ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 61.

An Act for incloſing Lands in the Townſhips of *Llan Trewyn*, *Bodlowydd*, and *Bryn Cymme*, in the Manor of *Llanelidan*, in the Pariſh of *Llanelidan*, in the County of *Denbigh*. [12th *May* 1809.]

WHEREAS there are within the Townſhips of *Llan Trewyn*, *Bodlowydd*, and *Bryn Cymme*, and Manor of *Llanelidan*, in the Pariſh of *Llanelidan*, in the County of *Denbigh*, certain Commons and Waſte Lands, containing by Eſtimation One thouſand and two hundred Acres or thereabouts: And whereas the Right Reverend *John* Lord Biſhop of *Bangor*, in Right of his Biſhoprick, is Lord of the Manor of *Llanelidan* aforeſaid, in the ſaid Pariſh of *Llanelidan*, and as ſuch is entitled to all Mines and Minerals, the Soil and Royalties, within and under the ſaid Commons and Waſte Lands within the ſaid Manor: And whereas *Robert Jones* Clerk, is Rector of the Rectory and Pariſh Church of *Llanelidan* aforeſaid, and *Edward Jones* and *James Jones* Clerks, are Head and Under Maſters of the Free Grammar School of *Ruthin*, in the ſaid County of *Denbigh*, and as ſuch Rector and Maſters reſpectively are entitled to all the Great and Small Tythes in the Pariſh of *Llanelidan* aforeſaid: And whereas *Mary Kenrick* Spinſter, *Richard Henry Kenrick* Eſquire, *Richard Parry* Eſquire, and divers other Perſons, are or claim to be entitled to Right of Common upon the ſaid Commons or Waſte Lands, in reſpect of certain Meſſuages, Tenements, Lands, or other Hereditaments within the ſaid Townſhips and Manor: And whereas an Act was paſſed in

the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in One Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts:* And whereas the ſaid Commons and Waſte Lands in their preſent State are incapable of any conſiderable Improvement; and it would be greatly to the Advantage of the ſeveral Perſons intereſted therein, and of publick Utility, if the ſaid Commons and Waſte Lands were divided and allotted amongſt the ſeveral Perſons intereſted therein, and ſuch Allotments incloſed: But ſuch Diviſion, Allotment, and Incloſure 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,

Commiſſioner appointed.

That *Richard Jebb* of *Chirk*, in the County of *Denbigh* aforeſaid, Gentleman, and his Succeſſors to be elected as herein-after mentioned, ſhall be and he is hereby appointed a Commiſſioner for ſetting out, dividing, allotting, and incloſing the ſaid Commons and Waſte Lands, in the Manner, and according to the Rules, Orders, Proviſions, Powers, and Directions contained in this Act and the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied or altered.

Surveyors.

II. And be it further enacted, That *Edward Jones Hughes*, of *Mold*, in the County of *Flint*, Gentleman, and *John Simon*, of *Ruthin*, in the ſaid County of *Denbigh*, Gentleman, ſhall be and they are hereby appointed Surveyors, and that any One of them, at the Option of the ſaid Commiſſioner, may act for the Purpoſes of this and the ſaid recited Act.

Power of chooſing new Commiſſioners.

III. And be it further enacted, That if the ſaid Commiſſioner, or both of the ſaid Surveyors, before the Completion of the ſaid Diviſion, Allotment, and Incloſure, ſhall die, or ſhall neglect or refuſe or become incapable to act, for the Space of Forty Days, when Occaſion ſhall require his or their Attendance reſpectively for carrying this and the ſaid recited Act into Execution, it ſhall be lawful from Time to Time to elect and appoint a new Commiſſioner or Surveyor or Surveyors, in the Stead of him or them dying, neglecting, or refuſing or becoming incapable to act reſpectively as aforeſaid; and that the major Part in Value of the ſeveral Owners of Meſſuages, Lands, Tenements, and Hereditaments, within the ſaid Townſhips of *Llan Trewyn*, *Bodlowydd*, and *Bryn Cymme*, for the Time being, entitled to Rights of Common upon the ſaid Commons and Waſte Lands, ſhall by ſome Inſtrument in Writing under their reſpective Hands appoint a new Commiſſioner or Surveyors (not intereſted in the ſaid Diviſion, Allotment, and Incloſure) in the Stead of the ſaid *Richard Jebb*, and *Edward Jones Hughes* and *John Simon* reſpectively, and his and their reſpective Succeſſors from Time to Time as Occaſion may require.

Appointment of Clerk.

