ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

Cap. 73.

An Act for incloſing and embanking Lands in the Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, in the County of *Carnarvon*. [13th *June* 1806.]

WHEREAS there are within the ſeveral Pariſhes of *Landwrog*, *Llanwnda*, and *Llanfaglen*, in the County of *Carnarvon*, certain Commons, Marſh Lands, and Waſte Lands, called or known by the Name of *Morfa Dinas Dinllaen*, otherwiſe *Morfa Dinas Dinlle*, or by what other Name or Names the ſame is called, diſtinguiſhed, or known: And whereas Sir *Robert Williams*, Baronet, is Lord of the Manor of *Nanthwynant*, Part whereof is ſituated in the ſaid Pariſh of *Llanwnda*, and as ſuch is entitled to the Soil in and over ſome Part or Parts of the ſaid Commons, Marſh Lands, and Waſte Lands, ſubject to the Rights of Common herein-after mentioned: And whereas the Right Reverend *William* Lord Biſhop of *Bangor*, in Right of his See, is Lord of the Manor of *Ceſtellmai*, Part whereof is ſituated in the ſaid Pariſhes of *Llanwnda* and *Llanfaglen*, and as ſuch is entitled to the Soil in and over ſome other Part or Parts of the ſaid Commons, Marſh Lands, and Waſte Lands, ſubject alſo to the Rights of Commons herein-after mentioned: And whereas the ſaid *William* Lord Biſhop of *Bangor*, in Right of his See, is ſeiſed of or entitled to the perpetual Advowſon, Right of Patronage, and Preſentation of, in, and to the Rectory of the Pariſh Church of *Llandwrog*, and *Richard Ellis*, Clerk, is Rector of the ſaid Rectory and Pariſh Church, and in Right of his ſaid Rectory is ſeiſed of or entitled to certain Glebe Lands

in the ſaid Pariſh of *Llandwrog*: And whereas the Right Honourable *Thomas* Lord *Newborough*, Sir *Hugh Owen* Baronet, *Thomas Aſſheton Smith* Eſquire, and ſeveral other Perſons, are the Owners and Proprietors of or otherwiſe intereſted in ſeveral Meſſuages, Lands, and Hereditaments within the ſaid ſeveral Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, and have in reſpect thereof a Right of Common in, over and upon the ſaid Commons, Marſh Lands, and Waſte Lands, in proportion to their ſeveral and reſpective Eſtates within the ſaid Pariſhes: 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, Marſh Lands, and Waſte Lands are in their preſent State incapable of Improvement, and a great Portion thereof, by reaſon of its Contiguity to the Sea and the River *Foryd*, is overflowed by the Tides; and it would be very advantageous to the Proprietors thereof and the ſeveral other Perſons intereſted therein, and of publick Utility, if the ſame were divided, and ſpecifick Shares thereof allotted to the reſpective Proprietors thereof and Perſons intereſted, according to their reſpective Rights and Intereſts therein, and ſuch Allotments incloſed, and if in that Part of the ſaid Commons, Marſh Lands, and Waſte Lands, which is contiguous to the Sea and the ſaid River *Foryd*, certain Embankments, Cuts, and Drains were made, to drain and prevent the ſaid Lands from being overflowed, and all Embankments effectually ſecured; but ſuch beneficial Purpoſes cannot be effected without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *Walter Jones*, of *Corwen* in the County of *Merioneth*, Gentleman, and his Succeſſors for the Time being, to be elected or appointed in Manner herein-after mentioned, ſhall be and he is hereby appointed the Commiſſioner for ſetting out, dividing, allotting, and incloſing the ſaid Commons, Marſh Lands, and Waſte Lands, and for embanking and draining thereof, and for otherwiſe putting this Act in Execution, with ſuch Powers and ſubject to ſuch Regulations and Directions as are contained in the ſaid recited Act.

Commiſſioner.

II. And be it further enacted, That in caſe the ſaid *Walter Jones* ſhall die, refuſe, or neglect to act as a Commiſſioner in the Execution of this and the ſaid recited Act for the Space of One Calendar Month, when Occaſion ſhall require his Attendance on the Buſineſs of the ſaid Incloſure, Embankment, and Drainage, or ſhall become incapable of acting, it ſhall be lawful for the Majority in Value of the Proprietors intereſted in the ſaid Commons, Marſh Lands, and Waſte Lands within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, or their reſpective Agents or Attornies duly authorized in that Behalf, who ſhall be preſent at a Meeting to be holden for that Purpoſe at the Town of *Carnarvon* (of which Meeting at leaſt Ten Days Notice ſhall be given in like Manner as herein-after is mentioned with reſpect to the firſt Sitting of the ſaid Commiſſioner), by Writing under their reſpective Hands, to appoint a new Commiſſioner, not intereſted in the ſaid Incloſure, Embankment, and Drainage, in the Room and Place of the ſaid *Walter Jones*, or any other Commiſſioner to be appointed

Appointment of a new Commiſſioner.

pointed in Manner aforesaid, who may die, refuse, or neglect to act, or become incapable of acting as aforesaid.

Commissioner's Allowance.

III. And be it further enacted, That out of the Money that shall be raised for defraying the Expences of obtaining and executing this Act, there shall be paid to the said Commissioner, for his Time, Trouble, Journies, and Expences in and about the dividing, alloting, and inclosing the said Commons, Marsh Lands, and Waste Lands, and superintending the making of the Embankments and Drainage, and hearing and determining Disputes, and all other Matters whatsoever incident to his said Office of a Commissioner, any Sum not exceeding Three hundred Pounds; provided nevertheless, that nothing herein contained shall extend or be construed to extend to the Loss of Time, Trouble, Journies, and Expences of the said Commissioner in attending the making and completing any Exchanges and Partitions of any ancient or old inclosed Lands among the Parties themselves.

Commissioner to give Notice of his Sitting.

IV. And be it further enacted, That the said Commissioner shall cause Notice to be given in Writing, to be affixed on the principal outer Doors of the Parish Churches of *Llandwrog*, *Llanwnda*, and *Llanfaglen* aforesaid, on some *Sunday* immediately before or after Divine Service, and also a like Notice to be inserted in one or both of the *Chester* Newspapers, or some other publick Newspaper usually circulated in the said County of *Carnarvon*, of the Time and Place of his first Sitting and all other subsequent Sittings, for executing the Powers hereby and by the said recited Act vested in him, at least Ten Days before any such Sitting (Sittings by Adjournment only excepted), and it shall be lawful for the said Commissioner to adjourn his Sitting, and appoint the same to be held at the Town of *Carnarvon*, on any future Day, as he shall see Occasion and think necessary; and in case the said Commissioner shall not attend at the Time and Place appointed for any such Sitting, or to which the same shall be adjourned, it shall be lawful for the Clerk to the said Commissioner to adjourn such Sitting to any future Day, not exceeding Ten Days from the Day of Adjournment, to be held at the same or any other Place within Eight Miles from the said Parishes, and such Clerk shall cause Notice of such Adjournment to be given to the said Commissioner.

Other Notices how to be given.

V. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner shall be so made and given by Advertisement to be inserted in the said *Chester* Newspapers, or if the same shall not be then published, then in some one other Newspaper circulated in the said County of *Carnarvon*.

Proceedings to be entered in a Book.

VI. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioner, at any of his Sittings to be held in pursuance of this Act, shall be entered in a Book or Books to be provided for that Purpose, and shall be signed by the said Commissioner at such Sittings, and being so signed shall be deemed and taken for Originals; and all such Books shall and may be read in Evidence in all Cases of Appeal, Suits, Actions, and other Proceedings, touching any Matter or Thing done in relation to or in pursuance of this or the said recited Act.

VII. Provided

Proprietors and Agents to pay their own Expences at Meetings.

VII. Provided always, and be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay their own Expences when they or any of them ſhall attend the ſaid Commiſſioner, at any of his Sittings to be held in purſuance of this Act.

Survey to be made.

VIII. And for the more juſt and regular Diviſion of the ſaid Lands and Grounds hereby directed to be divided and encloſed, embanked and drained, be it further enacted, That the ſaid Commiſſioner ſhall cauſe a Survey, Admeaſurement, and Plan of the ſaid Lands and Grounds, and alſo of the old incloſed Lands within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, or of ſuch Part or Parts thereof as he may think neceſſary, to be made by ſuch Perſon or Perſons as ſhall for that Purpoſe be elected and appointed by a Majority in Value of the Proprietors of the ſaid Commons, Marſh Lands, and Waſte Lands, or their Agents or Attornies duly authorized in that Behalf, who ſhall be preſent at the firſt Sitting of the ſaid Commiſſioner; and in caſe of the Death or Refuſal to act of the Perſon or Perſons ſo to be elected and appointed, then by ſuch other Perſon or Perſons as the Majority in Value of the ſaid Proprietors, aſſembled at a publick Meeting or Meetings to be held at or near the Town of *Carnarvon* (of which, and of the Purpoſe of holding the ſame, ſuch previous Notice ſhall be given by Five or more of the Proprietors of the Lands hereby intended to be divided, incloſed, embanked, and drained, as is herein-before required to be given of the Sittings of the ſaid Commiſſioner) ſhall direct and appoint for that Purpoſe, and who ſhall allow to ſuch Perſon or Perſons ſo to be elected and appointed to make ſuch Survey, Admeaſurement, and Plan, ſuch reaſonable Compenſation for his Trouble in the Execution of his Duty, as ſhall at ſuch publick Meeting or Meetings be thought proper; and ſuch Survey, Admeaſurement, and Plan ſhall be reduced into Writing, and the Number of Acres, Roods, and Perches in Statute Meaſure contained therein, ſhall be ſet forth and aſcertained, and delivered to the ſaid Commiſſioner, and ſhall be verified upon the Oath or Affirmation of the Perſon making the ſame (which Oath or Affirmation the ſaid Commiſſioner, or any Juſtice of the Peace for the ſaid County of *Carnarvon*, is hereby authorized and required to adminiſter); provided nevertheleſs, that if any Plan or Plans, Survey or Surveys already made of the ſaid Commons, Waſte Lands, and the Lands hereby intended to be embanked and drained, or any Part or Parts thereof, ſhall be produced and laid before the ſaid Commiſſioner, of the Authenticity of which he ſhall be ſatisfied, it ſhall be lawful for the ſaid Commiſſioner to make uſe of the ſame without cauſing ſuch new Survey or Plan to be made thereof.

Commiſſioner and Surveyor to have Power to enter upon Land.

IX. And be it further enacted, That the ſaid Commiſſioner and the Surveyor to be appointed by virtue of this Act, and every ſucceeding Surveyor to be appointed as aforeſaid, their Servants and Aſſiſtants, and all Perſons employed by them reſpectively, for the Purpoſes and in the Execution of this and the ſaid recited Act, ſhall have and they are hereby veſted with full Power and Authority, at any Time or Times whatſoever, to enter into, view, and examine, ſurvey and admeaſure all and every the Lands and Grounds hereby directed to be divided and incloſed, embanked and drained, and alſo the other ancient incloſed Lands and Grounds within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, or any Part thereof, for the Purpoſes of this and the ſaid recited Act.

X And

Commissioner to settle Disputes, &c.

X. And be it further enacted, That in case any Dispute shall arise between any of the Parties interested, touching their Rights or Claims, Estates or Interests, in the Lands and Grounds hereby directed to be divided and inclosed, embanked and drained as aforesaid, the said Commissioner is hereby authorized and empowered to hear and determine the same; provided always, that nothing herein contained shall authorize or empower the said Commissioner to determine any Dispute that shall or may affect the Right or Title to any Lands, Tenements, or Hereditaments within the said Paishes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*.

Power to assess Costs.

XI. 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 or the said recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable, to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or overruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such case it shall 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.

Power to try disputed Claims at Law.

XII. Provided always, and be it further enacted, That in case any of the said Party or Parties making any Claim in, upon, or out of the said Lands intended to be divided and inclosed in pursuance of this Act; or the Person or Persons objecting thereto shall be dissatisfied with the Determination of the said Commissioner, and shall by Writing under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their known Agent or Agents, Attorney or Attornies, signify the same to the said Commissioner within Two Calendar Months next after such Determination shall be made, then and in such Case, but not otherwise, it shall be lawful for the Person or Persons so dissatisfied with such Determination, to have the Subject of such Claim or Objection in respect of which such Determination shall be made, tried at Law, by an Action to be brought by him, her, or them against any Person or Persons in whose Favour any such Determination shall have been so made, upon a feigned Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties shall differ about the same, such Action to be brought within Six Calendar Months next after any such Determination shall have been made; and the Defendant or Defendants in such Action 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 Great Session to be holden for the said County of *Carnarvon*, and the Verdict of the Jury on such Trial, if the same shall be satisfactory to the Court, shall be binding,

final, and concluſive upon all the Parties intereſted therein, unleſs the Court wherein ſuch Action ſhall be brought ſhall ſet aſide ſuch Verdict, and order a new Trial to be had thereupon, which it ſhall be lawful for the Court to do, and alſo upon ſufficient Cauſe ſhewn to put off the Trial of ſuch Iſſue as is uſual in other Caſes; and that after ſuch Verdict ſhall be obtained and not ſet aſide by the Court, the ſaid Commiſſioner ſhall and he is hereby required to act in conformity to the Verdict or Verdicts thereupon given, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials; provided always, that all ſuch Determinations of the ſaid Commiſſioner as ſhall not be objected to by ſuch Notice to be given to the ſaid Commiſſioner, 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.

If any of the Parties die Proceedings not to abate.

XIII. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this Act ſhall die, pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

Commiſſioner may divert or turn Roads.

XIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner (with the Concurrence and Order of Two Juſtices of the Peace acting in and for the ſaid County of *Carnarvon*, ſuch Order being hereby declared to be ſubject to Appeal, as in the ſaid recited Act is mentioned) to divert, ſtop up, or change any of the publick Roads (not being a Turnpike Road) paſſing or leading through any of the ſaid Commons, Marſh Lands, and Waſte Lands, as he the ſaid Commiſſioner ſhall deem unneceſſary, and as he ſhall think proper, and ſuch Roads ſo ſtopped up ſhall be deemed and taken as Part of the Lands and Grounds hereby intended to be divided and encloſed, embanked and drained, and ſhall be divided, allotted, and incloſed accordingly.

