ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 42.

An Act for incloſing Lands in the Townſhip of *Llanvihangel Nantmellan*, in the County of *Radnor*.

[25th *March* 1812.]

WHEREAS there are, within the Manors of *Llanwenny* and *Radnor Foreign* in the Townſhip of *Llanvihangel Nantmellan* in the County of *Radnor*, certain Commons or Waſte Grounds: And whereas *Thomas Frankland Lewis*, Eſquire, *Edward Burton*, Eſquire, and ſeveral other Perſons, are ſeized and poſſeſſed of divers Meſſuages, Tenements, ancient incloſed Grounds and Hereditaments within the ſaid Townſhip; and in reſpect thereof, or as an appendant, appurtenant, or belonging thereto, they, or their Leſſees, Farmers, or Tenants, are intitled to Right of Common in, upon, and over the ſaid Commons or Waſtes: 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 *Thomas Frankland Lewis* is Lord of the Manor of *Llanwenny*, and as ſuch is intitled to the Soil and Royalties in and over that Part of the ſaid Commons or Waſtes lying within the ſaid Manor: And whereas the Bailiff, Aldermen, and Capital Burgeſſes of the Borough of *New Radnor*, are Lords of the Manor of *Radnor Foreign*, and as ſuch are entitled to the Soil and Royalties in and over the Reſidue of the ſaid Commons or Waſte Grounds: And whereas the ſaid Commons or Waſtes, in their preſent State, are of little Uſe or Advantage, but the whole are capable of Cultivation and Improvement; and the ſeveral Perſons entitled to ſuch

Right of Common as aforesaid, are willing and desirous that the said Commons or Wastes should be divided and allotted by Commissioners in that Behalf to be appointed unto and amongst them proportionably, and according to the Value of their respective Estates, Rights, and Interests therein, and that such Allotments should be inclosed and held in severalty; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Cheese*, of *Lyonshall*, in the County of *Hereford*, Gentleman, and *James Stephens*, of *Presteigne*, in the County of *Radnor*, Gentleman, shall be, and they are hereby appointed Commissioners for settling and dividing, allotting and inclosing the said Commons or Wastes, and for putting in Execution this Act, and such of the Powers, Authorities, Directions, and Provisions contained in the said recited Act as are not altered, controlled, or otherwise provided for or effected by this Act.

Commissioners appointed.

For the Appointment of new Commissioners.

II. And be it further enacted, That in case either of the said Commissioners shall refuse to act or qualify himself as a Commissioner for the Execution of this Act, or if he shall, before the Powers and Trusts reposed in the said Commissioners shall have been fully executed, die or become incapable of acting as a Commissioner, it shall be lawful for the major Part in Value of the Proprietors for the Time being of the Lands and Hereditaments entitled to such Right of Common as aforesaid (according to the Assessment thereof to the Land-Tax), who shall, by themselves or their respective Agents, attend the Meeting or Meetings to be appointed for that Purpose, as hereinafter is mentioned, by Writing under their respective Hands, to appoint some other fit Person (not interested in the said intended Inclosure) to be a Commissioner in the Place of the Commissioner so refusing, dying, or becoming incapable, and so from Time to Time as often as any Commissioner so to be appointed as last aforesaid shall die, refuse, or become incapable of acting as aforesaid; and in case Default shall be made in appointing any such new Commissioner within Two Calendar Months after the Death of any Commissioner, or his Refusal or becoming incapable to act, then the surviving or remaining Commissioner shall, and he is hereby required, from Time to Time, by Writing under his Hand, within Two Calendar Months next after the Expiration of the said Two Calendar Months allowed to the Parties for appointing such new Commissioner or Commissioners, or so soon after as conveniently may be, to appoint one other Commissioner not interested in the Premises in the Room of any such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every Commissioner to be appointed in the Manner hereinbefore respectively directed shall have the like Powers and Authorities as the Commissioners named and appointed by this Act: Provided always, That Two or more of the said Proprietors shall cause Notice to be given of the Time and Place of Meeting for every such Election (which Place shall be in the said Township of *Llanvihangel Nantmellan*, or within the Space of Eight Miles therefrom) at least Fourteen Days before the Time of holding such Meeting, such Notice to be pubicly read in the Parish Church of *Llanvihangel Nant-*

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mellan aforesaid, on some *Sunday* immediately after Divine Service, and to be inserted in the Newspaper called the *Hereford Journal*, or some other Newspaper generally circulated in the County of *Radnor*.

Umpire to be appointed.

III. And for the effectually obviating and preventing any Inconvenience or Delay which might otherwise happen or be occasioned in the Proceedings of the said Commissioners, by reason of any Difference of Opinion between them touching or concerning any Matter or Thing in execution of the Powers of this Act, or any Points or Questions arising out of or relating thereto, be it further enacted, That if any Difference of Opinion shall happen to arise between the Commissioners for the Time being, touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Question or Questions, arising out of or relating thereto, then and as often as the case shall so happen, all and every such Matters or Things, or Points or Questions respectively, upon which there shall be any such Difference of Opinion beween the said Commissioners as aforesaid, shall be referred by the said Commissioners, by Writing under their Hands, to some disinterested and skilful Person as Umpire, (whom it shall be lawful for the said Commissioners to nominate and appoint, by Writing under their Hands for that Purpose from Time to Time, and as often as they shall think necessary,) to determine all and every such Matters or Things and Points and Questions respectively as aforesaid; and the Determination of every such Umpire so to be appointed, to be expressed in Writing under his Hand, shall be deposited in the same Place where the Award of the said Commissioners is directed to be deposited, and shall be binding and conclusive to and upon the said Commissioners, and all Persons interested therein, in all such Cases, Matters, and Questions in which the Determination of the said Commissioners is herein, or by the said recited Act, declared to be final and conclusive; and every such Person so to be appointed for the Purpose aforesaid shall, after taking and subscribing the Oath hereinafter directed to be taken, have and is hereby vested with the same Powers and Authorities as by the said Act and this present Act are given to the Commissioners hereby appointed, but so nevertheless as that any such Person shall not be empowered to act for any other Purpose than the determining of such Matters as may be so referred to him as aforesaid.

