ANNO QUINQUAGESIMO TERTIO

# GEORGII III. REGIS.

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Glebe Lands in the ſame Pariſh: And whereas *Richard Butler Clough* Eſquire, *John Madocks* Eſquire, and ſeveral other Perſons, are Owners and Proprietors of Meſſuages, Lands, and Hereditaments within the ſaid ſeveral Pariſhes, and have Right of Common in, over, or upon the ſaid Commons and Waſte Lands in reſpect thereof: 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 ſeveral Commons and Waſte Lands are, in their preſent State of little or no Value, but if divided amongſt the ſeveral Perſons intereſted therein, and ſuch Allotments, or the greater Part thereof were incloſed, great Benefit and Advantage would ariſe therefrom to the ſeveral Perſons intereſted in the ſame: Which Diviſion, Allotment, and Incloſure, cannot be eſtabliſhed and rendered effectual without the Aid and Authority of Parliament; May it therefore pleaſe Your Majeſty, that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That *John Maughan*, of *Luton*, in the County of *Bedford*, Gentleman, and his Succeſſors, to be appointed in Manner herein mentioned, ſhall be and he is hereby appointed the Commiſſioner for ſurveying, ſetting out, dividing, and allotting the Commons and Waſte Lands in the ſaid Pariſhes reſpectively, and for putting this Act and the ſaid recited Act into Execution; ſubject to the Rules, Orders, Regulations, and Directions hereinafter mentioned and preſcribed, and alſo ſubject to the Rules, Orders, Regulations, and Directions contained in the ſaid recited Act, except in ſuch Caſes where the ſame are hereby varied or altered.

41 G. 3. c. 109.

Commiſſioner.

Election of new Commiſſioner.

II. And be further enacted, That in caſe the ſaid *John Maughan*, or any Commiſſioner or Commiſſioners to be appointed in Manner hereinafter mentioned, ſhall die, or refuſe to act, or become incapable of acting as Commiſſioner or Commiſſioners in the Execution of this Act, then and in ſuch Caſe a proper Perſon, not intereſted in the ſaid intended Diviſion, Allotment and Incloſure, ſhall be appointed Commiſſioner in the Place and Stead of any ſuch Commiſſioner ſo dying, refuſing to act, or becoming incapable of acting as aforeſaid, by a Majority in Value (ſuch Value to be aſcertained by the Land Tax Aſſeſſment) of the ſeveral Perſons intereſted in the ſaid Commons and Waſte Lands in the ſaid Pariſhes of *Llandyrnog* and *Llangwyfan*, who ſhall be preſent at a Meeting to be held for that Purpoſe in Manner hereinafter mentioned; and that every ſuch new Commiſſioner ſhall have the ſame Powers and Authorities by virtue of this Act, as the Commiſſioner whom he ſhall ſo ſucceed has or was veſted with: Provided always, that Notice be given by Writing in the *Cheſter* and *Bangor* Newſpapers, or ſome or one of them, under the Hand of one of the Perſons intereſted in ſuch Diviſion, Allotment, and Incloſure, appointing a Time and Place to chooſe ſuch Commiſſioner or Commiſſioners Fourteen Days at leaſt before ſuch Meeting.

III. And

III. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be inserted in the *Chester* and *Bangor* Newspapers, or some or one of them, of the Time and Place of the First and Second Sitting respectively to put this Act into Execution, at least Fourteen Days before such Sittings; and shall also cause Ten Days Notice at least to be given in Writing, to be affixed on the principal Outer Door of the Parish Churches of the said respective Parishes in which the Commons or Waste Lands, concerning which such Notice shall be given, of every subsequent Meeting for the like Purposes (Sittings by Adjournment only excepted); and that all Sittings of the said Commissioners shall be held in the Village of *Llandyrnog*, in the said County of *Denbigh*, or within Eight Miles thereof. Notices of Meetings, how to be given.

IV. And be it further enacted, That all other Notices necessary and requisite to be made and given by the said Commissioner shall be made and given by Advertisement to be inserted in the said *Chester* and *Bangor* Newspapers, or some or one of them. Other Notices.

V. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the Commons or Waste Lands to be divided, allotted, and inclosed in pursuance of this Act or any Part thereof, or touching or concerning the several or respective Rights and Interests which they or any of them shall have or claim to have in, over, upon, or out of the said Commons or Waste Lands or any Part thereof, or touching or concerning any Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioner, and he is hereby authorized to examine into, hear, and determine the same. For settling Differences.

VI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine the Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachments made within the Period of Twenty Years as hereinafter 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 such Person or Persons, or recovered from such Person or Persons by Ejectment or other due Course of Law. Commissioner not to determine Titles, nor molest Possession.

VII. 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 of the said recited Act, or upon the Hearing of any such Dispute or Difference as aforesaid, see Cause to award any Costs, it shall be lawful for him, and he is hereby empowered, upon Application made to him for that Purpose, to settle, award, and assess such Costs 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 against whom such Determination shall have been made; Commissioner may award Costs.

and

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 making such Assessment and Award, and he is hereby required and authorized, 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) of the Monies arising by such Sale, after deducting the Costs and Charges attending such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

Parties dissatisfied may proceed to a Trial at Law, and Commissioner to act in Conformity thereto.

VIII. Provided always, and be it further enacted, That in case any Person or Persons interested or claiming to be interested as aforesaid, shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Claims of any Rights of Common, or other Rights or Interests in, over, upon, or out of the Commons or Waste Lands intended to be divided, allotted, and inclosed in pursuance of this Act, or any Part thereof, it shall 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 First or Second Assizes to be holden for the said County of *Denbigh* next after the Determination of the said Commissioner; and for that Purpose, the Person or Persons so dissatisfied shall cause an Action or Actions to be brought upon a feigned Issue, in the Court of Great Session for the said County of *Denbigh*, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been made; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they, is and are hereby required to name an Attorney or Attornies, who shall appear thereto, or file Common Bail, and accept one or more Issue or Issues, whereby such Claim or 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 said Court, in case the Parties shall differ about the same); and the Verdict or Verdicts which shall have been given in such Action or Actions shall be final, binding, and conclusive upon all and every Person or Persons whomsoever, unless the said Court shall set aside such Verdict or Verdicts, and order a new Trial to be had thereon, which it shall be lawful for the Court to do, as is usual in other Cases; and that 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 such Claim or Claims thereby determined, according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner touching such Claim or Claims to such Rights of Common, and other Rights and Interests over, upon, or out of the said Commons or 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 shall not cause such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties interested.

IX. And

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

X. 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 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 Term hereinbefore limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Bodies Politic or Corporate, 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 if the Party or Parties might have been ſerved therewith if actually living; and it ſhall thereupon be incumbent on the Heirs or Heir, 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 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 ſuch Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions. Proceedings to be had as if all Parties were living.

XI. And be it further enacted, That if any Suit or Suits ſhall be commenced or proſecuted, touching the Title of any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, in or to any Manor, Meſſuages, Lands, Tenements, or Hereditaments, for or in reſpect of which any Right of Common, or other Right or Intereſt in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part thereof, ſhall be claimed, ſuch Suit or Suits ſhall not impede, delay, hinder, or prevent the ſaid Commiſſioner from proceeding in the Powers veſted in him by this and the ſaid recited Act; but the ſaid Diviſion, Allotment, and Incloſure ſhall be proceeded in, notwithſtanding ſuch Suit or Suits, and the Allotment or Allotments in reſpect of ſuch Rights and Intereſts, or any of them, may be had and taken by the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, who, upon the Determination of ſuch Suit or Suits, ſhall become entitled to the ſame. Suits reſpecting Titles not to impede the Execution of this Act.

XII. And be it further enacted, That if any of the Parties intereſted in the ſaid intended Diviſion or Incloſure ſhall die before the ſame ſhall be completed, the Powers and Authorities hereby given to the ſaid Commiſſioner, ſhall not be thereby determined or ſuſpended, but that the ſaid Commiſſioner ſhall proceed in the Execution of the Powers given to him by this Act, or the ſaid recited Act, in ſuch Manner as he might have done in caſe ſuch Parties had not died; and that the Share or Shares of the Perſon or Perſons ſo dying ſhall be allotted to ſuch Perſon or Perſons who by Law ſhall become entitled to the ſame, and ſhall be accepted and fenced by him, her, or them, according to the Directions of this or the ſaid recited Act; and he, ſhe, or they ſhall be liable to Death of Parties, not to ſuſpend the Execution of the Act.

the Charges and Expences and other Conditions of this and the said recited Act.