Allotment for getting Materials for the Repair of Roads.

XV. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby required to ſet out, aſſign, and allot ſuch Part and Parcel of the ſaid Commons, Marſh Lands, and Waſte Lands, as he ſhall think proper and ſufficient, as and for publick Stone and Gravel Pits, for the Purpoſe of getting Materials for the forming, completing, and repairing the publick and private Roads and Ways in the ſaid Pariſhes reſpectively wherein the ſaid Commons, Marſh Lands, and Waſte Lands are ſituated as aforeſaid and by the ſaid recited Act directed to be ſet out, formed, completed, and repaired, and to and for ſuch other Uſes and Purpoſes as the ſaid Commiſſioner in his Award by this or the ſaid recited Act directed to be made, ſhall appoint.

Allotment to the Lord of the Manor of Nanthwynant.

XVI. And be it further enacted, That the ſaid Commiſſioner ſhall aſſign, ſet out, and allot unto the ſaid Sir *Robert Williams* for and in lieu of his Right and Intereſt in and to the Soil of the ſaid Commons, Marſh Lands, and Waſte Lands, as Lord of the Manor of *Nanthwynant* aforeſaid, ſo much and ſuch Part or Parts of the ſaid Commons, Marſh Lands, and Waſte Lands, hereby intended to be divided and incloſed as is ſituate, lying, and being within the ſaid Manor, and as ſhall in the Judgement of the ſaid Commiſſioner be equal to One full Twentieth Part or Share of ſo much of the ſaid Commons, Marſh Lands, and Waſte Lands as is ſituate, lying,

lying, and being, in the ſaid Manor, for and in lieu and as a Recompence and Satisfaction for his Right to the Soil of the ſaid Commons, Marſh Lands, and Waſte Lands.

Allotment to the Lord or Lady of the Manor of Caſtellimai.

XVII. And be it further enacted, That the ſaid Commiſſioner ſhall aſſign, ſet out, and allot unto the ſaid *William* Lord Biſhop of *Bangor* for and in lieu of his Right and Intereſt in and to the Soil of the ſaid Commons, Marſh Lands, and Waſte Lands, as the Lord of the Manor of *Caſtellmai* aforeſaid, ſo much and ſuch Part or Parts of the ſaid Commons, Marſh Lands, and Waſte Lands, hereby intended to be divided and incloſed, as is ſituate, lying, and being within the ſaid Manor, and as ſhall in the Judgement of the ſaid Commiſſioner be equal to One full Twentieth Part or Share of ſo much of the ſaid Commons, Marſh Lands, and Waſte Lands, as is ſituate, lying, and being in the ſaid Manor, for and in lieu and as a Recompence and Satisfaction for his Right to the Soil of the ſaid Commons, Marſh Lands, and Waſte Lands.

General Allotments.

XVIII. And be it further enacted, That the ſaid Commiſſioner ſhall in the next Place divide, ſet out, and allot the Reſidue of the ſaid Commons, Marſh Lands, and Waſte Lands hereby intended to be divided and incloſed, unto, for, and amongſt the ſeveral Perſons and Parties who at the Time of making ſuch Diviſion and Incloſure ſhall have Property therein, in proportion to the true and real Value of their ſeveral Shares, Rights, and Intereſts, and in full Satisfaction of and for ſuch their ſeveral Shares, Rights, and Intereſts, to be aſcertained and adjudged by ſuch Ways and Means, and in ſuch Manner as the ſaid Commiſſioner ſhall in and by his Award order, direct, or appoint.

Encroachments.

XIX. And be it further enacted, That all Encroachments which have been made upon or taken from the ſaid Commons, Marſh Lands, and Waſte Lands, within the Space of Twenty Years before the paſſing of this Act; or that ſhall have been laid open within the ſaid Space of Twenty Years, ſhall be deemed and taken to be Part and Parcel of the ſaid Commons, Marſh Lands, and Waſte Lands, hereby directed to be divided, allotted, and incloſed, and the ſame and all Cottages and Buildings erected thereon ſhall be ſet out and allotted to ſuch of the Perſons entitled to any Shares or Allotments upon the ſaid intended Diviſion and Incloſure, to whom the ſame ſhall in the Judgement of the ſaid Commiſſioner be moſt convenient, as Part of the Allotments to be made to him, her, or them reſpectively.

Allotments in reſpect of Property held by Leaſes at Rack Rent to be made to the Landlords.

XX. And be it further enacted, That all the Allotments to be made of the ſaid Commons, Marſh Lands, and Waſte Lands, by virtue of this Act in reſpect of any Lands, Tenements, Hereditaments, and Premiſes held by Leaſes at Rack Rent, or by Leaſes for which no Fines were paid to the Grantors, as the Conſideration for the ſame, ſhall be allotted unto, and held by the ſeveral Owners and Proprietors of ſuch Lands, Tenements, Hereditaments, and Premiſes, freed and diſcharged from all Right or Claim of ſuch reſpective Leſſees to, in, or upon the ſaid Allotments, or any Part thereof, to be derived under or by virtue of ſuch Leaſes; and in caſe any ſuch Leſſees ſhall think themſelves aggrieved thereby, and ſuch Landlords and Tenants ſhall not ſettle the ſame to their mutual Satisfaction, then and in

in every ſuch caſe it ſhall be lawful for the ſaid Commiſſioner, on Application to him made by either Party, to take the Matters in Queſtion into his Conſideration, and to order and direct every ſuch Landlord to make unto every ſuch Leſſee for his or her Loſs by means of the ſaid Diviſion, ſuch a fair and adequate Allowance by Way of Abatement or Deduction in the Rents by ſuch Leaſes reſerved, as the ſaid Commiſſioner ſhall think juſt and equitable.

Allotments may be fenced.

XXI. And be it further enacted, That the ſeveral Allotments to be made by virtue of this Act ſhall, as ſoon as conveniently may be after ſetting out the ſame, be incloſed and fenced in ſuch Manner, and the Expences of all the ſaid Fences ſhall be paid, borne, and defrayed by the Proprietors of all and every the Allotments to be made by virtue of this Act, in ſuch Proportions, and to be paid at ſuch Time or Times as the ſaid Commiſſioner, by any Writing under his Hand, or in and by his ſaid Award, ſhall order, direct, or appoint; and that all ſuch Fences ſhall at all Times thereafter be maintained and repaired by and at the Expence of the Owners for the Time being of the Lands and Grounds to which they ſhall be reſpectively allotted or directed to belong.

No Sheep to be depaſtured in the new Incloſures for Seven Years.

