ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 116.

An Act for incloſing Lands in the Pariſhes of *Gladdeſtry* and *Colva*, in the County of *Radnor*.

[18th *May* 1810.]

WHEREAS there is within the Pariſhes of *Gladdeſtry* and *Colva*, in the Lordſhip of *Cantremellenith* in the County of *Radnor*, a Common or Waſte called *Huntington Hill*, containing by Eſtimation Nine hundred and ſixty Acres, or thereabouts: And whereas the King's moſt Excellent Majeſty in Right of His Crown is Lord of the Lordſhip of *Cantremellenith* aforeſaid, and is ſeiſed of and entitled to the Soil of the ſaid Common or Waſte; and alſo is or claims to be ſeiſed of and entitled to a certain Cloſe called *Cloſe Mawre* in *Gladdeſtry* aforeſaid: And whereas *James Watt* Eſquire, *Edmund Cheeſe* Eſquire, *Edward Longcroft* Eſquire, *Thomas Lewis* Eſquire, and ſeveral other Perſons are ſeiſed and poſſeſſed of divers Meſſuages, Tenements, ancient incloſed Grounds and Hereditaments within the ſaid Pariſhes and Lordſhip, and in reſpect thereof, or as appendant, appurtenant, or belonging thereto, they or their Leſſees, Farmers or Tenants, are entitled to Right of Common in, upon, or over the ſaid Common or Waſte: 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 Stone as aforeſaid are willing and

desirous that the said Common or Waste, with the Consent of the King's most Excellent Majesty, as Lord of *Cantremellenith* aforesaid, should be divided and allotted by Commissioners in that Behalf to be appointed unto and amongst them proportionably and according to the Value of their respective Estates, Rights and Interests therein, and that such Allotments should be inclosed and held in severalty; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same,

Commissioners appointed.

That *John Cheese* of *Lyonshall* in the County of *Hereford* Gentleman, and *James Stevens* of *Presteigne* in the County of *Radnor* Gentleman, 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, controuled, or otherwise provided for or affected by this Act.

How Differences between the Commissioners are to be settled.

II. 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, and as often as they shall think necessary,) to determine all and every such Matters or Things, and Points and Questions respectively as aforesaid; and the Determination of every such Umpire so to be appointed, to be expressed in Writing under his Hand, shall be and shall be 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 is hereby vested with the same Powers and Authorities as by the said Act and this present Act are given to the Commissioners hereby appointed, but so nevertheless as that any such Person shall not be empowered to act for any other Purpose than the determining of such Matters as may be so referred to him as aforesaid.

For the Appointment of new Commissioners.

III. 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 One Calendar Month 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 One Calendar Month next after the Expiration of the said One Calendar Month 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 this Act: Provided always, that Two or more of the said Proprietors shall cause Notice to be given of the Time and Place of Meeting for every such Election, (which Place shall be in one of the said Parishes of *Gladdestry* and *Colva* aforesaid, or within the Space of Eight Miles therefrom,) at least Fourteen Days before the Time of holding such Meetings, such Notice to be publickly read in the several Parish Churches of *Gladdestry* and *Colva* 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*.

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 Fiftieth Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act,*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever.

'So help me GOD.'

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

pire ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

Commiſſioners to appoint 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 Surveyor or Surveyors for the Purpoſes of this Act for and during the Will and Pleaſure of the ſaid Commiſſioners, and on his Death or Removal in like Manner to appoint ſome other Surveyor or Surveyors, and ſo from Time to Time as often as there ſhall be Occaſion; and every ſuch Surveyor ſhall, at the Firſt Meeting of the ſaid Commiſſioners after his Appointment, take and ſubſcribe an Oath in the Form herein-after ſet forth.

Oath to be taken by Surveyor.

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*,

'I Do ſincerely promiſe and ſwear, That I will act in the Execution of the Powers, Authorities, and Truſts repoſed in me as a Surveyor, 'by virtue of an Act paſſed in the Fiftieth 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, Judgement, and Ability, without Favour or Affection, Prejudice or Malice, 'to any Perſon or Perſons whomſoever.

'So help me GOD.'

And either of the ſaid Commiſſioners is hereby authorized to adminiſter the ſaid Oath to the ſaid Surveyor, and the Oath ſo taken and ſubſcribed by each Surveyor ſhall be annexed to and enrolled with the Award of the ſaid 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 for each and every Day he ſhall actually attend and be employed as a Commiſſioner or Umpire in the Execution of this Act, or ſhall neceſſarily travel from Home to attend the Meeting of 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 Reſurveys 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 Lifetime.