Commissioner may survey the old Inclosures in certain Cases, at the Expence of the Proprietor.

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

Power to divert Roads.

XIV. And be it further enacted, That the said Commissioner shall and he is hereby authorized and empowered, with the Consent and Order of Two Justices of the Peace for the said County of *Denbigh*, in the Division in which the said several Parishes are situate, and not interested in the Repair of such Roads (such Order to be subject to Appeal in Manner directed by the said recited Act), to turn, divert, or stop up any old public accustomed Road passing or leading through any Part of the ancient inclosed Lands in the said several Parishes, in case the said Commissioner shall be of Opinion that the same is no longer necessary; and such Roads, so to be stopped up as aforesaid, shall be sold in like Manner, and for the like Purposes, as Lots and Parcels of the said Commons and Waste Lands are by this Act directed to be set out and sold for defraying the Expences of this Act.

Power of Commissioner to set out common Ponds, &c.

XV. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and empowered to set out and appoint such common Ponds, Drains, Sluices, Watercourses, Banks, Bridges, Gates, Stiles, Hedges, Ditches, Fences, and other Works and Conveniences in, over, through, and upon any Part or Parts of the Lands and Grounds hereby directed to be divided, allotted and inclosed, as he shall think necessary for the Improvement of the Allotments to be made by virtue of this Act; and also shall and may, by his Agents, Workmen, and Labourers, cut through any old or new inclosed Lands and Grounds within the said respective Parishes, not being Gardens or Orchards, adjacent or contiguous to any Messuages or Dwelling Houses in the said respective Parishes, for the more effectual draining of any Part of the said Commons or Waste Lands, as the said Commissioner, or his Successor in his Discretion shall think proper, making or directing such

Amends

Amends or Compenſation to the Proprietor or Proprietors of the laſt-mentioned Grounds, ſo to be cut through as aforeſaid, for any Damages to be ſuſtained in conſequence thereof, as to the ſaid Commiſſioner ſhall ſeem proper and reaſonable, upon due Conſideration of the Premiſes; and all ſuch Ponds, Drains, Sluices, Watercourſes, Banks, Bridges, Gates, Stiles, Hedges, and other Works and Conveniences, to be ſet out and appointed as aforeſaid, either in or upon the Commons or Waſte Lands to be divided, allotted, drained, and incloſed by virtue of this Act, or in or upon any old or new Incloſures, or other Lands and Grounds, ſhall be made, and at all Times thereafter repaired, maintained, and kept in Repair by ſuch Perſon or Perſons, and in ſuch Manner as the ſaid Commiſſioner or his Succeſſor ſhall in and by his Award, or any other Inſtrument under his Hand, order, direct, or appoint: Provided always, that nothing herein contained ſhall extend, or be conſtrued to extend, to authorize or empower the ſaid Commiſſioner to alter, divert, or turn any Stream of Water or Watercourſe without the Conſent in Writing of the Owner or Owners of the Lands from which ſuch Stream or Watercourſe ſhall be intended to be diverted, and of the Owner or Owners of the Lands into which the ſame ſhall be intended to be turned.

Encroachments.

XVI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner, and he is hereby required to enquire and determine what Encroachments have been made upon, and from the ſaid Commons and Waſte Lands, by any Perſon or Perſons whomſoever; and that all Encroachments taken in or made upon, from, or out of any Part of the ſaid Commons and Waſte Lands, within Twenty Years next before the paſſing of this Act, ſhall be deemed Part and Parcels of the ſaid Commons and Waſte Lands; and in caſe any Diſpute ſhall happen or ariſe touching what Part or Parts of the ſaid Commons and Waſte Lands ſhall and may be deemed Encroachments, ſuch Diſpute ſhall be enquired into, heard, and determined by the ſaid Commiſſioner.

For ſelling Lands under the Powers of the General Incloſure Act.