IV. And be it further enacted, That the ſaid Commiſſioner ſhall have Power, and he is hereby authorized to appoint ſome fit and proper Perſon to be his Clerk for aſſiſting him in carrying this and the ſaid recited Act into Execution; and ſuch Clerk from Time to Time to remove, and to nominate and appoint ſome other fit and proper Perſon to ſucceed him in ſuch Office, as to the ſaid Commiſſioner ſhall ſeem meet.

V. And

Commiſſioner's Allowance.

V. And be it further enacted, That the ſaid Commiſſioner and his Succeſſor for the Time being ſhall, at and upon the reſpective Meetings and Journies for executing the Powers and Authorities of this and the ſaid recited Act, bear and pay his own Charges and Expences, and as a Recompence for ſuch Expences, and for his Trouble and Attendance, he ſhall be paid the Sum of Two Pounds and Two Shillings and no more, for each Day which he ſhall either travel or attend for the Purpoſe of carrying this Act and the ſaid recited Act into Execution, or relative thereto; and that the ſaid Surveyors ſhall in like Manner pay their reſpective Charges and Expences, and as a Recompence for ſuch Expences and Attendance reſpectively, and for diſcharging the Duty of their Appointments reſpectively, each of them ſhall be paid the uſual and ordinary Charges generally allowed Surveyors on the like Occaſions, the Sums to be paid by the ſaid Commiſſioner.

To appoint Meetings.

VI. And be it further enacted, That the ſaid Commiſſioner ſhall cauſe Notice to be given in the Two *Cheſter* Papers and *North Wales Gazette*, and alſo a like Notice to be affixed in Writing upon the principal outer Door of the ſaid Pariſh Church, upon ſome *Sunday* during or immediately before or after Divine Service, of the Time and Place of holding his Firſt, Second, and Third Meetings, for the Purpoſe of putting this and the ſaid recited Act into Execution, at leaſt Fourteen Days before ſuch reſpective Meetings, and the ſaid Commiſſioner ſhall and may after the ſaid Third Meeting from Time to Time appoint ſuch Special or other ſubſequent Meetings for carrying into Execution the Powers and Authorities hereby veſted in him as he ſhall think proper, and ſhall cauſe a like Notice or Notices in Writing of the Time and Place where each ſuch Special or ſubſequent Meeting is to be holden, to be given in the ſame Newſpapers as aforeſaid; and alſo by affixing a Notice in Writing upon the principal outer Door of the Pariſh Church of *Llanelidan* as aforeſaid; but the ſaid Commiſſioner is hereby authorized and empowered, if he ſhall ſee Cauſe, without giving any publick Notice, to adjourn and continue his ſaid Firſt, Second, and Third Meetings, or any of them, or any ſuch Special or other ſubſequent Meeting or Meetings as aforeſaid from Time to Time as he ſhall ſee convenient: Provided always, that all Meetings of the ſaid Commiſſioner ſhall be held in the ſaid Pariſh of *Llanelidan*, or within Eight Miles of the Boundary of the ſaid Pariſh.

Other Notices how to be ſerved and given.

VII. And be it further enacted, That in all Caſes where Notices are required to be given to any Perſon or Perſons under this Act or the ſaid recited Act, the Delivery of the ſame, ſo far as concerns the ſaid Commiſſioner, at his uſual Place of Abode, or at the Office or uſual Place of Abode of his Clerk, and ſo far as concerns all other Perſons the Delivery of the ſame at the uſual Places of Abode of the ſaid Perſons reſpectively, ſhall be deemed good Service of the ſame, and that Notices of the Meetings of the ſaid Commiſſioner, and all other publick Notices directed by this Act or the ſaid recited Act to be given, ſhall be ſo given by affixing the ſaid Notices reſpectively on ſome *Sunday* during Divine Service in the Forenoon on the principal Door of the Pariſh Church of *Llanelidan* aforeſaid, and alſo by cauſing the ſame to be inſerted in the ſeveral Newſpapers as herein-before mentioned.

VIII. And

Commiſſioner to determine Differences,

VIII. And be it further enacted, That if any Diſpute or Difference ſhall, before the Execution of the Award of the ſaid Commiſſioner or his Succeſſor for the Time being, ariſe between any of the Proprietors of or Perſons intereſted in or claiming to be intereſted in the ſaid Diviſion, Allotment, and Incloſure, hereby authorized and directed to be made, touching or concerning the Right to the Soil or the Boundaries of the ſaid Commons and Waſte Lands, or any Part thereof, or touching or concerning the reſpective Shares, Rights, or Proportions which any Perſon or Perſons hath or have, or ſhall or may claim to have, of, in, or to the ſaid Commons or Waſtes, or any Part thereof, then the ſaid Commiſſioner ſhall and he is hereby empowered to hear, enquire into, and determine all ſuch Diſputes and Differences: Provided always, that nothing in this Act contained ſhall authorize the ſaid Commiſſioner to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever.