IX. And

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

Surveyor to make fair Plans upon Vellum of the Common, &c. and his Charge for ſame.

X. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby directed to cauſe publick Notice to be affixed on the principal outer Doors of each of the Pariſh Churches of *Gladdeſtry* and *Colva* aforeſaid, of the Time and Place of their Firſt and every other Meeting for the Execution of this Act, at leaſt Eight Days before any ſuch Meeting ſhall be holden (Meetings by Adjournment excepted); and the ſaid Commiſſioners may, and they are hereby authorized to adjourn any ſuch Meeting from Time to Time, and Place to Place, as they ſhall ſee Occaſion; and in caſe both the ſaid Commiſſioners ſhall not meet at the Time and Place appointed for any ſuch Meeting, or to which any ſuch Meeting ſhall be adjourned, it ſhall be lawful for the Commiſſioner preſent at ſuch Time and Place, or if no Commiſſioner ſhall then attend for the Clerk to the ſaid Commiſſioners, (which Clerk they are hereby authorized to appoint,) to adjourn ſuch Meeting to any future Day, not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the ſame or any other convenient Place, and ſo from Time to Time until both the ſaid Commiſſioners ſhall meet, and the Commiſſioner or Clerk making ſuch Adjournment is hereby required to give Notice to the abſent Commiſſioner or Commiſſioners: Provided, that all the Meetings of the Commiſſioners ſhall be holden within one of the ſaid Pariſhes of *Gladdeſtry* and *Colva*, or within the Diſtance of Eight Miles therefrom.

Commiſſioners to give Notice of Meetings.

XI. 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 and Waſtes; and ſuch Aſſiſtant Commiſſioner, before he proceeds to the Execution thereof, ſhall take the ſame Oath as the Commiſſioners hereby appointed or hereafter to be appointed are required to take, and ſuch Aſſiſtant Commiſſioner ſhall be paid at the Rate of Two Pounds Twelve Shillings and Sixpence for every Day that he ſhall be actually employed in the Execution of the Duty hereby in him repoſed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences, and ſhall bear and pay his own Expences during the Time he ſhall be ſo employed.

Power to His Majeſty's Surveyor General to appoint an Aſſiſtant Commiſſioner to attend to His Majeſty's Intereſts.

XII. 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.

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

XIII. 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 Acknowledgement) 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 or Parcel of the said Common, such Differences or Disputes shall be examined into and determined by the said Commissioners.

Commissioners to determine Differences, except as to Titles.

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

Commissioners not to determine Rights contrary to Possession.

Power to award Costs.

XV. 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 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 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.

XVI. Provided

XVI. 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 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 ſuch Special Finding had been made; and the Verdict of the Jury on ſuch Trial, or the Judgement thereon, or the Judgement 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 Judgement for Want of a Plea, the ſaid Commiſſioners ſhall and they are hereby required to act in Conformity thereto, and thereupon to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials, or Judgement 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

Parties may try their Rights by an Iſſue at Law.

Actions not to abate by Death of Parties.

How Actions may be brought after the Death of Parties.

said 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.

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

XVII. And be it further enacted, That the said Commissioners shall and they are hereby required, with the Consent in Writing of the Assistant Commissioner, and not otherwise, 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 and 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 Mos.

XVIII. And be it further enacted, That the said Commissioners shall, with the like Consent of the said Assistant Commissioner, 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.

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

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 publick 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 Townſhips or Diviſions reſpectively within the ſaid Pariſhes, and the ſaid Commiſſioners ſhall in and by their General Award order and direct by what Townſhips or Diviſions reſpectively ſuch Highways and Roads ſhall be maintained, amended, and kept in Repair; and the Owners or Occupiers for the Time being in each of ſuch Townſhips or Diviſions reſpectively ſhall, from and after the Execution of the General Award of the ſaid Commiſſioners, maintain, amend, and keep ſuch reſpective publick Highways and Roads in Repair as ſhall be ſo determined and adjudged to belong to ſuch Townſhips or Diviſions reſpectively, in the ſame Manner as ancient and common publick Highways and Roads are by Law to be amended and kept in Repair.

Allotment to His Majeſty as Lord of the Manor.