XVII. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby authorized and required to ſet out ſuch Part or Parts of the ſaid Commons and Waſte Lands, within the Pariſhes of *Llandyrnog* and *Llangwyfan*, as diſtant as conveniently may be from the old Incloſures within the ſaid Pariſhes, as in his Judgment will by Sale thereof raiſe a Sum of Money ſufficient to pay and diſcharge all the Coſts and Charges hereinafter directed to be paid and diſcharged out of the ſame; and that the ſeveral Parts of the ſaid Commons and Waſte Lands hereinbefore directed to be ſold as aforeſaid, ſhall be ſold in the Manner directed and preſcribed by the ſaid recited Act, to any Perſon or Perſons for the beſt Price or Prices that can or may be gotten for the ſame; and the Perſon or Perſons purchaſing the ſame, ſhall, by way of Depoſit, pay into the Hands of the Commiſſioner, or ſuch Perſon as he ſhall appoint, One Tenth Part of his or their Purchaſe Money, and pay the Remainder thereof within Three Calendar Months thereafter, or at ſuch other Time as the ſaid Commiſſioner ſhall appoint; and in Default thereof, the Money ſo paid by way of Depoſit ſhall be forfeited, and be applied in carrying this Act into Execution; and the ſaid Allot-

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ment or Allotments for which the Whole of the said Purchase Money shall not be paid as aforesaid, shall again be put up to Sale in Manner aforesaid; and all and every Allotment and Allotments for which the full Purchase Money shall be paid, shall immediately thereupon be absolutely discharged of and from all Manorial and Common Right thereon, and be vested in Fee Simple in the Purchaser or Purchasers thereof respectively, and may be thenceforth inclosed and held in Severalty; and the said Allotment and Allotments so sold shall be mentioned and described by the said Commissioner in and by the Award to be made in pursuance of this Act.

In case of Land being sold for more Money, Surplus to be divided amongst the Proprietors.

XVIII. And be it further enacted, That in case the said Commons and Waste Lands hereinbefore directed to be sold for defraying the Expences aforesaid, shall be sold for more Money than will be required to defray such Charges and Expences as aforesaid, then, and in such Case, such Surplus Money shall be divided and apportioned between the several Proprietors of the Lands hereby directed to be divided 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 to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and thereby directed to be paid into the Bank of *England*, and to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Allotments to the Lords of the Manors.

XIX. And be it further enacted, That after setting out the proper and necessary Roads, pursuant to the said recited Act, and such Sale Allotments as shall be deemed necessary for defraying the Expences in anywise incident to this Act, the said Commissioner shall and he is hereby authorized and required to set out, allot, and award unto and for the said *William Lloyd*, as Trustee of the Lordship or Dominion of *Dyffryn Clwyd*, so much and such Part or Parts of the said Commons or Waste Lands within the said Lordship or Dominion, directed to be divided and allotted, as in the Judgment of the said Commissioner shall be equal in Value to One Fourteenth Part of the Whole of the said Commons or Waste Lands within the same; and also do and shall set out, allot, and award unto the said Lord Bishop of *Bangor*, so much and such Part or Parts of the said Commons and Waste Lands within the said Township of *Rhiwbebill*, hereby directed to be divided and allotted, as in the Judgment of the said Commissioner shall be equal in Value to One Fourteenth Part thereof; and which respective Allotments, so to be made in Manner aforesaid, shall be in lieu of and as a Recompence and Compensation for the respective Rights and Interests of the said *William Lloyd*, as Trustee as aforesaid, and the said Lord Bishop of *Bangor*, into and upon the said Commons and Waste Lands within their respective Lordships, Dominions, and Manors, over, above, and exclusive of all such further and other Shares or Allotments which they are or may be respectively entitled unto in respect of their Freehold Estates, having Right of Common in or upon the said Commons and Waste Lands.

XX. And

Allotments of the Residue.

XX. And be it further enacted, That the said Commissioner shall afterwards assign, set out, and allot in Severalty, such Part and Parts of the said Commons and Waste Lands hereby directed to be inclosed, unto and amongst the said *Richard Butler Clough*, *John Madocks*, and the several other Persons, Owners and Proprietors of Lands and Hereditaments within the said Parishes of *Llandyrnog* and *Llangwyfan*, rateably and in due Proportion to the true and real Value of their respective Messuages, Tenements, Lands, and Hereditaments, situate in the said several Parishes; such Value to be ascertained and fixed by the said Commissioner.

In making Allotments, regard to be had to Quality, Situation, and Convenience.