Power to aſſeſs Coſts.

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 this Act or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioner, and he is hereby empowered and required 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 over-ruled; and in caſe the Perſon or Perſons 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 Commiſſioner, and he is hereby authorized and required, by Warrant under his Hand 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.

Allowing Parties to try their Rights by an Iſſue at Law,

X. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, intereſted in or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Right of Common, or other Right or Intereſt, in, over, and upon the Commons and Waſte Lands hereby directed to be divided, allotted, and incloſed, or any Part thereof, it ſhall and may be lawful for the Perſon or Perſons ſo diſſatisfied to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioner, at the then next or ſecond Aſſizes to be holden for the ſaid County of *Denbigh*, and for that Purpoſe the Perſon or Perſons who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioner; and the Defendant or Defendants in ſuch Action or Actions ſhall,

ſhall, and he, ſhe, or they, is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto, and accept One or more Iſſue or Iſſues whereby ſuch Claims and the Right or Rights thereby inſiſted on may be tried and determined, ſuch Iſſue or Iſſues to be ſettled by the proper Officer of the Court of Great Seſſions for the County of *Denbigh*, and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding, and concluſive upon all and every Perſon and Perſons whomſoever, unleſs the Court wherein ſuch Action or Actions ſhall be brought ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby 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; and that the Coſts attending ſuch Action or Actions ſhall abide the Event of the reſpective Trials of ſuch Iſſue or Iſſues.

Determination of Commiſſioner, if not objected to, final.

XI. Provided always, and be it further enacted, That the Determination of the ſaid Commiſſioner, touching ſuch Claim or Claims of any Right or Intereſt in the ſaid Commons and Waſte Lands, hereby directed to be divided, allotted, and incloſed, or any Part thereof, which ſhall not be objected to, or being objected to, the Party or Parties objecting not cauſing ſuch Action or Actions at Law to be brought and proceeded in as aforeſaid, ſhall be final and concluſive upon all Parties; and if any of the Parties, Plaintiffs, or Defendants in any Action to be brought in purſuance of this or the ſaid recited Act, ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if ſuch Death had not happened.

Death of Parties not to ſtay Proceedings.

In caſe of Death of Parties before Actions brought.

XII. Provided always, and be it further enacted, That if any Perſon or Perſons in whoſe Favour any 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 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.

Right of Poſſeſſion not to be determined by Commiſſioner.

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 ſuch Parties

Parties (except in Caſes of Encroachments made 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.

Allotment for Publick Quarries.

XIV. And be it further enacted, That the ſaid Commiſſioner ſhall, in the firſt Place, aſſign, ſet out, and allot unto the Surveyors of the Highways, within the ſaid Townſhips of *Llan Trewyn*, *Bodlowydd*, and *Bryn Cymmie*, ſuch Parts of the ſaid Commons and Waſte Lands, hereby directed to be divided, allotted, and incloſed, as the ſaid Commiſſioner ſhall think neceſſary as and for publick Quarries, and alſo as and for publick Watering Places for Cattle, and Places for getting Gravel for the Repairs of the Roads, to be made over the ſaid Commons and Waſte Lands hereby directed to be divided, allotted, and incloſed, and the ſame Allotments when ſet out ſhall for ever thereafter be uſed by the Surveyors of the Highways for the Time being of the ſaid Townſhips of *Llan Trewyn*, *Bodlowydd*, and *Bryn Cymme*, and by the Proprietors of Lands, Tenements, and Hereditaments, within the ſaid Townſhips, and their Tenants for the Time being, in ſuch Manner, and under ſuch Rules, Orders, and Regulations, as the ſaid Commiſſioner ſhall in and by his Award order and appoint; and that the ſaid Commiſſioner ſhall have Power, and he is hereby authorized to order and direct how and in what Manner, and by whom all new Roads to be ſet out by virtue of this Act ſhall, from and after the Execution of the ſaid Award, be amended and kept in Repair.