Oath to be taken by Umpire.

IV. Provided also, and be it further enacted, That no Person shall be capable of acting in the Execution of this Act as Umpire until he shall have taken and subscribed the Oath in the Form following; that is to say,

'I *A.B.* do swear, that I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities vested and reposed in me as Umpire, by virtue of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice, or Partiality to any Person or Persons whomsoever. So help me GOD.'

Which Oath it shall be lawful to and for the said Commissioners or either of them to administer, and they are hereby required to administer the

the ſame; and ſuch Oath, ſo taken and ſubſcribed by ſuch Umpire, ſhall be annexed to and inrolled with the Award of the ſaid Commiſſioners.

Surveyor. V. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners by Writing under their Hands to appoint One or more fit and proper Perſon or Perſons, not intereſted in the Premiſes, to be Surveyor or Surveyors for the Purpoſes of this Act, for and during the Will and Pleaſure of the ſaid Commiſſioners, and on his Death or Removal in like Manner to appoint ſome other Surveyor or Surveyors, and ſo from Time to Time as often as there ſhall be Occaſion; and every ſuch Surveyor ſhall, at the firſt Meeting of the ſaid Commiſſioners, after his Appointment, take and ſubſcribe an Oath in the Form hereinafter ſet forth.

Oath to be taken by Surveyor. VI. And be it further enacted, That no Perſon ſhall be capable of acting as a Surveyor in the Execution of this Act, until he ſhall have taken and ſubſcribed an Oath in the Form following; *videlicet*,

'I do ſincerely promiſe and ſwear, that I will act in the Execution of the Powers, Authorities, and Truſts repoſed in me as Surveyor, by virtue of an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act*], truly, impartially, and honeſtly, according to the beſt of my Skill, Judgment, and Ability, without Favour or Affection, Prejudice or Malice, to any Perſon or Perſons whomſoever. So help me GOD.'

And either of the ſaid Commiſſioners is hereby authorized to adminiſter the ſaid Oath to the ſaid Surveyor, and the Oath ſo taken and ſubſcribed by each Surveyor, ſhall be annexed to and enrolled with the Award of the ſaid Commiſſioners.

Recompence of Commiſſioners and Umpire. VII. And be it further enacted, That each of the ſaid Commiſſioners and the ſaid Umpire ſhall be allowed and paid the Sum of Two Pounds Twelve Shillings and Sixpence for each and every Day he ſhall actually attend and be employed as a Commiſſioner or Umpire in the Execution of this Act, or ſhall neceſſarily travel from Home to attend the Meeting of the Commiſſioners, or when returning Home after having attended ſuch Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Charge to be paid Surveyor. VIII. And be it further enacted, That the Surveys or Admeaſurement, including all neceſſary Re-ſurveys and all Plans, (except the fair Plans upon Vellum hereinafter particularly mentioned) ſhall be paid for at and after the Rate of Sixpence per Acre for each and every Acre of the Land which ſhall be ſurveyed, admeaſured, and planned in purſuance of this Act, and the ſaid Surveyor ſhall at all Times bear and pay his own Expences; and in caſe of the Death of any ſuch Surveyor before ſuch Surveys, Admeaſurements, and Plans as aforeſaid ſhall be finiſhed, then, and in every ſuch Caſe, the Executors or Adminiſtrators of every ſuch Surveyor ſo dying ſhall be paid after the like Rate of Sixpence per Acre

Acre for each and every Acre which ſhall have been ſo ſurveyed and admeaſured in his Lifetime.

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

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

Commiſſioners to give Notice of Meetings.

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

Other Notices how to be given.

XI. And be it further enacted, That all other Notices requiſite or neceſſary to be made and given by the ſaid Commiſſioners ſhall be made and given by Advertiſement, to be inſerted in the ſaid Newſpaper called the *Hereford Journal*, or in ſome other Newſpaper generally circulated in the ſaid County of *Radnor*.

Commiſſioners to determine Differences, except as to Titles.

XII. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Parties that now are or ſhall, before the making of the Award of the ſaid Commiſſioners, be intereſted, or claim to be intereſted in the ſaid intended Diviſion and Allotments, or any of them, touching and concerning the reſpective Shares and Proportions which they or any of them ſhall claim or ought to have in any of the ſaid Lands and Grounds hereby directed to be divided and incloſed, or in the ſaid intended Diviſion and Incloſure, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required to examine into, hear and determine the ſame; provided always, that nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine

the Title to any Meſſuages, Cottages, Lands or Hereditaments whatſoever; provided alſo, that nothing in this Act contained ſhall extend to enable the ſaid Commiſſioners or Umpire to determine any Right between any Parties, contrary to the Poſſeſſion of any ſuch Parties, (except in the Caſe of Encroachments made within the Period of Twenty Years, as herein mentioned;) but in caſe the ſaid Commiſſioners or Umpire ſhall be of Opinion againſt the Right of the Perſon or Perſons ſo in Poſſeſſion, they ſhall forbear to make any Determination thereupon until the Poſſeſſion ſhall have been taken from ſuch Perſon or Perſons by Ejectment, or other due Courſe of Law.

Commiſſioners not to determine Rights contrary to Poſſeſſion.

XIII. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, Matter or Thing, to be heard and determined by them, in purſuance of this, or the ſaid recited Act, ſee Cauſe to award any Coſts, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable to be paid to the Party or Parties in whoſe favour their Determination ſhall be made by the Perſon or Perſons whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons who ſhall be liable to pay ſuch Coſts and Charges ſhall neglect or refuſe to pay the ſame on Demand, then and in ſuch Caſe, it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any), upon Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall have been diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale.

Power to award Coſts.

