otherwiſe ſubject the Lands, Tenements, and Hereditaments, ſo to be charged to ſuch Perſon or Perſons who ſhall advance and lend the ſame reſpectively, his, her, or their Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years; or in caſe any Perſon in Poſſeſſion, who ſhall or may be liable to and charged with a Share of the Expences as aforeſaid, or enabled by this Act to charge ſuch Lands and Grounds with the ſame, ſhall chooſe to advance, pay, and diſcharge ſuch Sum or Sums of Money, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioner by any Deed or Writing under his Hand and Seal, to be atteſted by Two or more credible Witneſſes, in like Manner to grant, mortgage, leaſe, or demiſe, or otherwiſe ſubject ſuch Lands and Grounds to ſuch Perſon or Perſons reſpectively paying and diſcharging ſuch Sum or Sums of Money, his, her, or their Executors, Tenants for Life, &c. may charge Allotments with Expences.

Executors, Adminiſtrators, and Aſſigns, for any Term or Number of Years, to and for the Payment of ſuch Sum or Sums of Money ſo advanced, paid, and diſcharged by him, her, or them, with lawful Intereſt for the ſame, to commence on the Termination of his, her, or their Right in the Premiſes, ſo that every ſuch Grant, Mortgage, Leaſe, or Demiſe, be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or re-aſſigned when ſuch Sum or Sums of Money thereby to be ſecured ſhall be fully paid and ſatisfied; and alſo with a Covenant to pay and keep down the Intereſt, ſo that no Perſon or Perſons afterwards becoming poſſeſſed or entitled to any ſuch Lands and Grounds ſhall be liable to pay any further or larger Arrear of Intereſt, than for Twelve Calendar Months preceding the Time when the Title to ſuch Poſſeſſion ſhall have commenced; and that every ſuch Charge, Grant, Mortgage, Leaſe, or Demiſe, ſhall be good, valid, and effectual in the Law for the Purpoſes thereby intended.

For allowing Exchanges, &c. to be made.

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

Commiſſioners Allowance.

XXXVI. And be it further enacted, That the ſaid Commiſſioner ſhall be allowed the Sum of Two Pounds and Two Shillings for every Day that he ſhall be actually employed in any Buſineſs required of him as Commiſſioner for executing the ſaid firſt recited Act or this Act, including Days of

of neceſſary travelling as well as others, in full Satisfaction for his Time, Trouble, and Expences reſpecting ſuch Buſineſs: Provided always, that in order to regulate the Charges of the ſaid Commiſſioner, his Place of Reſidence ſhall for ſuch Purpoſe be within the ſaid County of *Flint*.

For repaying Money advanced with Intereſt.

XXXVII. Provided always, and be it further enacted, That the Money which ſhall be advanced by any Perſon or Perſons for the Purpoſe of defraying the Charges and Expences incident to and attending the ſoliciting, obtaining, and paſſing this Act, or which after the paſſing of this Act ſhall be advanced or lent to the ſaid Commiſſioner for carrying the ſame into Execution ſhall be repaid, with lawful Intereſt from the Time ſuch Money ſhall have been actually advanced, to the Perſon or Perſons who ſhall have advanced the ſame, his, her, or their Executors or Adminiſtrators, out of the Firſt Monies to be raiſed under and by virtue of this Act for defraying the Expences of obtaining and executing the ſame.

Commiſſioner to lay his Accounts before Two Juſtices.

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

Perſons aggrieved may appeal to the Quarter Seſſions.

XXXIX. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid firſt recited Act, (other than and except ſuch Determinations of the ſaid Commiſſioner as are hereby, or by the ſaid firſt recited Act declared to be final, binding, or concluſive, and except in ſuch Caſes where any Iſſue at Law may be tried as herein-before is mentioned), then and in any ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace to be holden in and for the ſaid County of *Flint* next after Four Calendar Months from the Time the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner and to the Party or Parties concerned Notice in Writing of ſuch Appeal, and of the Matter thereof, within Twenty-eight Days after the Cauſe of Complaint ſhall have ariſen, and Fourteen Days at the leaſt before ſuch General Quarter Seſſions, and the Juſtices (not intereſted in the Premiſes) in ſuch Seſſions aſſembled are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Damages and Coſts as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order or Warrant to levy ſuch Damages and Coſts by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties made liable to pay the ſame, rendering the Overplus (if any) to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and every Order and Determination

of the ſaid Juſtices upon every ſuch Appeal ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then and in ſuch Caſe the ſaid Juſtices ſhall award ſuch Coſts to be paid by ſuch Appellant or Appellants as to them in their Diſcretion ſhall ſeem reaſonable, and ſuch Coſts ſhall be levied in Manner aforeſaid.