XXI. 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 King's moſt Excellent Majeſty, His Heirs and Succeſſors, with the Concurrence and Approbation in Writing of the ſaid Aſſiſtant Commiſſioner, and not otherwiſe, ſo much and ſuch Part or Parts of the Reſidue of the ſaid Common or Waſte hereby directed to be incloſed, as ſhall be equal in Value to One full Twentieth Part or Share of ſuch Reſidue remaining, after deducting ſuch Roads, Highways, Quarries, and Peat Moſſes ſo ſet out as aforeſaid, for and in lieu, Satisfaction and Extinction of the Rights and Intereſts of His ſaid Majeſty, His Heirs and Succeſſors, in, over, or upon the Soil of the ſaid Common or Waſte ſo directed to be incloſed as aforeſaid, and for his Conſent to the Diviſion and Incloſure thereof.

Commiſſioners to ſet out Part of the

XXII. And be it further enacted, That (after ſuch neceſſary Roads and Highways, Quarries, and Peat Moſſes as aforeſaid, and the ſaid

Common to pay Expences.

Allotment to His Majeſty, His Heirs and Succeſſors, 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 publick Auction.

XXIII. 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 appropriated, marked, and ſet out to be ſold as aforeſaid, to be put up to publick 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.

Commiſſioners to determine to what Townſhips the Parts of the Common which ſhall be ſold ſhall belong.

XXIV. Provided always, and be it further enacted, That the ſaid Commiſſioners ſhall determine and adjudge to what Townſhips or Diviſions reſpectively within the ſaid Pariſhes ſuch Part or Parts of the ſaid Common or Waſte as ſhall be ſo ſold ſhall belong, (having a due Regard to the Proportion and Value of the ſeveral Meſſuages, Lands, Tenements, and Hereditaments in each Townſhip, Diviſion, or Place reſpectively, having a Right of Common upon the ſaid Common or Waſte,) and ſuch Determination and Adjudication ſhall be final and concluſive to all Intents and Purpoſes, and ſuch Part or Parts as ſhall be ſo ſold ſhall be accordingly allotted and awarded to be in ſuch Townſhips or Diviſions reſpectively; and that from and immediately after the Execution of the General Award of the Commiſſioners, all and every the ſaid Part or Parts of the ſaid Common or Waſte, which ſhall be ſo ſold as aforeſaid, ſhall be and the ſame are hereby declared and enacted to be and lie within and ſhall be deemed

and

and taken as Part and Parcel of such several Townships or Divisions respectively as the same shall be so appointed and awarded to be in as aforesaid to and for all Intents and Purposes.

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

XXV. 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, Drains, and Watercourses which the said Commissioners shall direct to be made or set out, or in anywise relating thereto; and in case there shall be any Surplus of the Monies arising by or from such Sale or Sales as aforesaid, after Payment of all such Charges and Expences as aforesaid, such surplus Monies shall be divided between the several Persons interested in the said Lands and Grounds in proportion to their respective Interest and Property therein; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively shall be applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands or Hereditaments to be settled to the same Uses: Provided always, that in all Cases where any of the Persons, Bodies Politick 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 First, Second, or Third Meeting of the said Commissioners give Notice in Writing to the said Commissioners of such their Mind and Desire, that then and in every such Case the Share or respective Shares of the Party or Parties so giving such Notice as aforesaid of and in all 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 Land.

Commissioners to make Drains, &c.

XXVI. 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, Water Gates, 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 Parishes, 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, Water Gates, Banks or Bridges, ſhall be diverted or altered without the Conſent of the Owner or Owners of the Lands from which and 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, Water Gates, Banks, and Bridges, ſhall be made and thereafter repaired, cleanſed, ſcoured, and maintained.

Power to ſtop Roads between or over old Incloſures.

XXVII. 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 Carriage Road, Driftway, Bridleway, or Footpath, publick or private, leading between, through, and over any of the old Incloſures in the ſaid Pariſhes of *Gladdeſtry* and *Colva*, 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 Pariſhes 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.

XXVIII. And be it further enacted, That when and ſo ſoon as any of the publick 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 ever thereafter ſuch Road or Roads ſhall be ſupported and kept in Repair by ſuch Perſons, and in like Manner as the publick Roads within the ſaid ſeveral Pariſhes and Townſhips reſpectively now are or ought by Law to be amended and kept in Repair.