XIV. Provided always, and be it further enacted, That in caſe any Perſon or Perſons intereſted in the ſaid intended Diviſion and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claims, Objections, Rights or Intereſts to, in, over, or upon the Lands and Hereditaments intended to be divided or affected by this Act, or any Part thereof, and ſhall, by Writing under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their known Agents, ſignify the ſame to the ſaid Commiſſioners within Two Calendar Months next after ſuch Determination ſhall be made, in ſuch Caſe, but not otherwiſe, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied with ſuch Determination to have the Subject of ſuch Claim or Objections, in reſpect to which ſuch Determination ſhall have been made, tried by an Action at Law, to be brought by him, her, or them againſt the ſaid Commiſſioners, or ſome one or more of the Parties in whoſe Favour ſuch Determination ſhall have been made, upon a feigned Iſſue, to be ſettled by the proper Officer of the Court in which ſuch Action ſhall have been brought; in Caſe the Parties ſhall differ about the ſame, ſuch Action to be brought within Three Calendar Months next after ſuch Determination ſhall have been

Parties may try their Rights by an Iſſue at Law.

been made, and the Defendant or Defendants in such Action or Actions shall, and is, and are hereby required to appear to such Action, accept a Declaration, and plead to Issue, and the Plaintiff or Plaintiffs shall thereupon proceed in such Action, so as to have the same tried and determined at the First or Second Assizes to be holden for the County of *Hereford* next after the commencing of such Action, unless the Court shall direct further Time to be given; and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is entitled to any qualified or less Right or Rights, or Interests than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the Postea, in Addition to the Verdict given upon the Issue or Issues joined, but nevertheless, the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such special finding had been made; and the Verdict of the Jury on such Trial, or the Judgment thereon or the Judgment in such Action or Actions for the Want of a Plea or Pleas shall be final and conclusive between the Parties, unless the Court in which such Action shall be brought, shall see Cause to direct a new Trial, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict shall be obtained, and not set aside by the Court, or Judgment for Want of a Plea, the said Commissioners shall, and they are hereby required to act in conformity thereto, and thereupon to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials, or Judgment for Want of a Plea: Provided always, that all such Orders and Determinations of the said Commissioners or Umpire, touching such Claim or Claims, Rights or Interests in, over or out of the Lands hereby directed to be divided and inclosed, or any Part thereof, which shall not be objected to, by such Notice to be given to the said Commissioners as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final, and conclusive upon all Persons whomsoever: Provided always, that if any of the Parties in any Action so to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and that if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk of the said Commissioners with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living, and it shall be thereupon incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person

Actions not to abate by Death of Parties.

How Actions may be brought after the Death of Parties.

Perſon or Perſons ſhould have been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Commiſſioners to make Drains, &c.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall and may ſcour and widen all ancient Brooks, Ditches, Drains, Watercourſes, Tunnels and Bridges, and alſo ſhall and may ſet out and make ſuch new Ditches, Drains or Watercourſes, Tunnels, Watergates, Banks and Bridges, in, through and over the Common or Waſte hereby directed to be divided and incloſed, or any incloſed Lands in the ſaid Townſhip, of ſuch Breadth and Depth, and in ſuch Directions as the ſaid Commiſſioners ſhall think proper, (provided no ſuch Works ſhall be made upon any incloſed Lands without the previous Conſent of the Owners or Perſons ſeiſed of ſuch incloſed Lands, and that no Brooks, Drains, Watercourſes, Tunnels, Water-gates, Banks or Bridges ſhall be diverted or altered without the Conſent of the Owner or Owners of the Lands from which and into which any Water ſhall be conveyed by the ſaid Brooks, Drains, Watercourſes or Tunnels reſpectively, ſuch Conſent to be teſtified by Writing under their reſpective Hands;) and the ſaid Commiſſioners ſhall and may and they are hereby directed in and by their ſaid Award to order and direct by whom, and at whoſe Expence, at what Time and Times, and in what Manner, the ſaid Brooks, Ditches, Drains, Watercourſes, Tunnels, Watergates, Banks and Bridges, ſhall be made and thereafter repaired, cleanſed, ſcoured and maintained.

Power to ſtop Roads between or over old Incloſures.

XVI. And be it further enacted, That it ſhall and may be lawful for the ſaid Commiſſioners and they are hereby authorized and empowered to divert or ſtop up any old Public Carriage Road, Driftway, Bridleway or Footpath, leading between, through and over any of the Old Incloſures in the ſaid Townſhip of *Llanvihangel Nantmellan*, and the Soil of the Roads and Ways ſo to be ſtopped up, ſhall be deemed and taken to be part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided that no ſuch Carriage-road, Driftway, Bridleway or Footpath, paſſing or leading between, through or over any of the old Incloſures in the ſaid Townſhip, ſhall be ſtopped up without the Concurrence and Order of Two Juſtices of the Peace for the ſaid Borough of *Radnor* not intereſted in ſuch Roads or Ways, and that every ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions for the ſaid County of *Radnor*, in like Manner and under the ſame Forms and Reſtrictions as Orders originally made by Juſtices for diverting and turning Roads and Ways.

Juſtices at Seſſions to declare new Roads completed.

XVII. And be it further enacted, That when and ſo ſoon as any of the public Carriage-roads to be ſet out in purſuance of the ſaid recited Act, ſhall be completed and put into good and ſufficient Repair, it ſhall be lawful for the Juſtices of the Peace of and for the ſaid Borough of *Radnor*, at their ſpecial Seſſions, to declare ſuch Road or Roads to be fully and ſufficiently formed, completed and repaired; and from which Time, and for ever thereafter ſuch Road or Roads ſhall be ſupported and kept in Repair by ſuch Perſons, and in like Manner as the public Roads within the ſaid Townſhip now are or ought by Law to be amended and kept in Repair.