XXII. And be it further enacted, That it ſhall be lawful for all or any of the ſaid Proprietors, after their Allotments ſhall have been made by Order of the ſaid Commiſſioner, to ditch out their reſpective Allotments, and to quick or otherwiſe fence the ſame in ſuch Manner, and at ſuch Time or Times as the ſaid Commiſſioner ſhall think fit; and for the better preſerving the young Hedges or Quickſets, it ſhall not be lawful for any Perſon or Perſons to depaſture or keep any Sheep or Lambs upon any of the new Incloſures to be made by virtue of this Act, for the Space of Seven Years from the Execution of the ſaid Award, unleſs the Perſons ſo reſpectively depaſturing or keeping Sheep or Lambs do effectually, at their own Expence, guard and fence their Neighbour's Quickſets adjoining to ſuch Incloſures reſpectively, in which Sheep or Lambs ſhall be kept as aforeſaid, ſo as to prevent any Damage or Injury being done to the ſaid Fences or Quickſets by any ſuch Sheep or Lambs; and the Perſons reſpectively depaſturing ſuch Sheep or Lambs as aforeſaid, and neglecting or refuſing to guard their Neighbour's Quickſets as aforeſaid, ſhall, on being thereof convicted on the Oath of a credible Witneſs, before any Juſtice of the Peace for the ſaid County of *Carnarvon*, and not intereſted in the Premiſes (who is hereby authorized and required to take Cognizance thereof) forfeit and pay after the Rate of any Sum not exceeding Five Shillings for every Sheep, or Lamb ſo kept and depaſtured; which Sum, in caſe of Refuſal to pay the ſame on Demand, ſhall and may be levied and recovered in the ſame Manner as Penalties are directed by the ſaid recited Act to be levied and recovered.

No Sheep or Cattle to be turned into the Lanes for Nine Years.

XXIII. And be it further enacted, That if any Perſon ſhall during the Space of Nine Years from the Execution of the Award of the ſaid Commiſſioner, wilfully turn or put, or cauſe to be turned or put any Cattle into any of the Lanes, Ways, or Roads, on either Side of which any new growing Fence ſhall be planted, or ſhall not remove his or her Cattle from ſuch Lanes, Ways, or Roads on Notice thereof given, ſuch Perſon or Perſons ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Forty Shillings, which Penalty, in caſe of Refuſal to pay the ſame, ſhall be levied

levied and recovered in the Manner directed by the ſaid recited Act, and ſhall be paid to the Surveyor of the Highways of the Pariſh wherein ſuch Offence ſhall be committed, and ſhall be applied by him in the Amendment and Preſervation of the Highways of the ſaid Pariſh.

Allotments to enure to the ſame Uſes.

XXIV. And be it further enacted, That all and ſingular the Lands and other Premiſes which ſhall be allotted under or by virtue of this Act, ſhall immediately after ſuch Allotments are made, be held and be ſubject to ſuch and the ſame Tenures, Cuſtoms, Heriots, Rents, and Services as the ſeveral and reſpective Meſſuages, Buildings, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch allotted Lands ſhall be made, are now ſubject to.

Wills and Settlements not to be affected.

XXV. And be it further enacted, That nothing in this or the recited Act contained ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances, out of, upon, or affecting the Lands or Grounds hereby or by the ſaid recited Act intended to be divided, allotted, incloſed, or exchanged, or any Part or Parts thereof reſpectively, but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in Exchange by virtue of this or the ſaid recited Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Rents, Charges, and Incumbrances, and no other, as the Lands, Grounds, and Hereditaments whereof ſuch Perſon was ſeiſed or poſſeſſed at or immediately before the Execution of the Award of the ſaid Commiſſioner, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, would have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

Power to drain Lands, &c.

XXVI. And be it further enacted, That for the Purpoſe of preventing Damage by Water upon any Part of the ſaid Commons, Marſh Lands, and Waſte Lands, and for effectually carrying off the ſame, and for the Improvement of ſuch Lands and Grounds, it ſhall be lawful for the ſaid Commiſſioner, by ſuch Agents, Workmen, and Labourers as he ſhall think fit to employ, to take down, remove, or alter any Dams, Weirs, and other Impediments within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, or ſo much thereof, and in ſuch Manner as ſhall in his Judgement be neceſſary and expedient, making full and ample Compenſation for the ſame, and for the Damage to be done thereby to the reſpective Owners thereof; and ſuch Commiſſioner ſhall and may alſo widen, deepen, alter, enlarge, contract, turn, change, diſcontinue, ſtop, or alter the preſent Courſe of any Stream, Rivulet, or Brook, and of the preſent Watercourſes, Drains, and Banks within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, or any of them, and alſo the River, Rivulet, Stream, or Brook, called *Foryd* aforeſaid, in ſuch Manner as he ſhall ſee convenient and neceſſary; and ſhall and may make ſuch new Watercourſes, Sluices, Drains, Ditches, Cuts, Dams, Channels, Culverts, or ſubterraneous Tunnels, Banks, Bridges, Outlets, Weirs, Engines, Embankments, Fences, and other Works in, through, upon, and over, as well the Lands and Grounds hereby directed to be allotted and incloſed, as alſo in, through, upon, and over any ancient incloſed Lands within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, as he ſhall think neceſſary or proper

(the ſame not being a Garden, Orchard, planted Walk, or Avenue to any Houſe, before the paſſing of this Act) without the Conſent of the Owners or Proprietors thereof for the Time being reſpectively, making full and ample Satisfaction to the Owners of the ſaid ancient incloſed Lands within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, who ſhall be injured thereby; and ſuch Rivers, Streams, Rivulets, and Brooks, Watercourſes, Sluices, Drains, Ditches, Cuts, Dams, Tunnels, Culverts, or ſubterraneous Tunnels, Banks, Bridges, Outlets, Weirs, Engines, Embankments, Fences, and other Works which ſhall be ſo widened, altered, changed, ſet out, appointed, and made reſpectively, ſhall from Time to Time for ever afterwards be preſerved, cleanſed, ſcoured, amended, maintained, repaired, and kept in Repair, as often as Occaſion ſhall require, by a Surveyor to be elected and appointed for that Purpoſe in Manner herein-after mentioned, and the Expences of ſuch Repairs including a reaſonable Allowance to the ſaid Surveyor, or any Perſon or Perſons to be employed by him, for his and their Time and Trouble therein, to be aſcertained and allowed by the Majority in Value of the Proprietors of Lands within the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, or their reſpective Agents, who ſhall be duly authorized in that Behalf, who ſhall be preſent at a Meeting to be from Time to Time called for that Purpoſe, of which at leaſt Ten Days Notice ſhall be affixed upon the principal outer Doors of the Pariſh Churches of *Llandwrog*, *Llanwnda*, and *Llanfaglen* and in Default of any ſuch Proprietors attending at ſuch Meeting ſo to be called, then to be allowed by One of His Majeſty's Juſtices of the Peace for the ſaid County of *Carnarvon* from Time to Time as the ſame ſhall be incurred; and all ſuch Accounts being verified on Oath by the ſaid Surveyor, before the ſaid Juſtice or any other Juſtice of the Peace for the ſaid County, ſhall be reimburſed and repaid to the ſaid Surveyor, upon Demand, by the Owners or Occupiers of ſuch of the Lands within the ſaid ſeveral Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, as ſhall be benefited by ſuch Works of Drainage and Embankment (but not by any Owner or Occupier of ſuch Lands as ſhall receive no Benefit thereby) in proportion only to the Benefit they ſhall reſpectively receive; which Proportion and Lands liable to be charged ſhall be aſcertained and ſettled by the ſaid Commiſſioner, in and by his ſaid Award, and in the mean Time until ſuch Award ſhall be made and executed by any Writing or Writings under his Hand (which Writing or Writings ſhall be binding and concluſive); and ſuch Occupier ſhall have a Receipt or Diſcharge for the Money ſo by them paid, and may deduct the ſame out of the next Rent or Rents payable to his, her, or their reſpective Landlords; and ſuch Landlords are hereby required, upon the Production of ſuch Receipts or Diſcharges, to allow ſuch Deductions accordingly.