Power to ſell certain Parts of the Commons to defray the Expence of the Act

XV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner, as ſoon as conveniently may be after the paſſing of this Act, to allot and ſet out, by proper Marks and Bounds, ſo much and ſuch Part or Parts of the ſaid Commons and Waſte Lands as to him ſhall ſeem competent and neceſſary, and by Sale thereof, in Manner by the ſaid recited Act directed, to raiſe Money ſufficient for paying and diſcharging the Coſts, Charges, and Expences, in, about, and incident to the applying for, obtaining, procuring, and paſſing this Act, and the Coſts and Charges of the ſaid Commiſſioner, and all other Perſons employed by him, in and about the ſurveying, meaſuring, mapping, planning, dividing, and allotting the ſaid Commons and Waſte Lands, and of, in, and about the ſetting out and making publick Roads and Ways in, through, and over the ſaid Commons and Waſte Lands, and of, in, or about the preparing and carrying into Execution, in all other Reſpects, the Powers and Authorities in this and the ſaid recited Act contained; and the ſaid Commiſſioner ſhall and he is hereby required to cauſe the ſaid Part or Parts of the ſaid Commons and Waſte Lands ſo to be ſet out for Sale as aforeſaid, to be ſold in the Manner and according to the Directions in the ſaid recited Act contained; and the Purchaſer or Purchaſers of the Land ſo to be allotted and ſold as aforeſaid, his, her, and their Heirs and Aſſigns, ſhall be ſubject and liable to the making, repairing, and keeping in Repair ſuch Part of the Ring or outer Fence thereof as ſhall be directed by the ſaid Commiſſioner, and alſo to the due Obſervance and Performance of all Orders, Matters, Charges, and Directions relative thereto, to be made and applied by the ſaid Commiſſioner in

in and by his general Award, and also to all Rights, Liberties, and Privileges herein excepted or reserved to the Lord of the said Manor for the Time being, or to his Lessee or Assignee: Provided always, that in case any Surplus shall remain, after Payment of such Expences as aforesaid, such Surplus shall be divided amongst the several Persons entitled thereto, and interested in the Commons and Waste Lands hereby intended to be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Rights and Interests; 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 Proprietors of and in such Surplus Money shall be applied and disposed of in Manner directed by the said recited Act, in those Cases where any Money is to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments to be settled to the same Uses.

Application of Surplus Money, if any.

XVI. And be it further enacted, That the said Commissioner shall, in the next Place, set out and appoint, unto and for the said Lord Bishop of *Bangor* and his Successor, for the Time being, as the Lord of the said Manor of *Llanelidan*, in One Plot or Parcel of Land, such Quantity of the said Commons and Waste Lands as shall in the Judgement of the said Commissioner be equal to One Sixteenth Part or Share of the said Commons and Waste Lands, within or belonging to the said Manor of *Llanelidan*, as shall remain after the Allotments and Appropriations herein-before mentioned and directed to be made for publick Highways, Quarries, and Places for watering of Cattle, and getting Gravel, and other the publick Purposes herein-before mentioned.

Allotment to the Lord of the Manor.

XVII. And be it further enacted, That the said Commissioner shall, and he is hereby required to set out by Marks and Bounds, and allot in Severalty the Residue of the said Commons and Waste Lands (after the said Allotment to the said Bishop of *Bangor* and his Successors as aforesaid shall be made), unto and amongst the said *Mary Kenrick*, *Richard Henry Kenrick*, *Richard Parry*, and the several other Persons, Bodies Politick and Corporate, entitled to Right of Common or other Right or Interest upon the said Commons and Waste Lands, or any of them, or any Part thereof, according to the true and actual Value of the several Messuages, Lands, Tenements, and Hereditaments, in respect whereof they are respectively entitled to Right of Common, or other Right or Interest as aforesaid, such Value to be ascertained in such Manner as the said Commissioner shall in his Judgement think just and equitable.

Allotments of the Residue.

XVIII. Provided always, and be it further enacted, That no Mines of Coal, Lead, Copper, Iron, or other Mines, Minerals, and Metals, lying under any of the Allotments of the said Commons and Waste Lands to be made in pursuance of this Act, shall be taken into the Valuation of such Allotment, it being intended that all Mines, Veins and Seams of Coal, Lead, Copper, and Iron, and all other Mines, Minerals, and Metals whatsoever, within or under the Whole of the said Commons and Waste Lands, shall be and hereby are expressly reserved to the Lord Bishop of *Bangor*, and his Successor for the Time being,

Exceptions of Minerals in the Valuation of the Allotment.

Encroachments to be deemed Part of the Common.