Allotment of the Reſidue.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall, immediately after making ſuch Allotments as herein-before are directed to be made, divide, ſet out, allot, and award all the Reſidue of the Lands and Grounds, hereby directed to be divided and allotted, unto the King's moſt Excellent Majeſty, according to His Majeſty's Intereſt, if any, in reſpect of the ſaid Cloſe called *Cloſe Mawre*, and unto and amongſt the ſeveral Perſons intereſted therein, in ſuch Quantities, Shares, and Proportions, as by the ſaid Commiſſioners ſhall be adjudged and determined

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.

Meeting for Objections to Allotments, ſuch Objections to be determined by the Commiſſioners.

XXX. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors in the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof, and ſuch propoſed Allotment and Allotments ſhall be ſtated 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 Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame; and ſuch Determination, being reduced into Writing and ſigned by them, ſhall be binding and concluſive upon all Parties intereſted in any ſuch Allotment or Allotments.

For fencing Allotments.

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

To fence againſt Lambs, Sheep, and Goats.

XXXII. 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 Neighbour's 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.

Power to ſell His Majeſty's Allotment.

XXXIII. 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 Politick, Corporate or Collegiate, for the Sale of all or any Allotments or Allotment to be made to His Majeſty, His Heirs and Succeſſors, by virtue of this Act, for the beſt Prices or Conſiderations in Money which the ſaid Surveyor General ſhall be able to procure for the ſame, and the Purchaſe Money ariſing from ſuch Sale ſhall be paid into the Bank of *England* to the Account of the Commiſſioners of His Majeſty's Treaſury, in like Manner as the Monies ariſing from the Sales of certain Parts of the Property of the Crown authorized by the Act paſſed in the Forty-eighth Year of His preſent Majeſty, intituled, *An Act to improve the Land Revenue of the Crown in* England, *and alſo of His Majeſty's Ducky of* Lancaſter, are directed to be paid, and the Sale of ſuch Allotments or Allotment ſhall be made in the ſame Manner and Form, and under the like Rules, Regulations, and Proviſions, and ſhall be to all Intents and Purpoſes as valid and effectual as if the ſame were made under the ſaid laſt recited Act, and after the Execution of the ſaid Award; and it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, to aſſign, ſet out, and allot ſuch Allotments or Allotment to the Purchaſers or Purchaſer thereof, or other Perſons or Perſon who ſhall be entitled thereto by virtue of ſuch Sale, and he, ſhe, or they ſhall, immediately after the Execution of the ſaid Award as aforeſaid, have, hold, uſe, and enjoy ſuch Allotments or Allotment, and ſhall uſe and exerciſe any Act of Ownerſhip in and upon the ſame, in as full, large, ample, and beneficial a Manner to all Intents and Purpoſes, as His Majeſty, His Heirs or Succeſſors, or His or Their Leſſees or Grantees, could or might have done in caſe ſuch Sale had not been made; but ſubject nevertheleſs to the Rights or Intereſts in or to any Mines, Ores, Minerals, Coal, Limeſtone, or other Stone or Matters whatſoever in or under the ſame, as herein-after ſaved and reſerved to His Majeſty, His Heirs and Succeſſors.

Proprietors may ſell Allotments before Award and Common Rights ſeparate.

XXXIV. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, ſell, limit, convey, and aſſure the ſame, 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.

XXXV. And be it further enacted, That it ſhall be lawful for the Commiſſioners to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements, Tythes, Quit Rents, or other Rents, Hereditaments, old Incloſures or Allotments within the ſaid reſpective Pariſhes of *Gladdeſtry* and *Colva*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſhes, or within any adjoining Pariſhes,

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 Politick, 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, Feme Coverts, Lunaticks, or under any other legal Diſability, or who ſhall be beyond the Seas or otherwiſe diſabled to act for themſelves, himſelf, or herſelf, ſuch Conſents to be teſtified under the Common Seal of the Body Politick, 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 never heleſs, 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.

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

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

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

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

XXXVIII. 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.

Separate Allotments for ſeparate Titles.

XXXIX. 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 Purpoſe ſhall require to examine Witneſſes, and in every other Reſpect to proceed and act as if the Award had not been made, and when they ſhall have obtained what they ſhall think ſufficient Information 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.

Encroachments to be allotted to Perſons in Poſſeſſion thereof.