Watering Places for Cattle to be made and maintained.

XXVII. And be it further enacted, That if by means of embanking and draining the ſaid Commons, Marſh Lands, and Waſte Lands, any Cattle which uſed to depaſture on the Lands and Grounds adjacent to any of the Rivulets, Streams, and Brooks intended to be embanked, or any other Lands and Grounds within the ſaid Pariſhes, ſhall be deprived of their accuſtomed or uſual Watering Places, then and in every or any ſuch Caſes the ſaid Commiſſioner ſhall and he is hereby required, at the Coſts and Charges of the Proprietors of the Lands and Grounds within the ſaid Pariſhes, to make ſuch new Watering Places, and to lay ſuch and ſo many Tunnels as ſhall be neceſſary through the Banks of ſuch Rivulets, Streams, Watercourſes,

courſes, or Drains, and make ſuch Cuts therefrom to communicate with ſuch Watering Places as aforeſaid, or otherwiſe ſet out and provide proper and convenient Places in the ſaid Rivulets, Streams, Watercourſes, or Drains whereby the ſaid Cattle may be properly and conveniently ſupplied with Water.

Appointment of Surveyor.

XXVIII. And be it further enacted, That ſuch laſt-mentioned Surveyor ſhall from Time to Time for ever hereafter be elected and appointed and ſhall be removeable, and may be removed and another appointed in his Stead, at a publick Meeting or Meetings to be held within or near the ſaid Town of *Carnarvon* (of which Meeting and of the Purpoſe of holding the ſame, ſuch previous Notice ſhall be given by Five or more of the Freeholders or Proprietors of Lands within the ſaid ſeveral Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*) or other Perſons intereſted in the ſaid Embankments and Drainage, as is herein-before required to be given for the Sittings of the ſaid Commiſſioner, by ſuch of the ſaid Freeholders and other Perſons intereſted as aforeſaid, liable to the Payment of the aforeſaid Shares and Proportions, as ſhall attend either perſonally or by their reſpective Huſbands, Guardians, Truſtees, Committees, Attornies, or Agents, or the major Part in Value of them and ſuch Freeholders or other Perſons intereſted as aforeſaid (or ſuch Part of them) may at any Meeting or Meetings from Time to Time allow the ſaid Surveyor ſuch reaſonable Salary for his Trouble in the Execution of his Duty, as ſhall at any ſuch Meeting be thought proper, which ſhall be and is hereby declared to be Part of the Expences of cleanſing, repairing, and maintaining the ſaid Watercourſes, Floodgates, Sluices, Drains, Banks, and other Works aforeſaid.

Perſons intereſted may ſtop ſudden Breaches.

XXIX. And be it further enacted, That if any ſudden Breach or Injury ſhall happen to the ſaid Watercourſes, Sluices, Drains, Weirs, Floodgates, Bridges, Embankments, Fences, and other Works, or any of them, which may require an immediate Stoppage, Repair, or Amendment, then any Owner or Occupier of any Lands or Tenements liable to contribute thereto may, without Delay, upon giving or ſending Notice of ſuch Breach or Injury to the ſaid Surveyor, proceed to and in the ſaid Stoppage, Repair, and Amendment, until the Surveyor ſhall come and take the Direction and Management thereof; and if the ſaid Surveyor ſhall not, without Delay, do or cauſe to be done ſuch Acts, Deeds, and Things as ſhall be neceſſary and proper for the effectual Preſervation, cleanſing, amending, maintaining, and keeping in Repair the ſaid Watercourſes, Sluices, Drains, Weirs, Floodgates, Embankments, Fences, and other Works; after taking ſuch Direction and Management as aforeſaid, or after having had Twelve Hours Notice in Writing of any Matter or Thing defective or wanting therein, then any ſuch Owners or Occupiers may do or cauſe the ſame to be done, and as well the Expence thereof as of any ſuch Stoppage, Repair, and Amendment of any ſuch Breach or Injury as aforeſaid (including a reaſonable Charge for Trouble and Loſs of Time) ſhall be aſcertained in Manner aforeſaid, and ſhall be repaid unto them by the ſaid Surveyor; and every ſuch Surveyor who ſhall neglect or refuſe to do his Duty in the Premiſes, and who ſhall be convicted thereof, either by his own Confeſſion or on the Oath of a credible Witneſs, before any Juſtice of the Peace for the ſaid County of *Carnarvon*, (who is hereby authorized and required to hear and determine the ſame), ſhall forfeit and pay any Sum not exceeding

Twenty

Twenty Pounds, as such Justice shall adjudge and order; and such Penealty shall be paid into the Hands of such Owner or Occupier as the said Justice shall direct and appoint, to be applied towards the Expence of preserving, repairing, and maintaining the Embankments, Floodgates, and other Works as aforesaid.

Penalty on Persons destroying or damaging Works of Drainage.

XXX. And be it further enacted, That all and every Persons and Person who shall unlawfully, wilfully, maliciously, or wantonly spoil, damage, injure, or destroy any Watercourse, Sluice, Drain, Floodgate, Weir, Embankment, Fence, or other Work, which shall be made, erected, widened, or altered in pursuance of this Act, for the preserving, draining, or improving of any of the Lands within the said several Parishes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, or unlawfully, wilfully, maliciously, or wantonly stop or dam up any of the Watercourses or Drains, or throw, lay, or place any Matter or Thing therein for that Purpose, or for impeding, or which shall impede the Course of the Water therein, or draw or pull up, open, shut, or let down any of the Floodgates or Sluices, or cut, pull, dig up, or otherwise destroy or take and carry away any of the Maram or Rushes now or at any Time hereafter growing or to be found in or upon the Sand Hills between the said Commons, Marsh Lands, and Waste Lands, and the Sea, by means whereof any Injury or Damage shall or may then or thereafter be done to any of the Lands within the same Parishes, every such Person, being convicted thereof shall be subject and liable to the like Pains and Penalties as in Cases of Felony, and the Court before whom such Person or Persons shall be tried and convicted, shall and have hereby full Power and Authority to cause such Person or Persons to be punished in like Manner as Felons are directed to be punished by the Laws and Statutes of this Realm, or in Mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petty Larceny on every Person or Persons so offending and being thereof convicted by his or her own voluntary Confession, or on the Oath of a credible Witness, before any Justice of the Peace for the said County of *Carnarvon*, not interested in the said Premises (who is hereby authorized and required to hear and determine the same) shall forfeit and pay any Sum not exceeding Twenty Pounds, as such Justice shall adjudge and order, over and besides the Amount of the Damage thereby done, which Damage shall be ascertained by such Justice; and the Forfeiture and Damage shall be paid unto the said Surveyor, and be applied in the rectifying and repairing the said Works.