XXI. And be it further enacted, That the said Commissioner shall, in making the said Allotments, and he is hereby required, where the same can be done, to set out and allot the Share or Shares of every Person respectively as near to the principal Farm Homestead and Estate of such Persons respectively, in one or more Parcel or Parcels, as such Persons respectively shall desire; and shall not upon any Account, or under any Pretence, give any undue Preference to any of the Parties interested in the said Division, in their or any of their Allotments or Shares of the said Commons and Waste Lands; and shall, in making the Division and Allotment thereof, have due Regard to the Quality, Situation, and Convenience, as well as the Quantity of the Land to be allotted.

Allowance to Commissioner.

XXII. And be it further enacted, That the said Commissioner shall be allowed the Sum of Three Guineas, and no more, for his Trouble and Expences, including all travelling Expences, for each and every Day he shall necessarily attend in the Execution of the Powers of this Act.

No Sheep or Lambs to be depastured within a certain Time.

XXIII. And be it further enacted, That no Sheep or Lambs shall be kept in any of the Allotments to be made by virtue of this Act, during the Space of Seven Years next after the Award of the said Commissioner, unless the Person or Persons so keeping the same shall first, at his or their own Expence, make and maintain a Fence sufficient to guard the young Quicksets to be planted or set upon the Allotment or Allotments adjoining thereto.

Distinct Allotments to be made for Lands holden by different Titles.

XXIV. And be it further enacted, That in case any Proprietor or Proprietors of any Lands or other Hereditaments entitled to Right of Common on the said Commons and Waste Lands intended to be hereby allotted and inclosed, shall hold his, her, or their respective Lands or Hereditaments, in respect of which he or they claim such Right of Common, for different Estates or by different Tenures, or subject to different Trusts, Charges, and Incumbrances, the said Commissioner shall ascertain and distinguish the Lands or Hereditaments so held, and shall also set out and distinguish the different Allotments or other Hereditaments to be accepted and taken as an Equivalent in respect of each of them so circumstanced; and the said Commissioner shall, and he is hereby authorized and empowered to set forth and declare, in and by his said Award, in Right of what Lands or Hereditaments in particular such Allotments shall have been respectively made, and shall therein also separately describe and ascertain the Situation and Boundaries of

every ſuch Allotment; and when, for want of ſufficient Information, or from any other Cauſe, the ſaid Commiſſioner ſhall have omitted to diſtinguiſh and aſcertain the Allotments in reſpect of Lands or other Hereditaments ſo circumſtanced, and within Twelve Calendar Months after the making of ſuch Award, requeſt ſhall be made to the ſaid Commiſſioner, by any Perſon or Perſons intereſted, by Writing under his or their Hand or Hands, to have ſuch Omiſſion ſupplied by a ſeparate Inſtrument, then and in every ſuch Caſe the ſaid Commiſſioner ſhall, and he is hereby authorized to do every Thing neceſſary for ſupplying ſuch Omiſſion, and ſo far as that Purpoſe ſhall require, to examine Witneſſes, and in every other reſpect to proceed and act as if his Award had not been made; and having obtained what he ſhall think ſufficient Information, he is hereby alſo authorized, by any Deed under his Hand and Seal, to make diſtinct and ſeveral Allotments in reſpect of the Lands and Hereditaments ſo circumſtanced, in the ſame Manner as he might have done in his Award; and every ſuch ſeparate Inſtrument ſhall be enrolled in the ſame Place, and Evidence thereof given in the ſame Manner, as by the ſaid recited Act or this Act, or either of them, are or is directed concerning the ſaid Award; and all Expences which ſhall be incurred in and about ſuch ſeparate Inſtrument or Inſtruments as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioner to make and execute the ſame, or by his or their Heirs, Executors, or Adminiſtrators; and every ſuch ſeparate Inſtrument ſhall from and immediately after the due Execution thereof by the ſaid Commiſſioner, have the ſame Effect, to all Intents and Purpoſes, as if the Contents or Subſtance thereof had been inſerted and contained in his ſaid Award; and the ſame ſhall, after ſuch Enrolment as aforeſaid, be delivered to the Perſon or Perſons upon whoſe Requeſt any ſuch Omiſſion ſhall have been ſo ſupplied, or to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in Queſtion ſhall, in the Opinion of the ſaid Commiſſioner, moſt properly belong.