XIX. And be it further enacted, That all Encroachments taken or made from or on any Part or Parts of the ſaid Commons and Waſte Lands, within Twenty Years before the paſſing of this Act, ſhall be deemed Part and Parcel of the ſaid Commons and Waſte Lands reſpectively, from or on which the ſame were reſpectively taken or made, ſhall be divided and incloſed by virtue of this Act; provided nevertheleſs, that all ſuch Encroachments ſhall be allotted to the Perſon or Perſons who ſhall at the Time of making the Allotments be in Poſſeſſion of ſuch Encroachments, or in Receipt of the Rents or Profits thereof, as the Whole if ſufficient for that Purpoſe, or if not, then in Part of the Share or Allotment of the ſaid Commons or Waſte Lands, to which ſuch Perſon or Perſons will be entitled by virtue of this Act, and which in making the Allotment ſhall be eſtimated according to the Value of the Land or Ground ſo taken or encroached upon, and without conſidering the Value of any Erections, Buildings, or Plantations thereon; and if the Perſon or Perſons who ſhall be in Poſſeſſion of ſuch Encroachments, or in the Receipt of the Rents and Profits thereof, ſhall be entitled to no Allotment or to an Allotment not equal to the Value of ſuch Encroachment, but ſhall be willing to purchaſe the ſame, then the ſaid Commiſſioner ſhall aſcertain the Price thereof, or of ſuch Part as ſhall exceed the Value of the Allotment to be made to ſuch Poſſeſſor or Poſſeſſors thereof, in reſpect of his or their other Property, on aſcertaining of which Value the ſaid Commiſſioner ſhall not eſtimate the Buildings, Plantings, or other Improvements thereon, and upon ſuch Perſon or Perſons paying ſuch Price thereof to the ſaid Commiſſioner, at ſuch Time or Times as he ſhall for that Purpoſe appoint, the ſaid Commiſſioner ſhall give and ſign a Receipt or Receipts for the ſame; and on giving or ſigning ſuch Receipt or Receipts, every ſuch Encroachment, or ſuch Part thereof as ſhall be ſo purchaſed, ſhall thereupon be allotted to the Purchaſer or Purchaſers thereof, and his and their reſpective Heirs and Aſſigns in Fee Simple, and the ſaid Commiſſioner ſhall apply the Purchaſe Money to ariſe thereby as Part of the Monies to be raiſed for defraying the general Expences of this Act; provided that if the Perſon or Perſons who ſhall be in Poſſeſſion of or entitled to the Rents and Profits of ſuch Encroachment or Encroachments, ſhall not be willing to purchaſe the ſame or ſo much thereof as ſhall be offered for Sale as aforeſaid on the Terms aforeſaid, then the ſaid Commiſſioner ſhall allot the Part thereof which was ſo to be ſold to ſome other Perſon or Perſons as Part of his, her, or their Allotment or Allotments, as to the ſaid Commiſſioner ſhall ſeem proper, or the ſaid Commiſſioner ſhall and may ſell the ſame, in the ſame Manner and under the ſame Regulations as he is authorized to ſell any Part or Parts of the ſaid Commons and Waſte Lands for defraying ſuch Expences as herein mentioned: Provided alſo, that all Encroachments made upon the ſaid Commons and Waſte Lands, within the Space of One Year immediately preceding the paſſing of this Act, ſhall be thrown open without any Recompence whatſoever to be made to the Poſſeſſor or Poſſeſſors thereof; and if any Queſtion or Diſpute ſhall ariſe, touching the ſaid Encroachments, or which of them ſhall be deemed to be Part or Parcel of the ſaid Commons or Waſte Lands reſpectively, ſuch Diſputes ſhall be referred to the Determination of the ſaid Commiſſioner, but no ſuch Determination ſhall prevent any of the Parties from trying their Rights at Law, in reſpect to any Matter of Title to the ſaid Encroachments.

XX. And

Application of Surplus Money (if any).

XX. And be it further enacted, That in case any Surplus shall remain after such last-mentioned Sale as aforesaid, such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, and paid to them in case they shall be seised in Fee Simple of their several Allotments, or otherwise such Surplus Money shall be paid into the Bank of *England* in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

No Sheep or Lambs to be kept on the Allotments for Five Years after the Award executed, except in certain Cases.

XXI. And be it further enacted, That no Sheep or Lambs shall be kept or depastured in any of the said Allotments, from the Time such Allotments are staked out and for the Space of Five Years after signing the Award of the said Commissioner, unless the Owners or Occupiers thereof shall, at their own Expence, fence and effectually guard the young Quickset Hedges on every Side of the Allotments where such Sheep and Lambs shall be kept; and if any such Person shall neglect to fence and effectually guard such Quickset Hedges as aforesaid, the Person or Persons who shall sustain any Injury or Damage may bring his or their Action or Actions at Law for the Damages actually sustained.

Allotments to be free from Tythes for Three Years.