XVIII. And,

XVIII. And, for preventing all Diſputes and Differences which may ariſe, touching the Repairs of the public Highways and Roads which ſhall be ſet out and appointed in purſuance of this Act, or of the ſaid Act of the Forty-firſt Year aforeſaid, be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required to determine and adjudge what Part or Parts of the ſaid Highways and Roads, ſo to be ſet out and appointed, ſhall or do belong to any Townſhips or Diviſions reſpectively within the ſaid Pariſh of *Llanvihangel Nantmellan;* and the ſaid Commiſſioners ſhall in and by their General Award, order and direct by what Townſhips or Diviſions reſpectively ſuch Highways and Roads ſhall be maintained, amended, and kept in Repair; and the Owners or Occupiers for the Time being in each of ſuch Townſhips or Diviſions reſpectively ſhall, from and after the Execution of the General Award of the ſaid Commiſſioners, maintain, amend, and keep ſuch reſpective public Highways and Roads in Repair as ſhall be ſo determined and adjudged to belong to ſuch Townſhips or Diviſions reſpectively, in the ſame Manner as ancient and common public Highways and Roads are by Law to be amended and kept in Repair. Commiſſioners to determine to what Townſhips Roads ſhall belong.

XIX. And be it further enacted, That all Incloſures and Incroachments which have been taken from the ſaid Common, (ſave and except ſuch as have been peaceably and quietly enjoyed for the Space of Twenty Years laſt paſt or upwards, without any Interruption, or Payment of any Acknowledgement,) ſhall be deemed Part and Parcel of the ſaid Common ſo to be divided; and in caſe any Difference or Diſpute ſhall ariſe, touching any ſuch Incloſures or Encroachments, being deemed Part or Parcel of the ſaid Common, ſuch Differences or Diſputes ſhall be examined into and determined by the ſaid Commiſſioners. Encroachments, except thoſe made for Twenty Years, to be deemed Part of the Common.

XX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required, to ſet out, appoint, and allot ſuch and ſo many Stone and Slate Quarries in the ſaid Common Lands or Grounds as they ſhall think neceſſary for the Uſe and Benefit of the Proprietors and Occupiers of the ſeveral Allotments which ſhall be made of the ſaid Common Lands or Grounds in purſuance of this Act, and alſo of all the Proprietors and Occupiers of ancient Meſſuages, Lands, Tenements, and Hereditaments, in reſpect of which any ſuch Allotment ſhall be made, to be uſed in or upon ſuch Allotment or ancient Meſſuages, Lands, Tenements, and Hereditaments reſpectively, but not for Sale, or upon any other Buildings or Lands, or for any other Uſe or Purpoſe; and the ſaid Commiſſioners ſhall, in and by their ſaid General Award, order and direct how and in what Manner the ſame ſhall reſpectively be worked for the general Advantage of the reſpective Perſons intereſted therein. Public Quarries to be ſet out, and how to be enjoyed.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall aſſign, ſet out, and appoint ſuch Part or Parts, Parcel or Parcels of the ſaid Common Lands or Grounds as is or are conveniently ſituate, and fit and proper for the digging, cutting, and curing of Peats (if any ſuch there be), for the Uſe and Benefit of the Proprietors and Occupiers for the Time being of Meſſuages or other Buildings, in reſpect whereof any Allotments of the ſaid Common Lands or Grounds ſhall be made in purſuance of this Act, or which Part of the Common to be ſet out for Peat Moſſes.

which shall be erected and built upon any such Allotment or Allotments, to be used in all Times thereafter as Peat Mosses by the said Proprietors and Occupiers for the Time being, and their several Tenants and Lessees, all which Peats shall be used for Fuel in and upon the Messuages or other Buildings to be erected upon the said respective Allotments, or in or upon the several Messuages or other Buildings in respect whereof such Allotments shall be made, but not for Sale or any other Purpose whatsoever.

Commissioners may restrict the Use of any particular Quarries, &c.

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

Commissioners to set out Part of the Common to pay Expences.

XXIII. And be it further enacted, That (after such necessary Roads and Highways, Quarries and Peat Mosses as aforesaid, shall have been deducted,) it shall and may be lawful to and for the said Commissioners, and they are hereby authorized, empowered, and required, as soon as conveniently may be, to appropriate, mark, and set out by proper Stakes or Land-marks, so much and such Part or Parts of the said Common or Waste as to them shall seem competent, necessary, and sufficient to be sold as hereinafter mentioned; which Part or Parts of the said Common or Waste so to be appropriated, marked, and set out to be sold, shall be inclosed at the Expence of the Purchaser or Purchasers thereof, by a Boundary, Fence, or Ditch to be made round the Out-side thereof, according to the Order of the said Commissioners, and shall be disposed of in such Way and Manner as hereinafter is directed.

Lands set apart to be sold, to be disposed of by public Auction.

XXIV. And as to so much and such Part or Parts of the said Commons or Wastes as shall be appropriated, marked, and set out to be sold by the said Commissioners, in pursuance of the Directions herein contained: Be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, as soon as may be, after the same shall be appropriated, marked, and set out as aforesaid, and at such convenient Times and Places as to them shall seem meet, to cause all such Part or Parts of the said Common or Waste, as shall be so appropriated, marked and set out to be sold as aforesaid, to be put up to Public Sale or Auction, in such Lots or Parcels as to them shall seem fit and expedient; and the same shall be accordingly sold and disposed of in such Way and Manner, and under and subject to such Directions as are contained in the said Act of the Forty-first Year of His present Majesty's Reign; and upon Payment to the said Commissioners of the Purchase-money, for which the same shall be sold, the said Commissioners shall, in and by their general Award, allot and appoint the Part or Parts of the said Common or Waste which shall be

be ſo ſold as aforeſaid, unto the reſpective Purchaſers thereof, or to ſuch Perſon or Perſons as he, ſhe, or they ſhall reſpectively direct; and all and every ſuch Part and Parts of the ſaid Common or Waſte as ſhall be ſo ſold, allotted, and appointed as aforeſaid, ſhall, from and immediately after the Execution of the ſaid general Award of the ſaid Commiſſioners, become, and the ſame is, and are hereby declared to be veſted in the Perſon or Perſons to whom the ſame ſhall be ſo allotted and appointed, and his or their Heirs and Aſſigns for ever.