Exchanges may be made.

XXV. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioner to ſet out, allot, and award any Lands, Tenements, or Hereditaments, within the ſaid Pariſhes reſpectively, in lieu of and in exchange for any other Lands, Tenements, and Hereditaments within the ſaid Pariſhes reſpectively, or either of them, or within any adjoining Pariſh, Hamlet, Townſhip, 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 Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail general or ſpecial, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Diſability, or who ſhall be beyond the Seas, or otherwiſe diſabled to act for themſelves, himſelf, or herſelf; ſuch

Conſent

Conſent to be teſtified in Writing under the Common Seal of the Body Politic, 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 always, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in reſpect of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent, teſtified as aforeſaid, of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged ſhall lie or be ſituate: Provided always, that all Coſts, Charges, and Expences attending the making of any Exchanges or 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 Award order and direct.

Not to annul any Will, &c.

XXVI. Provided always, and be it further enacted, That nothing in this 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, Portions, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Meſſuages, Cottages, Buildings, Lands, and Grounds to be divided, allotted, and incloſed, or exchanged in purſuance of this or the ſaid recited Act, or any Part or Parts thereof reſpectively, but that the reſpective Perſons to whom any Lands and Hereditaments ſhall be 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, Charges, Rents, and Incumbrances, as the Meſſuages, Buildings, Lands, Grounds, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed of, at, or immediately before the Execution of the Award of the ſaid Commiſſioner, or for which or in reſpect whereof ſuch Allotments or Exchange ſhall be made would have been ſubject to, charged with or affected by, in caſe this Act had not been paſſed.

Exonerating the Allotments from Tythes.

XXVII. And be it further enacted, That the Commons and Waſte Lands hereby directed to be divided and allotted, are hereby declared to be freed and diſcharged from One Moiety or Half Part of all the Great Tythes to become due for or in reſpect of the Four firſt Crops of Grain or Hay which ſhall ariſe or be gotten therefrom next after the ſaid Commons or Waſte Lands ſhall be reſpectively allotted to the reſpective Proprietors, provided the ſaid Crops are ſo raiſed within Six Years next enſuing the making of ſuch Allotments, and that except, as hereinbefore laſt mentioned, the ſeveral 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 the other Moiety or Half Part of the ſaid Great Tythes, and all other Tythes, both Great and Small, Dues and Payments whatſoever, in the ſame Manner as the other Lands and Grounds within the ſaid ſeveral Pariſhes were ſubject or liable to before the paſſing of this Act.

Expences of this Act; to be paid out

XXVIII. And be it further enacted, That the Coſts, Charges, and Expences of obtaining and paſſing this Act, and alſo of or incident to meaſuring,

of the Money to arise by Sale of Land.

measuring, planning, dividing, and allotting the said Commons and Waste Lands, and of preparing, executing, and depositing the Award of the said Commissioner, and also all other necessary Charges and Expences in and about the Execution of this Act, or in anywise relating thereto, shall be paid and borne by and out of the Money to be raised in Manner aforesaid, by Sale of Part of the said Commons and Waste Lands in the said Parishes of *Llandyrnog* and *Llangwyfan*, in such Shares and Proportions between the Proprietors of Land in the said respective Parishes as to the said Commissioner shall be deemed just and reasonable, having due Regard to the Value of the Commons and Waste Lands in each Parish.

If Land sold is insufficient for Expences, the Proprietors to make up Deficiency.

XXIX. Provided always, and be it further enacted, That in case the Money arising by Sale of Lands as aforesaid shall not prove sufficient to defray such Charges and Expences as aforesaid, then the Deficiency shall be made up by the several Persons interested in the said Division and Inclosure, and shall be paid in such Shares and within such Times, and to such Person or Persons as the said Commissioner shall direct, nominate, and appoint; and in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this Act or of the said recited Act, which ought to be borne and defrayed by any particular Person or Persons, and not out of the Money to be raised for the general Purposes of this Act, then the same shall be paid in such Shares, and within such Time, and by and to such Person or Persons as the said Commissioner shall direct, nominate, and appoint; and in case any Person or Persons shall refuse or neglect to pay any Sum or Sums of Money so directed to be paid by him and them within the Time appointed for Payment thereof, the same may be levied and recovered by the same Means as are prescribed in the said recited Act for recovering Sums of Money payable by the Proprietors towards the Expences of the Inclosure.