Power to borrow Money.

XXXI. And be it further enacted, That it shall and may be lawful to and for the Husbands, Guardians, Trustees, and Committees or Attornies, or Persons acting as Guardians, Trustees, Committees, or Attornies for the said Owners and Proprietors of the said Lands, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable to act for themselves, and to and for every of them for the Time being, and to and for any of the said Owners or Proprietors, being Tenants in Tail or for Life only, and to and for every of them respectively for the Time being, by and with the Consent of the said Commissioner, in Writing under his Hand and Seal, from Time to Time to charge the said Lands and Grounds which are intended to be divided, allotted, and inclosed, embanked and drained, under and by virtue of this Act, with any Sum not exceeding Five Pounds an Acre, over and above and in Addition to the Sums authorized to be raised

raiſed by virtue of and under the ſaid recited Act, for defraying the Charges and Expences herein provided for, in relation to the ſaid Embankment and Drainage, and for ſecuring the Re-payment of all and every ſuch Sum and Sums of Money, with Intereſt, to grant, mortgage, leaſe, or demiſe, or otherwiſe ſubject the ſaid Lands herein-before directed to be divided, allotted, embanked, and drained, unto ſuch Perſon or Perſons as ſhall advance and lend ſuch Sum and Sums of Money reſpectively, for any Term or Number of Years, ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe be made with a Proviſo or Condition to ceaſe, and be void, or with an expreſs Truſt to be ſurrendered when ſuch Sum and Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied, and ſo as every ſuch Grant, Mortgage, Leaſe, or Demiſe, do alſo contain a Proviſo, that the Perſon or Perſons entitled in Remainder or Reverſion to any ſuch Lands, ſhall not be liable upon his, her, or their becoming poſſeſſed thereof, to the Payment of any further or larger Arrear of Intereſt than for One Year preceding the Time that his, her, or their Title to ſuch Poſſeſſion ſhall have commenced.

Tenants in Tail, &c. may charge Money advanced by them.

XXXII. And be it further enacted, That it ſhall be lawful for the Huſbands, Guardians, Truſtees, Committees, or Attornies, or any Tenant or Tenants in Tail, or for Life, of any of the ſaid Lands, by any Deed or Deeds in Writing, or by his, her, or their laſt Will and Teſtament duly executed according to Law, to charge ſuch Lands ſo to be embanked and drained as aforeſaid, as ſhall not have been ſo mortgaged, with ſuch Sum or Sums of Money as ſhall be appointed by the Commiſſioner for putting this Act into Execution, to be paid, and which, by any Writing or Writings under the Hand of the ſaid Commiſſioner, ſhall be certified to have been accordingly paid by ſuch reſpective Tenant or Tenants in Tail or for Life, or for his, her, or their Share or Proportion of the Coſts, Charges, and Expences of the ſaid Embankments and Drainage; which Sum and Sums of Money ſo to be charged as aforeſaid, ſhall be payable within One Year next after the Deceaſe of every ſuch Tenant in Tail or for Life, with Intereſt for the ſame, after the Rate of Five Pounds *per Centum per Annum*, to be computed from his, her, or their reſpective Deceaſes, unto ſuch Perſon or Perſons, as Tenant or Tenants in Tail or for Life, ſhall by ſuch Deeds or Wills and Teſtaments reſpectively direct or appoint, and in Default of ſuch Direction and Appointment to his, her, or their reſpective Executors or Adminiſtrators.

All ſuch Charges ſhall be valid.

XXXIII. And be it further enacted, That every ſuch Grant, Mortgage, Leaſe, or Demiſe, and every ſuch Charge as aforeſaid, to be made of or upon any of the ſaid Lands, ſhall be good, valid, and effectual in the Law for the Purpoſes hereby intended, notwithſtanding the want of Title in the ſaid Huſbands, Guardians, Truſtees, Committees or Attornies, or Tenants in Tail, or for Life, and notwithſtanding any Will, Settlement, Truſt, Uſe, Remainder, Limitation, or other Incumbrance of or concerning the ſaid Lands, or any Part or Parts thereof then in being or capable of taking effect to the contrary.

Money advanced to be repaid with Intereſt.

XXXIV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to borrow and take up at Intereſt of any Perſon or Perſons willing to advance and lend the ſame, ſuch Sum or Sums of Money as ſhall from time to time be neceſſary for defraying the Expences of paſſing and executing this Act, until the ſame ſhall be raiſed by the Ways and Means herein-

herein-after directed, which Sum or Sums of Money ſo to be borrowed ſhall be a Charge upon the ſaid Commons, Marſh Lands, and Waſte Lands hereby intended to be divided, allotted, and incloſed; and the ſaid Commiſſioner ſhall have Power to grant a Term or Terms of Years of the ſaid Commons, Marſh Lands, and Waſte Lands, or any Part thereof, for ſecuring the Money ſo to be advanced, and the Money which ſhall be ſo advanced ſhall be repaid, with lawful Intereſt, to the Perſon or Perſons advancing the ſame, out of the firſt Monies to be raiſed for defraying the Expences of obtaining and executing this Act.

Power to ſell Land for defraying the Expences of this Act.

XXXV. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, aſſign, and allot ſo much and ſuch convenient Part or Parts of the ſaid Commons, Marſh Lands, and Waſte Lands, as in his Judgement ſhall be ſufficient to raiſe a competent Sum of Money for paying the Charges and Expences of obtaining and paſſing this Act, and all other incidental Charges and Expences whatſoever, for or by reaſon of or preparatory to the ſaid intended Diviſion and Incloſure, and for carrying this and the ſaid recited Act into complete Execution; and ſuch Allotment or Allotments ſhall be ſold and diſpoſed of by publick Auction or otherwiſe, in the Manner directed by the ſaid recited Act, and the Purchaſe Money ſhall be applied for the Purpoſes aforeſaid.

Deficiency (if any) to be made good by the Proprietors.

XXXVI. Provided always, and be it further enacted, That in caſe the Money to be raiſed by ſuch Sale or Sales as aforeſaid ſhall not be ſufficient to pay and defray the Coſts, Charges, and Expences aforeſaid, the Deficiency ſhall be made up by the ſeveral Perſons intereſted in the ſaid Commons, Marſh Lands, and Waſte Lands, and ſhall be paid in ſuch Shares and Proportions, and within ſuch Time, and to ſuch Perſon or Perſons, as the ſaid Commiſſioner ſhall direct, nominate, and appoint; or in caſe any Expences ſhall be incurred in the Execution of any of the Powers and Proviſions of this Act, which ought to be borne and defrayed by any particular Perſon or Perſons, and not out of any Money to be raiſed for the ſeveral Purpoſes of this Act, then the ſame ſhall be paid in ſuch Shares and Proportions, and by ſuch Perſon or Perſons, and within ſuch Time, and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall direct, nominate, or appoint; and in caſe any Perſon herein-before made ſubject to the Payment of any Money towards ſuch Coſts, Charges, and Expences as aforeſaid, ſhall neglect or refuſe to pay his or her Share or Proportion thereof within the Time to be appointed as aforeſaid, or at any Time after, upon Demand, the ſame ſhall and may be levied and recovered in the Manner directed by the ſaid recited Act.