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

XXV. And be it further enacted, That the Monies which ſhall ariſe by or from ſuch Sale or Sales as aforeſaid ſhall be appropriated and applied by the ſaid Commiſſioners acting under this Act (ſo far as the ſame will extend) in and towards the Payment of the Charges and Expences incident to and attending, or which may be occaſioned by the ſoliciting, obtaining, and paſſing this Act, and the ſaid intended Diviſion of the ſaid Common or Waſte, and of ſetting out, making, forming, erecting, cutting, and opening the Highways, Roads, Bridges, Drains, and Water-Courſes, which the ſaid Commiſſioners ſhall direct to be made or ſet out, or in anywiſe relating thereto; and in caſe there ſhall be any Surplus of the Monies ariſing by or from ſuch Sale or Sales as aforeſaid, after Payment of all ſuch Charges and Expences as aforeſaid, ſuch ſurplus Monies ſhall be divided between the ſeveral Perſons intereſted in the ſaid Lands and Grounds, in proportion to their reſpective Intereſt and Property therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of ſuch other Perſons reſpectively ſhall be applied in the Manner directed by the ſaid Act of the Forty-firſt Year of His preſent Majeſty with reſpect to Money to be paid for the Purchaſe or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands or Hereditaments to be ſettled to the ſame Uſes: Provided always, that in all Caſes where any of the Perſons, Bodies Politic or Corporate, intereſted in any Allotment or Allotments of the ſaid Common Lands or Grounds, ſhall be minded and deſirous of paying their reſpective Shares of the ſaid Expences in Money, inſtead of ſuſtaining a Loſs of Land in their reſpective Allotments, and ſhall and do at the Firſt, Second, or Third Meeting of the ſaid Commiſſioners give Notice in Writing to the ſaid Commiſſioners of ſuch their Mind and Deſire, that then and in every ſuch Caſe the Share or reſpective Shares of the Party or Parties ſo giving ſuch Notice as aforeſaid of and in all ſuch Expences ſhall be paid and defrayed in Money by ſuch Party or Parties reſpectively, and in ſuch Manner, and at ſuch Time or Times, and to ſuch Perſon or Perſons, as the ſaid Commiſſioners ſhall, by Writing under their Hands, order, direct, and appoint; and in all Caſes where any ſuch Payment or Payments in Money ſhall be ſo made as aforeſaid, the ſaid Commiſſioners, in ſetting out the Allotment or Allotments of the Party or Parties making ſuch Payment or Payments, ſhall have regard to the Amount of ſuch Payment and Payments reſpectively in aſcertaining the Share and Proportion of the ſaid Common or Waſte ſo to be ſet out and allotted to ſuch Party or Parties reſpectively.

Allowing Parties to contribute towards the Expences by Money inſtead of Land.

XXVI. And

Allotment to the Lord of Manor of Llanwenny.

XXVI. And be it further enacted, That the ſaid Commiſſioners ſhall (after ſuch Allotments as aforeſaid ſhall have been made and ſet out) aſſign, ſet out, and allot unto and for the Uſe of the ſaid *Thomas Frankland Lewis*, his Heirs and Aſſigns, ſo much and ſuch Part or Parts of the Reſidue of the ſaid Commons or Waſtes hereby directed to be incloſed, lying within the ſaid Manor of *Llanwenny*, as ſhall be equal in Value to One full Sixteenth Part or Share of ſuch Reſidue remaining, after deducting ſuch Roads, Highways, Quarries, and Peat Moſſes ſo ſet out as aforeſaid, for and in Lieu, Satisfaction and Extinction of the Rights and Intereſts of the ſaid *Thomas Frankland Lewis*, his Heirs and Aſſigns, as Lord or Lords, Lady or Ladies, of the ſaid Manor of *Llanwenny*, in over, or upon the Soil of the ſaid Commons or Waſtes within the ſaid Manor ſo directed to be incloſed as aforeſaid.

Allotment to the Bailiff, Aldermen, and Burgeſſes of the Borough of New Radnor, for Manorial Rights in the Manor of Radnor Foreign.

XXVII. And be it further enacted, That the ſaid Commiſſioners ſhall (after ſuch Allotments as aforeſaid ſhall have been made and ſet out) aſſign, ſet out, and allot unto and for the ſaid Bailiff, Aldermen, and Capital Burgeſſes of the Borough of *New Radnor*, conſidered in their corporate Capacity, as Lord of the ſaid Manor of *Radnor Foreign*, or the Perſon or Perſons who ſhall be Lord or Lords, Lady or Ladies, of the ſaid Manor, ſo much as ſhall be equal in Value to One full Eighteenth Part of the Reſidue of ſuch Part or Parts of the ſaid Commons and Waſtes as is or are ſituate within and Parcel of the ſame Manor, in full Compenſation, Satisfaction, and Extinction of and for their, his, or her Right to the Soil thereof, as ſuch Lords or Lord, Ladies or Lady, as aforeſaid.

Allotment of the Reſidue.

XXVIII. And be it further enacted, That the ſaid Commiſſioners ſhall immediately after making ſuch Allotments as hereinbefore are directed to be made, divide, ſet out, allot, and award all the Reſidue of the Lands and Grounds hereby directed to be divided and allotted unto and amongſt the ſaid *Thomas Frankland Lewis*, and the ſeveral other Perſons intereſted therein, in ſuch Quantities, Shares, and Proportions as by the ſaid Commiſſioners ſhall be adjudged and determined to be a juſt, fair, and reaſonable Compenſation and Satisfaction for their ſeveral and reſpective Rights of Common, and other Rights and Intereſt therein, for which no Compenſation is hereinbefore ſpecifically directed to be made.

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

XXIX. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors in the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof; and ſuch propoſed Allotment and Allotments ſhall be ſtaked and marked out, they, the ſaid Commiſſioners, ſhall hold a Meeting, at ſome convenient Time and Place, when and where the Proprietors may be informed of ſuch intended Allotments, and ſee the Scheme thereof ſet out and delineated upon a Map to be produced for their Inſpection; and if any of the ſaid Proprietors ſhall, upon ſuch Inſpection, be diſſatisfied with any of the propoſed Allotments, the ſaid Commiſſioners ſhall, at ſuch Time and Place as laſt aforeſaid, or at ſome other Time and Place, to be appointed by them for that Purpoſe, receive

State-

Statements, in Writing, of the Complaints and Objections of any Proprietor or Proprietors againſt any Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame; and ſuch Determination, being reduced into Writing, and ſigned by them, ſhall be binding and concluſive upon all Parties intereſted in any ſuch Allotment or Allotments.