XXII. And be it further enacted, That the several Lands and Grounds hereby directed to be inclosed shall be and are hereby declared to be freed and discharged from all Great and Small Tythes, that may accrue or become due to the Rector and the Schoolmasters for the Time being, or their Lessee or Lessees, out of or in respect of the new inclosed Lands and Grounds, for the Space of Three Years next after the same shall be allotted or pointed out, to the Persons interested therein respectively, and from and after the Expiration of the said Term of Three Years the several Owners and Proprietors of the said new inclosed Lands and Grounds, as well as the said new inclosed Lands and Grounds, shall be subject to the Payment of Tythes both Great and Small, Rectorial Rights, Dues, or Payments whatsoever, in the same Manner as the other Lands and Grounds within the said Manor.

Allotments on the Commons to be Freehold.

XXIII. And be it further enacted, That all Allotments to be made of the said Commons and Waste Lands shall be and become Estates of Freehold in the several and respective Persons, Bodies Politick and Corporate, to or for whom the same shall be set out, allotted, and assigned respectively as aforesaid, but subject and without Prejudice to the Rights of the Lords of the said Manor for the Time being hereby reserved to him and them.

How Allotments in case of such Sale are to be disposed of.

XXIV. And be it further enacted, That if any Person or Persons shall at any Time before the Execution of the said Award have sold or agreed to sell his or their Right, Interest, and Property, in, over, or upon, the said Commons and Waste Lands to any other Person or Persons, the said Commissioner is hereby authorized and required to make an Allotment of Land unto the Purchaser under every such Sale or Agreement,

or to his, her, or their Heirs or Aſſigns, as convenient to any other Allotment or Eſtate of ſuch Purchaſer as reaſonably may be, for or in reſpect of ſuch Right, Intereſt, and Property, ſo ſold or agreed to be ſold as aforeſaid; and every ſuch Purchaſer, his Heirs or Aſſigns, ſhall and may, from and after the Execution of the ſaid Award, hold and enjoy the ſaid Land ſo to be allotted to him or them as aforeſaid, in the ſame Manner, to all Intents and Purpoſes, as the Vendor in every ſuch Sale or Agreement might or could have held or enjoyed the ſame in caſe ſuch Sale had not been made.

Where Award to be depoſited.

XXV. And be it further enacted, That the Award to be made by the ſaid Commiſſioner, when inrolled in the Manner directed by the ſaid recited Act, ſhall be depoſited and kept in the Pariſh Church of *Llanelidan* aforeſaid.

Allowing Exchanges to be made.

XXVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot, and award, any Lands, Tenements, or Hereditaments whatſoever, within the Townſhips of *Llan*, *Trewyn Bodlowydd*, and *Bryn Cymme*, and Manor of *Llanelidan* aforeſaid, or any or either of them, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatſoever, within the ſaid Townſhips or Manor, or within any adjoining Pariſh, Manor, Townſhip, Diviſion, Hamlet, or Place; 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 a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by 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 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 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 of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, ſhall be made 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 be ſituate: Provided always, that all Coſts, Charges, and Expences attending the making and completing 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; and that the ſaid Proprietors, their Attornies, or Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioner,

Coſts of Exchanges and Partitions how to be made.

Proprietors Expences at Meetings to be paid by them.

Commiſſioner, at any of the Meetings to be holden in purſuance of this Act.

Leaſes at Rack Rent to be void as to the Commons.

XXVII. And be it further enacted, That all and every Leaſe and Leaſes and other Agreements at Rack Rent, affecting all or any Part of the Commons or Waſte Lands by virtue of this Act and the ſaid recited Act intended to be divided and incloſed, ſhall ceaſe, determine, and be void as to ſuch Commons and Waſte Lands, on ſuch reſpective Days and Times as the ſaid Commiſſioner ſhall order and appoint, the reſpective Leſſors or Landlords in ſuch Leaſes or Agreements having firſt paid or tendered ſuch Satisfaction to the reſpective Leſſee or Leſſees, Tenant or Tenants, as the ſaid Commiſſioner ſhall aſcertain as reaſonable to be paid to ſuch Leſſee or Leſſees, Tenant or Tenants, on Account thereof, or as an Equivalent for the ſame: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to avoid any Agreement or Engagement already made between Landlord and Tenant in Contemplation of a Diviſion or Incloſure of the ſaid Commons and Waſte Lands, or relating thereto.

In caſe the Money raiſed by Sale of Common be not ſufficient to pay the Expences the Deficiency to be made good by Aſſeſſment.