Proprietors preferring to pay their own Expences, to be entitled to their Proportions, without any Deduction for Sale.

XXX. Provided always, and be it further enacted, That in case any of the Owners and Proprietors of Land within the said Parishes of *Llandyrnog* and *Llangwyfan* shall, in order to prevent the Sale or Sales of any Part of their respective Proportions of the Lands hereby authorized to be sold as aforesaid, be desirous of paying in Money their respective Shares of the Costs and Charges attending the obtaining and passing this Act, and of carrying the same into Execution, and of such their Desire, shall give Notice to the said Commissioner, before the Sale of the Allotments to be set out for Sale as hereinbefore directed, then and in such Case the said Commissioner shall and he is hereby directed to receive in Money the respective Shares of such Owners or Proprietors respectively of and in such Costs and Charges; and on Payment thereof shall allot and award to such Owners or Proprietors respectively, the Whole of their respective Proportions of and in the Lands and Grounds hereby authorized and intended to be divided and allotted, without any Deduction on account of such Costs and Charges; any Thing herein contained to the contrary notwithstanding.

Money advanced to be repaid with Interest.

XXXI. And be it further enacted, That if any Person or Persons shall advance any Money for the Purpose of defraying the Expences of applying for and obtaining and executing this Act, such Person or Persons

Perſons ſhall be repaid the ſame, with Intereſt at the Rate of Five Pounds *per Centum per Annum*, out of the firſt Monies to be raiſed by virtue of this Act.

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

XXXII. And be it further enacted, That once at leaſt in each and every Year during the Execution of this Act (ſuch Year to be computed from the Day of the paſſing of this Act, the ſaid Commiſſioner ſhall and he is hereby required to make a true and juſt Statement or Account of all Sums of Money received and expended, or due for 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 laid before any Two Juſtices of the Peace for the County of *Denbigh*, to be by them examined and balanced; and ſuch Balance ſhall be by them ſtated in the Book of Accounts to be kept in the Office of the Clerk or Clerks to the ſaid Commiſſioner; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtices as aforeſaid.

Award.

XXXIII. And be it further enacted, That the Award to be made by the ſaid Commiſſioner hereby appointed, or by his Succeſſor for the Time being, ſhall be executed and publiſhed within the Space of Four Years from the paſſing of this Act, and when enrolled in Manner directed by the ſaid recited Act, ſhall be depoſited in a Tin Box, and kept for public Inſpection in the Pariſh Church of *Llandyrnog* aforeſaid.

Appeal.

XXXIV. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of this or the ſaid recited Act (other than and except ſuch Claims, Matters, and Things as are hereinbefore or in the ſaid recited Act directed or authorized to be tried, ſettled, and determined by the Verdict of a Jury, or where any of the Clauſes or Proviſions of the ſaid recited Act or of this Act, ſhall expreſs that the ſame ſhall be final and concluſive), 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 ſaid County of *Denbigh*, within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioner and to the Party or Parties concerned, Fourteen Days Notice in Writing of ſuch Appeal, and the Matter thereof; and the Juſtices (not intereſted in the Premiſes) at their ſaid General Quarter Seſſions, are hereby required to hear and determine the Matter of ſuch Appeal, and to make ſuch Order thereupon, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable; and by their Order or Warrant to levy the Coſts and Charges which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) upon Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari* or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe any

such Appeal shall appear to the said Justices to be frivolous or vexatious or without Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants, as to them in their Discretion shall seem reasonable, and to be levied in Manner aforesaid.

Reserving Rights of Lords of Manor.