For fencing Allotments.

XXX. And be it further enacted, That the ſeveral Allotments to be made by virtue of this Act, ſhall be incloſed, hedged, ditched, and fenced at the Expence of the reſpective Proprietors to whom ſuch Fences ſhall be allotted or directed to belong, with Quickſets, or in ſuch other Manner, and within ſuch Times as the ſaid Commiſſioners ſhall, by their Award, or any other Writing under their Hands direct or appoint; provided always, that convenient Gaps and Openings ſhall be left in the ſaid Fences and Incloſures for ſuch a Space of Time next enſuing the Execution of the Award of the ſaid Commiſſioners, for the Paſſage of Carts, Carriages and Cattle, as the ſaid Commiſſioners ſhall in and by their ſaid Award direct and appoint.

Gaps to be left.

To Fence againſt Lambs, Sheep, and Goats.

XXXI. And be it further enacted, That no Goats ſhall be depaſtured in any of the ſaid intended new Incloſures during the Space of Seven Years from the Execution of the Award of the ſaid Commiſſioners, and that no Sheep or Lambs ſhall be depaſtured therein during the Space of Seven Years, unleſs the Perſons reſpectively ſo depaſturing or keeping Sheep or Lambs do, at their own Expence, effectually guard and fence their Neighbours' Quickſets adjoining to ſuch Incloſures reſpectively in which Sheep or Lambs ſhall be depaſtured or kept as aforeſaid, ſo as to prevent any Damage or Injury from being done to ſuch Fence or Fences and Quickſets by any ſuch Sheep or Lambs.

Proprietors may ſell Allotments before Award, and Common Rights ſeparate.

XXXII. And be it further enacted, That it ſhall and may be lawful for any Perſon or Perſons who ſhall be entitled to any Allotment or Allotments by virtue of this Act, to give, grant, bargain, ſell, limit, convey, and aſſure the ſame, or all or any Part of his, her, or their Eſtates or Intereſts therein, or Right thereto, at any Time before the Execution of the Award of the Commiſſioners, and every ſuch Gift, Grant, Bargain, Sale, Limitation, Conveyance, and Aſſurance, ſhall be of the ſame Force and Validity as if made after the Execution of the ſaid Award; and alſo that it ſhall and may be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and incloſed, to ſell and diſpoſe of the ſame, or of the Allotment or Allotments to be made and ſet out in reſpect thereof by virtue of this Act, ſeparate and diſtinct from the Eſtate in Right of which he or ſhe is entitled to the ſame, in ſuch Manner as he or ſhe might have done at any Time after the Execution of the ſaid Award.

Exchanges.

XXXIII. And be it further enacted, That it ſhall be lawful for the Commiſſioners to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements or Hereditaments, within the ſaid Townſhip of *Llanvihangel Nantmellan*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Townſhip, or within any adjoining Pariſhes, Townſhips, Hamlets, or Places reſpectively; provided, that all

such Exchanges be ascertained, specified, and declared or contained in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, Fee Tail General or Special, or for Life or Lives, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable Uses, Husbands, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who at the Time of making such Exchange or Exchanges shall be respectively Infants, Feme Coverts, 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 Consents to be testified under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hand or Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made shall be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in Right of any Church or Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate, nor of any Lands, Tenements, or Hereditaments holden by Lease for Life or Lives, or for Years determinable on a Life or Lives, without the Consent testified as aforesaid of the Person or Persons seised of or entitled to such Lands, Tenements, or Hereditaments in Remainder, expectant on the Determination of such Lease or Leases.

Expences of Exchanging.

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

Allotments to be of the same Tenure as the Estates in Right whereof they are made.

XXXV. And be it further enacted, That all Lands and Grounds which shall be allotted by virtue of this, and the said recited Act, to any Person or Persons for or in respect of any Leasehold Messuages, Cottages, Lands or Grounds, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant, to any such Leasehold Messuages, Cottages, Lands, or Grounds respectively, shall, from and after the Execution of the Award of the said Commissioners, be deemed and taken to be Leasehold, and shall be held as such by and under the same Tenures, Rents, Payments, Fines, Customs, and Services, as the Leasehold Messuages, Cottages, Lands or Grounds respectively, for or in respect whereof they shall or may be allotted, are now held, and the said Commissioners shall by their Award determine and describe the Lands and Grounds respectively which are to be and remain Leasehold; and all other Lands or Grounds to be allotted by virtue of this Act, save and except such as shall be ascertained by the said Commissioners to be Leasehold, shall be from thenceforth deemed, taken, and enjoyed as Freehold Messuages, Cottages, Lands and Grounds.

XXXVI. And

XXXVI. And be it further enacted, That nothing herein contained shall revoke, make void, alter, or annul any Will or Testament of, or concerning any of the Lands, Tenements, or Hereditaments, which shall be allotted or exchanged by virtue of this Act, or prejudice any Person having any Claim or Interest to or out of the same, but the same Lands, Tenements and Hereditaments shall, upon the Allotment and Exchange thereof respectively, go and remain to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoes, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances, and Provisions of every Kind, and in the same Manner as the Lands and Hereditaments, in respect whereof the same shall be respectively allotted and exchanged, would stand or be limited to, or upon, or be subject to, if such Allotment or Exchange had not been made, or this Act had not passed; except as to such Leases or Agreements for Leases at Rack-rent, or from Year to Year, as shall be determined by virtue of this Act, or where any of the Provisions of the said recited Act or of this Act shall be to the contrary, and also except such Charges and Incumbrances as shall be made thereon by virtue of this Act.