Proprietors may ſell their Allotments before the Execution of the Award

XXXVII. And be it further enacted, That it ſhall be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment to be made by virtue of this Act, to ſell, mortgage, demiſe, and diſpoſe of all his, her, or their Eſtate, Right, Title, and Intereſt therein, at any Time before the Execution of the Award, and on a proper Conveyance, Surrender, or Diſpoſition thereof made, ſhall be good, valid, and effectual in the Law; and alſo, that it ſhall be lawful for any Perſon or Perſons intereſted in the ſaid Allotment, Diviſion, and Incloſure, at any Time not being leſs than Three Calendar Months before the Execution of the Award, to ſell and diſpoſe of all ſuch Eſtate, Right, Title, Intereſt, and Property which he, ſhe, or they ſhall have in or to the ſaid Commons, Marſh Lands, and

Waſte

Waſte Lands, or in or to any Allotment or Allotments to be made in reſpect thereof by virtue of this Act, ſeparate from the Eſtate in Right of which he, ſhe, or they ſhall be ſo entitled; and it ſhall be lawful for the ſaid Commiſſioner and he is hereby authorized and required to allot the ſame to the Purchaſer or Purchaſers thereof reſpectively.

Commiſſioner may exchange their detached Pieces of Land.

XXXVIII. And be it further enacted, That the ſaid Commiſſioner ſhall and may make and ſet out in lieu of and Exchange for all or any Part or Parts of the ſaid old incloſed Lands in the ſaid Pariſhes of *Llandwrog*, *Llanwnda*, and *Llanfaglen*, which ſhall be cut off from the Body of the reſpective Farms or Lands of the Owners thereof, by any Embankment or other Work as aforeſaid, or which ſhall otherwiſe be detached therefrom, ſo much of the ſaid Lands and Grounds hereby directed to be divided and incloſed, or other ſmall Parts of old incloſed Land of any other Owner or Owners, ſo cut off or lying detached, or any of them, as ſhall in his Opinion be equal in Value to the ſame, and as near to the other Lands of the reſpective Owners of the firſt-mentioned Lands as conveniently may be; and that immediately thereupon ſuch Part or Parts of the ſaid Lands and Grounds hereby directed to be divided and incloſed ſhall be abſolutely diſcharged of and from all Common Right thereon, and the ſame and the other Lands ſo to be ſet out ſhall be thenceforth held in Severalty by the reſpective Perſons to whom the ſame ſhall be ſet out at his, her, or their private and abſolute Property; and the ſaid Lands ſo cut off or detached ſhall become and be conſidered and treated as Common or Waſte Lands, in the like Proportion as the Lands ſo ſet out; and the ſaid Lands ſo reſpectively given and taken in Exchange ſhall be enjoyed and allotted accordingly.

Expences of Exchanges and Partitions how to be paid.

XXXIX. And be it further enacted, That all the Coſts, Charges, and Expences attending the making and completing of all Exchanges and Partitions which ſhall be made under or by virtue of this or the ſaid recited Act, ſhall be paid and borne by the ſeveral Perſons making ſuch Exchanges and Partitions, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall by his Award order and direct.

Rates may be agreed upon for aſcertaining the annual Value of Eſtates.

XL. Provided always, and be it further enacted, That if the Majority in Value of the Proprietors intereſted in the ſaid Commons, Marſh Lands, and Waſte Lands within the ſaid Pariſhes, or their reſpective Agents duly authorized in that Behalf, who ſhall be preſent at a Meeting to be holden for that Purpoſe, in the ſaid Town of *Carnarvon*, within the Space of Three Calendar Months next after the paſſing of this Act (of which Meeting and of the Purpoſe for holding the ſame at leaſt Ten Days Notice ſhall be given, in the Manner herein-before directed to be given, of the Sittings of the ſaid Commiſſioner) ſhall agree upon any Rate, or the Proportion in which their reſpective Eſtates in the ſaid Pariſhes bear to each other in point of annual Value, that then and in ſuch caſe ſuch Rate, or the annual Value of the Eſtates of the ſaid Proprietors in the ſaid Pariſhes, ſo to be agreed upon as aforeſaid, ſhall be accepted by the ſaid Commiſſioner, and he is hereby authorized and directed to make the Allotments by this Act directed, and to aſcertain and apportion all the Coſts, Charges, and Expences which each Proprietor of Eſtates within the ſaid Pariſhes ought to pay and bear for and towards the obtaining of this Act, and carrying the ſame into Execution, according to ſuch Rate or the annual Value

Value of the ſaid ſeveral Eſtates within the ſaid Pariſhes, to be aſcertained as aforeſaid and in no other Manner whatſoever; any Thing in this Act contained to the contrary notwithſtanding.

Commiſſioner to account.

XLI. 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 to make a true and juſt Account or Statement of all Sums of Money by him received and expended in the Execution of this Act; and ſuch Account or Statement, when ſo made, together with the Vouchers relating thereto, ſhall be by him laid before the ſaid Proprietors, at ſome Meeting to be held for the Purpoſe of receiving and ſettling ſuch Account (ſuch Meeting to be called in the Manner herein-before directed, with reſpect to the ſubſequent Sittings of the ſaid Commiſſioner) to be by them examined and balanced, and ſuch Balance if then and there agreed upon between the ſaid Commiſſioner and the major Part in Value of the ſaid Proprietors, ſhall be ſtated in the Book of Accounts to be kept in the Office of the Clerk to the ſaid Commiſſioner.

Award.

XLII. And be it further enacted, That within the Space of Six Calendar Months after the Diviſion and Allotment of the ſaid Lands and Grounds, and the ſaid Embankments and Drainage ſhall be finiſhed, the ſaid Commiſſioner ſhall form and draw up, or cauſe to be formed and drawn up an Award or Inſtrument in Writing, which ſhall expreſs the Quantity of Acres, Roods, and Perches, in Statute Meaſure, contained in the ſaid Lands and Grounds ſo intended to be divided, allotted, incloſed, embanked, and drained, or aſſigned and exchanged, and the Situations and Deſcriptions of the ſame reſpectively, and the Quantity and Contents of each Owner's Property therein; and proper Orders and Directions for and concerning the laying out, making, maintaining, cleanſing, and keeping in Repair the Watercourſes, Sluices, Drains, Ditches, Cuts, Dams, Tunnels, Culverts, ſubterraneous Tunnels, Banks, Bridges, Outlets, Weirs, Engines, Embankments, Fences, and other neceſſary Works in, upon, and over or through the Lands ſo intended to be divided, allotted, embanked, and drained; and all ſuch other Rules, Orders, Agreements, Regulations, Directions, and Determinations, as are in and by this Act mentioned, declared, required, or authorized to be made and eſtabliſhed, and ſuch other Orders and Regulations as the ſaid Commiſſioner ſhall think neceſſary and proper, conformable to the Tenor of this and the ſaid recited Act.