XXXV. Provided always, and be it further enacted, That nothing in this Act contained shall defeat, prejudice, or affect the Rights and Interests of the Lord or Lords, Lady or Ladies, of the said Lordship or Dominion and Manor for the Time being, of, in, and to all Mines of Lead and Coal, and all other Mines, and all Ores, Minerals, and Fossils, of what Nature or Kind soever, and also all Quarries of Lime and Stone in or under the said Commons or Waste Lands intended to be divided and allotted as aforesaid, but that the Lord or Lords, Lady or Ladies of the said Lordship or Dominion and Manor for the Time being, and their respective Lessees, Tenants, Agents, Servants, Miners, and Workmen, shall and may from Time to Time, and at all Times hereafter, have, hold, use, enjoy, search for, and work all Mines and Seams of Lead and Coal, and all other Mines, Ores, Minerals, and Fossils whatsoever, and all Quarries of Stone, as fully and effectually to all Intents and Purposes, as they or either of them could or might have done before the passing of this Act (they or such of them as shall exercise the Rights and Privileges hereby reserved, making Satisfaction and Compensation for all Damages to be done by the searching for and working of such Mines and Seams of Coal, and other Mines, Ores, Minerals, Fossils, and Quarries); and for that Purpose it shall and may be lawful to and for the Lord or Lords, or Lady or Ladies of the said Lordship or Dominion and Manor for the Time being, and their respective Lessees, Tenants, Agents, Servants, Miners, and Workmen from Time to Time, and at all Times after the passing of this Act, and as well before the said Commons and Waste Lands shall be divided and inclosed as afterwards, to make, sink, dig, drive, open, and work all such Pits, Shafts, Levels, Soughs, Tunnels, and Waygates as they respectively, or any of them, shall think necessary, for searching for, discovering, and working any Mines of Lead and Coal, and any Ores and Fossils whatsoever in or under the said Commons or Waste Lands, and also to dig and raise Clay for the making and burning Bricks and Tiles for the Use of any such Mine and Mines, or for the repairing any old or the erecting of any new Buildings which may be necessary for carrying on or working the same; and also to erect any Number of Steam Engines and other Engines, and any Kind of Machinery whatsoever in or upon the said Commons and Waste Lands, or any of them, or any Part thereof respectively, for the Use of such Mine or Mines, and for the raising, getting, washing, smelting, or manufacturing of any Ores, Minerals, and Fossils; and also all Stones, Deads, Rubbish, Earth, and Soil, which shall be raised or gotten out of such Mines or Quarries in or upon the said Commons or Waste Lands, and to make, burn, or convert Coal and Culm into Charcoal and Coke; and also to collect Water upon the said Commons and Waste Lands, for the Purpose of washing and manufacturing any Ores, Minerals, or Fossils, to be dug, gotten, or raised in or from the same; and also to make and use all necessary and convenient Ways, Roads, Passages, and Railways in, through, upon, and over the said Commons and Waste Lands when inclosed, for the Use of any Mines or

Quarries which ſhall or may be ſunk or made, or worked in any Part or Parts thereof; and with Carts, Waggons, and other Carriages, to take and carry away the Lead, Coals, Ores, Minerals, Foſſils, and Stones there to be found and raiſed as aforeſaid, and to do all other acts which ſhall be reaſonable and neceſſary, or uſeful and convenient, in and upon the ſame Commons and Waſte Lands, for the ſearching for, diſcovering and working any Mine or Mines of Lead and Coal, and for the raiſing, manufacturing, taking away, removing, ſelling, and diſpoſing of all Lead, Coal, Ores, Minerals, Foſſils, or Stones whatſoever, in the ſame Manner as they might have done in caſe this Act had not been paſſed, without any Moleſtation or Interruption, making Satisfaction and Compenſation for all Damages done thereby as aforeſaid.

General Saving.

XXXVI. Saving always to the King's moſt Excellent Majeſty, his Heirs and Succeſſors, and to all and every Perſon and Perſons, Body and Bodies Politic, Corporate or Collegiate, his, her, or their Heirs, Executors, and Adminiſtrators (except ſuch whoſe Rights are intended to be hereby barred), all ſuch Right, Title, and Intereſt as he, they, any, or every of them had enjoyed, of, in, to, or out of the ſaid Commons or Waſte Lands at the Time of paſſing this Act, or could or might have had or enjoyed in caſe this Act had not been paſſed.

Public Act

XXXVII. And be it further enacted, That this Act ſhall be printed by the ſeveral Printers to the King's moſt Excellent Majeſty duly authorized to print the Statutes of the United Kingdom; and a Copy thereof, ſo printed by any of them, ſhall be admitted as Evidence thereof by all Judges, Juſtices, and others.

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Printers to the King's moſt Excellent Majeſty. 1813.