XXVIII. And be it further enacted, That in caſe the ſaid Purchaſe Money to ariſe by Sale of the Land, Part of the ſaid Commons and Waſte Lands herein-before directed to be ſet out and ſold, ſhall not be ſufficient to anſwer and pay the general Expences of this Act as herein-before mentioned, then the Reſidue of ſuch Expences ſhall be paid and defrayed by the reſpective Perſons who ſhall have Allotments on the ſaid Commons and Waſte Lands ſet out or allotted to them reſpectively, except the Lord Biſhop of *Bangor*, according to an Aſſeſſment or Aſſeſſments to be made upon them reſpectively by the ſaid Commiſſioner for that Purpoſe, the ſame not to exceed Three hundred Pounds in the whole, in proportion to the Values whereby the ſaid Commons and Waſte Lands ſhall be ſo reſpectively allotted to them; and that all the Sums of Money charged and made payable by ſuch Aſſeſſments reſpectively, or any of them, ſhall and may be raiſed, levied, or recovered by the ſaid Commiſſioner in the ſame Manner and with ſuch Remedies by Diſtreſs and by Sale of ſuch Diſtreſs, and with ſuch Intereſt, Coſts, and Charges, and as fully and completely in every Reſpect as is directed for levying Charges and Expences attending Incloſures and obtaining Incloſure Acts, and carrying the ſame into Execution in or by the ſaid recited Act.

For paying Intereſt on Money advanced.

XXIX. And be it further enacted, That in caſe any Money ſhall be advanced or paid by any Perſon or Perſons for defraying any of the Expences of ſoliciting, applying for, obtaining, or paſſing this Act, or in or about the Execution of any of the Powers or Authorities given hereby or by the ſaid recited Act, or the carrying the Diviſion or Incloſure of the ſaid Commons and Waſte Lands into Effect, or in any Manner relative thereto, the ſaid Money ſhall be repaid, with lawful Intereſt, out of the firſt Money to be raiſed by the ſaid Commiſſioner in purſuance of this Act.

Commiſſioner to lay his Accounts before Auditors or a Juſtice once in every Year.

XXX. And be it further enacted, That once at leaſt in 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

required to make a true and juſt Statement or Account of all Monies by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act, and ſuch Statement or Account when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before *Joſeph Ablett* of *Lanbedr Hall*, in the ſaid County of *Denbigh*, Eſquire, and *Joſeph Pyers* of *Plaſnewydd*, in the Pariſh of *Llanfwrog*, in the ſame County, Eſquire, who are hereby appointed Auditors of the ſaid Commiſſioner's Accounts, or otherwiſe before One of His Majeſty's Juſtices of the Peace for the ſaid County of *Denbigh* (not intereſted in the ſaid Diviſion and Incloſure), to be by them or One of them examined and balanced, and ſuch Balance ſhall be by ſuch Auditors or Juſtice ſtated in the Book of Accounts to be kept in the Office of the Clerk of 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 by ſuch Auditors or Juſtice.

Allowing an Appeal to the Quarter Sellions.

XXXI. 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 Act or the ſaid recited Act, (other than and except ſuch Determinations as are by this Act or the ſaid recited Act declared to be binding, final, and concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as herein-before mentioned), then and in every ſuch Caſe he, ſhe, or they, may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the County of *Denbigh*, within Six Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner or to the Party or Parties concerned Fourteen Days Notice in Writing of ſuch Appeal and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes) in ſuch Seſſions aſſembled are hereby required to hear and determine the Matter of any ſuch Appeal, and to make ſuch Order therein, and to award ſuch Coſts and Damages, as to them ſhall ſeem reaſonable, and by their Order or Warrant to levy the Coſts and Damages which ſhall be ſo awarded, 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 removable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; and in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then the ſaid Juſtices ſhall, and they are hereby required to award ſuch Coſts, to be paid by the Appellant or Appellants, as to them ſhall ſeem reaſonable, and which Coſts ſhall be levied in Manner aforeſaid.

Not to prejudice the Lord's Right.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall be conſtrued or adjudged to defeat, leſſen, or prejudice the Right, Title, or Intereſt of the Lord Biſhop of *Bangor* for the Time being, of, in, or to the Seigniories or Royalties, Franchiſes, and Liberties incident and belonging to the ſaid Manor, but the Lord Biſhop of *Bangor* for the Time being ſhall at all Times for ever hereafter have, hold, take, and enjoy, all Rents, Fines, Heriots, Suits, and Services, Fiſhing,

Fiſhing, Hunting, Hawking, and Fowling, and all Beaſts and Birds conſidered as Game, and all other Royalties, Liberties, Privileges, Franchiſes, Juriſdictions, and Appurtenances whatſoever (except ſuch as are expreſsly taken away by this Act) in the ſame and as ample a Manner, to all Intents and Purpoſes, as they are now held, taken, and enjoyed, or have been heretofore held, uſed, taken, and enjoyed, by the preſent or any former Lord or Lords of the ſaid Manor, or as he or they, or any of them, might or could have held, uſed, exerciſed, and enjoyed the ſame had this Act or the ſaid recited Act not been made.