Award and Copies to be depoſited.

XLIII. And be it further enacted, That the Award of the ſaid Commiſſioner directed by this and the ſaid recited Act to be made, ſhall, within Six Calendar Months next after the Execution thereof, be depoſited with the Clerk of the Peace for the ſaid County of *Carnarvon*, who is hereby authorized and required to receive and depoſit the ſame amongſt the Records of the ſaid County, upon receiving a Fee of One Guinea for ſo doing.

Appeal.

XLIV. And be it further enacted, That all Perſons who ſhall think themſelves aggrieved by any Thing which ſhall be done in purſuance of this or of the ſaid recited Act (except in Caſes where the Orders and Determinations of the ſaid Commiſſioner are herein or by the ſaid recited Act declared

to be final, binding, and concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried as herein-before mentioned), ſuch Perſons may appeal to the Juſtices of the Peace at ſome General Quarter Seſſions to be held for the ſaid County of *Carnarvon*, within Four Calendar Months next after the Cauſe of ſuch Complaints ſhall have ariſen, the Perſon or Perſons ſo appealing firſt giving Fourteen Days Notice thereof in Writing to the Party or Parties appealed againſt, and entering into a Recognizance, with Two ſufficient Sureties, to proſecute ſuch Appeal with Effect, and to pay the Coſts which ſhall be awarded by ſuch Juſtices to be paid by ſuch Appellants reſpectively; and the Juſtices in their ſaid General Quarter Seſſions are hereby authorized and required to hear and determine ſuch Appeal, and to give ſuch Coſts to either Party as they ſhall think reaſonable, and to make ſuch Order therein as to them ſhall appear juſt, which Order ſhall be final and concluſive to all Parties, and ſhall not be removed or removeable by any Writ of *Certiorari* into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere.

Limitation of Actions.

XLV. And be it further enacted, That if any Action, Suit, or Information ſhall be commenced or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, or in Execution of the Powers and Authorities hereby given, every ſuch Action, Suit, or Information ſhall be commenced or made within Six Calendar Months next after the Fact committed, and not afterwards, and ſhall be laid and brought in the ſaid County of *Carnarvon*, and not elſewhere.

Saving the Rights of Lords of Manors, &c. to all Mines under their Manors only.

XLVI. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice or defeat the Right or Intereſt of the ſaid Sir *Robert Williams*, his Heirs or Aſſigns, or the ſaid *William* Lord Biſhop of *Bangor*, or his Succeſſors, in and to all Mines, Ores, Minerals, and Coals of what Nature or Kind ſoever, in or under ſo much of the ſaid Commons, Marſh Lands, and Waſte Lands, as lies within their ſaid reſpective Manors, but the ſaid Sir *Robert Williams*, his Heirs and Aſſigns, and alſo the ſaid *William* Lord Biſhop of *Bangor* and his Succeſſors, and their reſpective Leſſee and Leſſees, Agents, Servants, Colliers, Miners, and other Workmen, ſhall and may from Time to Time and at all Times hereafter enter into, have, hold, enjoy, ſearch, and work all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, and Coal whatſoever, as fully and effectually to all Intents and Purpoſes as they reſpectively could have had, held, and enjoyed the ſame before the paſſing of this Act, and for that Purpoſe ſhall and may uſe all Pits, Shafts, Levels, Soughs, and Tunnels, already opened and ſunk in the ſaid Commons, Marſh Lands, and Waſte Lands, and all Machines, Engines, and Buildings thereon erected or ſtanding, together with full and free Liberty, Power, and Authority to and for the ſaid Sir *Robert Williams*, his Heirs and Aſſigns, and to and for the ſaid *William* Lord Biſhop of *Bangor* and his Succeſſors, and their reſpective Leſſee and Leſſees, and their and every of their Agents, Servants, Miners, Colliers, and other Workmen to ſink, dig, delve, drive, and work all and every or any Number of Pits, Shafts, Levels, Soughs, and Tunnels which they reſpectively ſhall think neceſſary, for raiſing or getting any Mines, Ores, Minerals, and Coal whatſoever, in or under ſo much of the ſaid Commons, Marſh Lands, and Waſte Lands only as lies within their ſaid reſpective Manors, as well before as after the ſame ſhall have been incloſed, and alſo to erect any

Number of Steam or other Engines, Machine and Machines of what Nature or Kind ſoever which they reſpectively ſhall think neceſſary for the Uſe, Convenience, or Advantage of any Mine or Mines whatſoever, in or upon their ſaid Premiſes, or any Part thereof reſpectively, and to place, ſtack up and lay all Lead, Copper, Iron, and other Ore, Coals, and other Minerals and Matters which ſhall be gotten and raiſed, and all Rubbiſh, Earth, and Soil upon the ſaid Commons, Marſh Lands, and Waſte Lands, and alſo to have, make, and uſe all convenient Roads, Ways, and Railways, in, upon, and over the ſaid Commons, Marſh Lands, and Waſte Lands, when incloſed, for the Uſe of any Colliery or Mines ſunk or made on any Part or Parts thereof within the ſaid reſpective Manors, and for working and carrying on the ſame, and with Carts, Waggons, and other Carriages, to take and carry away the Lead, Copper, Iron, Ore, and Coal, and all other Mines and Minerals whatſoever, there to be found and raiſed as aforeſaid, and to do all other reaſonable and neceſſary Acts and Things in and upon ſo much of the ſaid Commons, Marſh Lands, and Waſte Lands, as lies within the ſaid reſpective Manors when incloſed, for the diſcovering, getting, working, converting, removing, carrying, away, ſelling, and diſpoſing of all Mines, Coal, and other Minerals whatſoever, without Moleſtation or Interruption whatſoever, in the ſame Manner as fully and effectually to all Intents and Purpoſes as they could or might have done in caſe this Act had not been made, making Compenſation and Satisfaction for all and every ſuch Damage, Treſpaſs, and Injury as ſhall or may ariſe or happen to any Allotment or Allotments which ſhall be ſet out under this Act, to the Owners and Occupiers thereof.

General Saving.

XLVII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, and to all other Perſons, Bodies Politick and Corporate, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns (other than and except the ſeveral Perſons, Bodies Politick or Corporate, to whom any Allotment 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, their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns reſpectively, and except ſuch other Rights and Intereſts as the Intent and Purpoſe of the Incloſure hereby authorized ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by virtue of this Act), all ſuch Eſtates, Rights, Titles, and Intereſts, as they, every, or any of them had or enjoyed of, in, to, or out of the ſaid Commons, Marſh Lands, and Waſte Lands, hereby directed to be divided, allotted, and incloſed, embanked and drained, before the paſſing of this Act, or could or might have had or enjoyed if this Act had not been made.

This Act may be given in Evidence when printed by the King's Printer.

XLVIII. 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. 1806.