Saving the Rights of His Majeſty and the Lord Biſhop of St. Aſaph as Lord of the Manor of Iſterfyn within the ſeveral Limits aforeſaid.

XL. Provided always, and be it further enacted, That nothing in the Act contained ſhall prejudice or defeat the Right or Intereſt reſpectively, of His Majeſty, His Heirs and Succeſſors, and of the ſaid Lord Biſhop of *Saint Aſaph* as Lord of the Manor of *Iſterfyn* aforeſaid, and his Succeſſors within the ſeveral Limits aforeſaid, in and to all Mines, Ores, Minerals, Coals, Quarries of Lime and Stone, and other Matters of what Nature or Kind ſoever, in or under the ſaid Commons, Heaths, and Waſte Lands, but His ſaid Majeſty, His Heirs and Succeſſors, and the ſaid Lord Biſhop of *Saint Aſaph* and his Succeſſors reſpectively, and their reſpective Leſſee or Leſſees, Agents, Servants, Colliers, Miners, and other Workmen, ſhall and may, from Time to Time, and at all Times hereafter, enter into, have, hold, enjoy, ſearch, and work all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, and Coal and Quarries of Lime and Stone whatſoever, as fully and effectually to all Intents and Purpoſes as they reſpectively could have had, held, and enjoyed the ſame before the paſſing of this Act; and for that Purpoſe ſhall and may uſe all Pits, Shafts, Levels, Soughs, and Tunnels already open and ſunk in any of the ſaid Commons, Heaths, and Waſte Lands, and all Machines, Engines, and Buildings thereon erected or ſtanding, together with full and free Liberty, Power, and Authority to and for His ſaid Majeſty, His Heirs and Succeſſors, and the ſaid Lord Biſhop of *Saint Aſaph*, and his Succeſſors reſpectively, and all other Perſons who ſhall hereafter for the Time being be entitled to the Mines and Minerals, Coal, Stone, and other Matters reſpectively therein, and his and their reſpective Leſſee or Leſſees, and their and every of their Agents, Servants, Miners, Colliers, and other Workmen, to ſink, dig, delve, drive, and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, and open and work all and all Manner of Lime or Stone Quarries which they ſhall reſpectively think neceſſary for diſcovering, ſearching for, raiſing or getting, any Mines, Ores, Minerals, and Coals, Lime and Stone whatſover, in or under the ſaid Commons, Heaths, and Waſte Lands, and to dig and raiſe Clay for making and burning of Bricks, Tiles, Gutters, and Ridges in and upon any Part or Parts of the ſaid Commons, Heaths, and Waſte Lands, as well before as after the ſame ſhall have been incloſed, for the Uſe of any Colliery or Collieries now open or hereafter to be opened therein, and for repairing any old or erecting any new Buildings which may be neceſſary for carrying on or working any Mine or Mines, Quarry or Quarries whatſoever; and alſo to erect any Number of Steam and other Engines, Machine and Machines, of what Nature or Kind ſoever which they reſpectively ſhall think neceſſary for the Uſe, Convenience, or Advantage of any Mine or Quarry whatſoever in or upon the ſaid Premiſes, or any Part thereof reſpectively, and to place, ſtack up, and lay all Lead, Copper, Iron, and other Ores, Coals,

Coals, and other Minerals, Lime, and other Stone and Matters, which ſhall be gotten and raiſed, and all Rubbiſh, Earth, and Soil upon the ſaid Commons, Heaths, and Waſte Lands, and to make, burn, or convert Coal and Culm into Charcoal or Coke, and alſo to have, make, and uſe all convenient Ways, Roads, and Railways, in, upon, and over the ſaid Commons, Heaths, and Waſte Lands when incloſed, for the Uſe of any Colliery or Mines ſunk or made, or which may be ſunk or made, in any Part or Parts thereof, and for working and carrying on the ſame, and with Carts, Waggons, and other Carriages to fetch, take, and carry away the Lead, Copper, and Iron Ores, and Coal, Lime, and Stone, and all other Mines and Minerals and Matters whatſoever, there to be found and raiſed as aforeſaid; and to do all other reaſonable and neceſſary Acts and Things in and upon the ſaid Commons, Heaths, and Waſte Lands and Grounds, when incloſed, for the diſcovering, getting, working, converting, removing, carrying away, ſelling, and diſpoſing of all Mines, Coals, and other Minerals, Lime and Stone whatſoever, without any Moleſtation or Interruption whatſoever, in ſuch and the like Manner, and as fully and effectually to all Intents and Purpoſes as they could or might have done in caſe this Act had not been made.

Saving the Rights of Earl Groſvenor, his Heirs and Aſſigns, to the Mines of Lead and Lead Ore in the Lands to be incloſed.