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

XXXVII. And be it further enacted, That where the Proprietor or Proprietors of any of the Common Lands or Grounds hereby directed to be divided or inclosed shall hold his or their respective Estates under separate Titles, the said Commissioners shall, upon the Request of such respective Proprietors, in Writing under their Hands, set out and distinguish in their said Award, distinct and several Allotments for the Lands or other Hereditaments held under each Title, and where, from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating as aforesaid such different Titles, Request shall, within Twelve Calendar Months after the Execution of the Award of the said Commissioners, be made to the said Commissioners by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other Respect to proceed and act as if the said Award had not been made; and when they shall have obtained what they shall think sufficient Information, are hereby also authorized, by any Deed or Instrument under their Hands and Seals, to ascertain and distinguish the various Titles, and accordingly to make distinct and several Allotments in the same Manner as is hereby required where such Discrimination shall be contained in the said Award; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it was contained in the said Award, and shall be delivered to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in Question, shall in the Opinion of the said Commissioners most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such Supplemental Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, or by his or their Heirs, Executors or Administrators.

Separate Allotments for separate Titles.

XXXVIII. Pro-

Encroachments to be allotted to Persons in Possession thereof.

XXXVIII. Provided always, and be it further enacted, That the said Commissioners shall, and they are hereby required, in all Cases where the same can be done without Prejudice or Inconvenience to the Occupation of the adjoining Lands, to assign and allot unto such Person or Persons, Body or Bodies Politic or Corporate, entitled to and having Right to Common upon the said Common or Waste, as are in the Possession of any such Encroachment or Encroachments as is or are hereinbefore directed to be deemed Part and Parcel of the said Common Lands and Grounds, all and every the Lands and Grounds comprised therein, and all Edifices and Buildings erected thereon, for or in Part of the Allotment or Allotments which shall be made to them respectively by virtue of this Act; unless it shall happen that such respective Encroachments shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments would amount unto which such Person or Persons, Body or Bodies Politic or Corporate, in the Possession of such Encroachment or Encroachments respectively would be entitled to, for and in respect of their ancient Estate, in which Case a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively; and the said Commissioners are hereby directed and required, in their Valuation of such Encroachments for the Purposes aforesaid, to estimate the same according to their original Value in their open State, without any regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected and built thereupon.

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

XXXIX. Provided always, and be it further enacted, That all the Allotments to be set out and made by virtue of this Act in respect of any Property granted or demised, or held by any Leases or Agreements for any Term or Number of Years not exceeding Twenty-one Years at Rack-rent, shall be allotted to the respective Lessors or Owners of such Property, and shall be held and enjoyed by them respectively, free from all Right, Title, and Interest of their respective Lessees or Tenants by virtue of or under such Leases or Agreements; and such respective Lessors or Owners shall make such Abatement of the Rents reserved or made payable by such Leases or Agreements respectively, for and on account of their taking such Allotments, as the said Commissioners shall adjudge and determine to be just and reasonable, and shall in and by their General Award, or any Writing under their Hands, ascertain, direct, and appoint.

Commissioners to direct the Course of Husbandry.

XL. And be it further enacted, That in the meantime, and until such Divisions and Allotments shall be made as aforesaid, all the Lands hereby directed to be divided and inclosed shall be stocked with such Cattle, and sown by the respective Owner or Owners, Occupier or Occupiers thereof, with such Sort of Corn or Grain, and shall be kept, ordered, and continued in such Course of Husbandry as the said Commissioners, by any Writing or Writings under their Hands in that behalf, shall award, order, direct, or appoint, any Usage or Custom of stocking or sowing to the contrary notwithstanding; and that no Lands and Grounds hereby directed to be divided and inclosed shall, before that Time, be ploughed, broken up, or converted into Tillage.

XLI. And

XLI. And be it further enacted, That from and immediately after the ſaid Common or Waſte being ſo divided or allotted, all former Eſtate, Right, Title, and Intereſt of the ſeveral Owners or Proprietors thereto and therein, ſhall ceaſe and be for ever extinguiſhed, and the ſeveral Allotments thereof ſhall be holden and enjoyed in Severalty, by the ſeveral Perſons to whom the ſame ſhall be reſpectively awarded and allotted. Intereſt in Common Lands or Grounds and Allotments thereof to be held in Severalty.

XLII. And be it further enacted, That the General Award to be made by the ſaid Commiſſioners purſuant to the Directions of the ſaid Act of the Forty-firſt Year of His preſent Majeſty's Reign, and this Act, ſhall be enrolled with the Clerk of the Peace for the Borough of *Radnor*, within Three Calendar Months after the Execution thereof by the ſaid Commiſſioners, or ſo ſoon after as conveniently may be, and the ſaid original Award, and ſuch Plans and Surveys as may be annexed thereto, ſhall be lodged and depoſited in the ſaid Pariſh Church of *Llanvihangel Nantmellan* aforeſaid, to the end that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion and Incloſure; which ſaid Award and Plans, and every other Writing and Inſtrument to be lodged with the ſaid Award, ſhall and may be inſpected at all ſeaſonable Times, upon reaſonable Notice given by the Party requiring ſuch Inſpection. Award.

XLIII. And be it further enacted, That any Money which ſhall be advanced or lent for the Purpoſe of obtaining and paſſing this Act, ſhall be repaid with lawful Intereſt to the Perſon or Perſons who ſhall advance or lend the ſame, his Executors, Adminiſtrators, or Aſſigns, out of the firſt Monies which ſhall be raiſed for defraying the Expences of paſſing and executing this Act. Any Money advanced for the paſſing Act to be repaid with Intereſt.

XLIV. And be it further enacted, That ſo much of the Charges and Expences of ſoliciting, obtaining, and paſſing this Act, and of ſurveying, planning and meaſuring, dividing and allotting the ſaid Common Lands or Grounds, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act as are not herein otherwiſe directed to be paid, ſhall be borne, paid, and defrayed by the ſeveral and reſpective Perſons, Body and Bodies Politic and Corporate, to whom any Allotment or Allotments of the ſaid Common Lands or Grounds ſhall be reſpectively made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, other than and except the reſpective Purchaſers of ſuch Part or Parts of the ſaid Common or Waſte as ſhall be ſold by the ſaid Commiſſioners in purſuance of this Act, in proportion to the real Value of their reſpective Allotments to be ſettled and aſcertained by the ſaid Commiſſioners; and the ſeveral and reſpective Shares and Proportions of all ſuch Coſts, Charges, and Expences as aforeſaid, ſhall be payable and paid by ſuch Owners and Proprietors reſpectively to ſuch Perſon or Perſons, and at ſuch Time and Times as ſhall by the ſaid Commiſſioners, either before or after the Execution of their General Award as aforeſaid, be ordered, directed, and appointed, in Writing under their Hands reſpectively, Twenty-one Days before the Time appointed for ſuch Payment. Expences of the Diviſion to be paid by the Parties, if the Land to be ſold is not ſufficient.