Declaring the Lord of the Manor to be Owner of Mines, etc.

XXXIII. Provided alſo, and be it further enacted, That notwithſtanding the Diviſion and Incloſure hereby authorized to be made, the Lord Biſhop of *Bangor* for the Time being ſhall for ever hereafter be deemed and taken to be Owner of all the Mines of Coal, Lead, Copper, Tin, Iron, and all other Mines, Minerals, and Ores of what Nature or Kind ſoever, within or under the ſeveral and reſpective Parts of the ſaid Commons or Waſte Lands, hereby intended to be divided and incloſed as aforeſaid, and ſhall have full Power and Authority of ſearching for, winning, and working the ſame, and alſo full Power and Authority to uſe and exerciſe all convenient Ways, Wayleaves, and Liberties of laying, making, and repairing Waggonways or other Ways, in, over, and along the ſaid Commons and Waſte Lands, and the ſeveral Allotments thereof, for the ſearching for, winning, and working the ſaid Mines and Minerals, and alſo for the taking, loading, and carrying away the Coal, Lead, Copper, Tin, Iron, or other Metals, Mines, and Minerals, to be gotten in or under the ſaid Commons and Waſte Lands, or any Part thereof, and of making Pits, Shafts, Pit-rooms, Heap-rooms, Drifts, Levels, and Watercourſes, and erecting and uſing Fire Engines and other Engines, and all other Matters and Things now in Uſe, or hereafter to be invented, for the working, winning, taking, loading, carrying away, and other Purpoſes aforeſaid, or any of them, in, upon, through, over, and along the ſaid Commons and Waſte Lands, and the reſpective Allotments thereof, and all other Powers, Privileges, and Authorities, to do or execute any neceſſary Acts or Things for all or any of the Purpoſes aforeſaid, in and over the ſame in ſuch and the like Manner as if this Act had not been made.

For ſettling Damages.

XXXIV. And be it further enacted, That if at any Time after the ſaid Diviſion and Incloſure ſhall have been made by virtue of this Act, the ſaid Lord Biſhop of *Bangor*, or his Succeſſor for the Time being, his or their Leſſees, Farmers or Tenants, Servants or Workmen reſpectively, ſhall enter upon or make uſe of any Allotment or Allotments of the ſaid Commons and Waſte Lands by this Act directed to be incloſed for the Purpoſes of winning and procuring or getting the ſaid Coal, Lead, Copper, Tin, Iron, or other Metal, Ores, Mines or Minerals, or other Royalties, or for laying or ſtoring the ſame when got, or the Rubbiſh or other Produce of the ſaid Mines or Works, or for erecting Fire Engines or other Engines and Buildings, or for laying or continuing any Waggonways or other Ways or Roads, or making any other Works above Ground for the Purpoſes aforeſaid, or for uſing or exerciſing any Power or Authority above Ground, hereby given, ſaved, and reſerved to the ſaid Lord Biſhop of *Bangor* for the Time being, or his Leſſees, Farmers, or Tenants reſpectively, in or about working, winning, digging, raiſing, or

carrying away the said Coal, Lead, Tin, Copper, Metals, Ores, Mines or Minerals, or otherwise relative thereto, the said Lord Bishop of *Bangor* for the Time being, or his Lessees or Tenants respectively, shall make Satisfaction for any Damage or Injury which shall or may be done in the working, winning, digging, raising, or carrying away, the said Coal, Lead, Tin, Copper, Metals, Ores, Mines, or Minerals to the Person or Persons, Body or Bodies Politick, Corporate, or Collegiate, sustaining such Damage or Injury.

General Saving.

XXXV. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body and Bodies Politick, Corporate, and Collegiate, and his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons and Body or Bodies Politick, Corporate, or Collegiate, to whom any Allotments shall be made by virtue and in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Estate, Right, Title, and Interest, as they, every, or any of them, could or ought to have had and enjoyed, of, in, to, or in respect of the Lands hereby directed to be divided and allotted in case this Act had not been passed.

Printed Copy of this Act to be Evidence.

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

LONDON: Printed by George Eyre and Andrew Strahan, Printers to the King's most Excellent Majesty. 1809.