XL. 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 Politick 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 comprized therein, and all Edifices and Buildings erected thereon for or in Part of the Allotment or Allotments which ſhall be made to them reſpectively by virtue of this Act; 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 Politick or Corporate, in the Poſſeſſion of ſuch Encroachment or Encroachments reſpectively would be entitled to, for, and in reſpect of their ancient Eſtate, in which Caſe a proportionable Part of ſuch Encroachment or Encroachments ſhall be deducted from the ſame reſpectively; and the ſaid Commiſſioners are hereby directed and required in their Valuation of ſuch Encroachments for the Purpoſes aforeſaid to eſtimate the ſame according to the original Value in their open State, without any Regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected and built thereupon.

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

XLI. 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.

Commiſſioners to direct the Courſe of Huſbandry.

XLII. 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.

Intereſt in Common Lands or Grounds, and Allotments thereof, to be held in Severalty.

XLIII. 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 allotted.

Award, where to be lodged.

XLIV. 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 one of the Pariſh Churches of *Gladdeſtry* and *Colva* 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.

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

XLV. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to make an Extract on Parchment, under their Hands and Seals, of ſo much of their Award as ſhall contain an accurate Deſcription of the Allotment or Allotments to be made to His ſaid Majeſty, together with ſuch Regulations or Proviſions relative to ſuch Allotment or Allotments, or to any other Rights or Intereſts of His Majeſty as may be contained in ſuch Award, and alſo a Map or Plan of ſuch Allotment or Allotments, and tranſmit the ſame to the Surveyor General of His Majeſty's Land Revenue for the Time being within One Calendar Month next after the making and executing the ſaid Award, to be by him filed and kept among the Muniments of his Office, and to be produced and admitted in Evidence on all Occaſions where any Queſtion, Doubt, or Controverſy may ariſe relating to or affecting the Rights and Intereſts of His Majeſty, His Heirs and Succeſſors.

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

XLVI. 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 Diviſion to be paid by the Parties, if the Land to be ſold is not ſufficient.

XLVII. And be it further enacted, That ſo much of the Charges and Expences of ſoliciting, obtaining, and paſſing this Act, and of ſurveying, planning and meaſuring, dividing and allotting the ſaid Common Lands or Grounds, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act, as are not herein otherwiſe directed to be paid, ſhall be borne, paid, and defrayed by the ſeveral and reſpective Perſons, Body and Bodies Politick 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 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.

XLVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are reſpectively required to keep or cauſe to be kept a juſt and true Statement and Account of all Sums of Money which ſhall be raiſed or received, and laid out or expended by them or their Order, or for their Uſe under or by virtue or in the Execution of this Act, and of what ſhall be due and owing to them for their Trouble and Expences, and ſhall truly and regularly enter all the Particulars of ſuch Statements and Accounts in a Book to be provided for that Purpoſe; and ſuch Accounts ſhall at leaſt once in every Year from the paſſing of this Act till ſuch Accounts ſhall be finally allowed, together with the Vouchers relating to the ſame, be examined and ſettled by ſuch fit and proper Perſons as ſhall be appointed Auditor by the Majority in value 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.

Power to appeal.

XLIX. 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

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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 Door of each of the said Parish Churches of *Gladdestry* and *Colva* aforesaid, Fourteen 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 Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Damages and Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and the Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

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

L. 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

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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.

Saving His Majeſty's Rights to the Mines.

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

Saving His Majeſty's Rights as Lord of Cantremellenith.

LII. Provided alſo, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to defeat, leſſen, or prejudice the Right, Title, or Intereſt of His Majeſty, His Heirs or Succeſſors, or of his or their Leſſee or Leſſees, Steward or Stewards, or other Officers for the Time being of and for the Lordſhip of *Cantremellenith*, or any Parcel or Member thereof, of, in, or to the Seignories and Royalties incident and belonging to the ſame, but that His Majeſty, His Heirs and Succeſſors, and his or their Leſſee or Leſſees, Steward or Stewards, or other Officers thereof for the Time being, ſhall and may from Time to Time, and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquiſites, and Profits of Courts, Deodands, Waifs, Eſtrays, Eſcheats, Forfeitures, and all other Royalties, Privileges, Rights, Pre-eminences, Manerial Juriſdictions, and Appurtenances whatſoever to the ſame, or to the Stewards or other Officers thereof incident or appendant, belonging or appertaining, in the ſame Manner as if this Act had not been paſſed.

General Saving.

LIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and every Perſon or Perſons, Bodies Politick 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 Intent 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,

them, had or enjoyed of, in and to, or in respect of the Common or Waste 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.

Act to be admitted as Evidence.

LIV. 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.