XLI. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice or defeat the Right or Intereſt of *Robert* Earl *Groſvenor*, his Heirs or Aſſigns, or any Perſon or Perſons claiming or to claim by, from, or under, or in Truſt for him, them, or any of them, or any of the Anceſtors of the ſaid *Robert* Earl *Groſvenor*, in and to all Mines of Lead and Lead Ore in or under the ſaid Commons, Heaths, and Waſte Lands, but the ſaid *Robert* Earl *Groſvenor*, his Heirs and Aſſigns, and ſuch other Perſon and Perſons as aforeſaid, and their Leſſee or Leſſees, Agents, Servants, Miners, and other Workmen, ſhall and may from Time to Time, and at all Times hereafter, enter into, have, hold, enjoy, ſearch, and work all Mines of Lead and Lead Ore, and Mine-works, Pits, Holes, Beds, Veins, and other Bearings of Mines of Lead, and Lead Ore whatſoever, as fully and effectually to all Intents and Purpoſes as they could have had, held, and enjoyed the ſame before the paſſing of this Act, and for that Purpoſe ſhall and may uſe all Pits, Shafts, Levels, Soughs, and Tunnels already open and ſunk in any of the ſaid Commons, Heaths, and Waſte Lands, and all Machines, Engines, and Buildings thereon erected or ſtanding, together with full and free Liberty, Power, and Authority to and for the ſaid *Robert* Earl *Groſvenor*, his Heirs and Aſſigns, and all other Perſons who ſhall hereafter for the Time being be entitled to the Mines of Lead and Lead Ore therein, and his and their Leſſee and Leſſees, and their and every of their Agents, Servants, Miners, and other Workmen, to ſink, dig, delve, or drive, and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, which they ſhall think neceſſary, for diſcovering, ſearching for, raiſing, or getting any Mines of Lead and Lead Ore whatſoever, in or under the ſaid Commons, Heaths, and Waſte Lands, and for repairing any old or erecting any new Buildings which may be neceſſary for carrying on or working any Mine or Mines of Lead and Lead Ore whatſoever, and alſo to erect any Number of Steam and other Engines, Machine and Machines of what Nature or Kind ſoever, which they ſhall think neceſſary for the Uſe, Convenience, or Advantage of any Mine or Mines of Lead and Lead Ore whatſoever, in or upon the ſaid Premiſes or any Part thereof, and to place, ſtack up, and lay all Lead and Lead Ore which ſhall be gotten and raiſed, and all Rub-

biſh, Earth, and Soil upon the ſaid Commons, Heaths, and Waſte Lands, and to have, make, and uſe all convenient Ways, Roads, and Railways in, upon, and over the ſaid Commons, Heaths, and Waſte Lands, when incloſed, for the Uſe of any Mines of Lead and Lead Ore ſunk or made, or which may be ſunk or made in any Part or Parts thereof; and for working and carrying, and with Carts, Waggons, and other Carriages to fetch, take, and carry away the Lead and Lead Ore whatſoever there to be found and raiſed as aforeſaid; and to do all other reaſonable and neceſſary Acts and Things in and upon the ſaid Commons, Heaths, and Waſte Lands and Grounds, when incloſed, for the diſcovering, getting, working, converting, removing, carrying away, ſelling, and diſpoſing of all Mines of Lead and Lead Ore whatſoever, without any Moleſtation or Interruption whatſoever, in ſuch and the like Manner as if this Act had not been made.

Saving to His Majeſty and Lord of the Manor their Rights of Juriſdiction, &c.

XLII. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to defeat, leſſen, or prejudice the Right, Title, or Intereſt of His Majeſty, His Heirs or Succeſſors, as Lord of the Lordſhip of *Rhuddlan* in the ſaid County of *Flint*, or of the ſaid Lord Biſhop of *Saint Aſaph*, as Lord of the Manor of *Iſterfyn*, or of their or either of their Leſſee or Leſſees, Steward or Stewards, or other Officers for the Time being, of, in, or to the Seigniories and Royalties incident and belonging to the ſame, but that His Majeſty, His Heirs and Succeſſors, and the ſaid Lord Biſhop of *Saint Aſaph*, and his Succeſſors, and their Leſſee or Leſſees, Steward or Stewards, or other Officers thereof for the Time being, ſhall and may from Time to Time, and at all Times hereafter hold and enjoy all the Rents, Services, Courts, Perquiſites, and Profits of Courts, Deodands, Waifs, Eſtrays, Forfeitures, and all other Royalties, Privileges, Pre-eminences, Manorial Juriſdictions, and Appurtenances whatſoever to the ſame or to the Stewards or other Officers thereof incident or appendant, belonging or appertaining, except Rights of Common, or of Soil and Quarries, Springs and other Matters, for which Satisfaction is made by this Act.

General Saving of Rights.

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

Act to be printed by the King's Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's moſt Excellent Majeſty. 1810.