Commissioners to account.

XLV. And be it further enacted, That the said Commissioners shall, and they are respectively required to keep, or cause to be kept, a just and true Statement and Account of all Sums of Money which shall be raised or received, and laid out or expended by them, or their Order, or for their Use, under or by virtue, or in the Execution of this Act, and of what shall be due and owing to them for their Trouble and Expences, and shall truly and regularly enter all the Particulars of such Statements and Accounts, in a Book to be provided for that Purpose; and such Accounts shall, at least once in every Year, from the passing of this Act, till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined and settled by such fit and proper Persons as shall be appointed Auditors by the Majority in Value of the said Proprietors, at a Meeting to be holden in like Manner as is hereinbefore directed, with respect to the Meeting of the said Proprietors, for the Purpose of appointing a Commissioner in the Place of any Commissioner dying or declining to act, or becoming incapable of acting; and such Auditor for the Time being shall, from Time to Time, state, in Writing under his Hand, the Balance of the said Accounts in such Books as aforesaid; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Auditor; and also, that such Book of Account shall be kept at the Office of the Clerk of the said Commissioners, and shall be open to the Inspection of any of the said Proprietors, or their Agents, at all seasonable Times during the Progress of the said Division and Inclosure, and until the said Accounts shall have been finally settled and allowed; and in case the said Commissioners, or their Clerk, shall refuse or neglect so to do, the Commissioner or Commissioners, and Clerk respectively, so refusing or neglecting, shall, for every such Refusal or Neglect, forfeit and pay to any Person who shall sue for the same the Sum of Ten Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case:

Power to appeal.

XLVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty-first Year of His present Majesty, or of this Act, (other than and except such Claims, Matters and Things, as are by the said Act or this Act directed or authorized to be ascertained, settled, tried, or determined by the Verdict of a Jury, or where, by any of the Provisions of the said Act or this Act, the Determination, Acts or Proceedings of the said Commissioners are directed to be final and conclusive) he, she or they may appeal to any General or Quarter Sessions of the Peace, which shall be holden for the County of *Radnor* within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal, by affixing such Notice, expressing the cause of Complaint, upon the principal Door of the said Parish Church of *Llanvihangel Nantmellan* aforesaid, Ten Days at least before such General or Quarter Sessions; and the Justices of the Peace assembled at such General or Quarter Sessions, or at any subsequent General or Quarter Sessions to which the said Justices shall adjourn any such Appeal, either for the Want of such Notice having been given as aforesaid,

aforesaid, or for any other Cause which to the same Justices shall seem a sufficient Cause to adjourn such Appeals, are hereby authorized to hear and determine the same, and to make such Order therein, and award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Damages and Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any) upon Demand to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; and the Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed, or removable by *Certiorari* or any Process or Writ whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

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

XLVII. And whereas certain Lands, Tenements, and Hereditaments, having Right of Common upon the said Common or Waste, have been purchased by the Aid of Queen *Anne*'s Bounty for the Augmentation of Ecclesiastical Livings or Benefices, and it would tend to the Advantage of the several Possessors of such Livings or Benefices, by the better enabling them to improve their several Allotments to be set out in respect of such last-mentioned Premises, if they were respectively empowered to grant Leases thereof; Be it therefore further enacted, That it shall be lawful for the several Possessors or Incumbents of such Livings or Benefices for the Time being respectively, by Indenture or Indentures under their respective Hands and Seals, with the Consent and Approbation of the Bishop of the Diocese, and of the respective Patrons of such Livings or Benefices, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to such several Possessors or Incumbents in respect of such Benefices or Livings by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the Execution of the said Award, so that the Rent or Rents for the same shall be thereby reserved to the Possessors or Incumbents of such Livings or Benefices respectively for the Time being, by Four Quarterly Payments in every Year, and so that there be thereby also reserved and made payable to such Possessors or Incumbents respectively, the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Premium, Foregift, Sum of Money, or other Consideration, for the making or granting any such Lease or Demise, and so that no such Lessee, by any such Lease or Demise, be made dispunishable for Waste by any express Words to be therein contained; and so that there be inserted in every such Lease, Power of Re-entry on Non-payment of the Rent or Rents to be thereby reserved, within a reasonable Time to be therein limited after the same shall become due, so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid, and every such Lease shall be valid and effectual; any Law or Usage to the contrary notwithstanding.

Saving Rights of Lords of Manors.

XLVIII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of the said respective Lords of the said several Manors

Manors of *Llanwenny* and *Radnor Foreign*, or their Leſſee or Leſſees, Steward or Stewards, or other Officers for the Time being of, in, or to the Seignories and Royalties incident and belonging to the ſame Manors reſpectively, but that the ſaid reſpective Lords of the ſaid Manors, and their Leſſee or Leſſees, Steward or Stewards, or other Officers thereof, for the Time being, ſhall and may from Time to Time, and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquiſites, Profits of Courts, Deodands, Waifs, Eſtrays, Eſcheats, Forfeitures, and all other Royalties, Privileges, Rights, Pre-eminences, Manorial Juriſditions, and Appurtenances whatſoever to the ſame, or to the Stewards or other Officers thereof incident or appendant, belonging or appertaining, in the ſame Manner as if this Act had not been paſſed: Provided always, that nothing in this Act contained ſhall be conſtrued or taken to extend to that Part of the Common or Open Land within the Townſhip of *Llanvihangel Nantmellan* aforeſaid, commonly called the Foreſt of *Radnor*, and whereof the ſaid *Thomas Frankland Lewis* is ſole Proprietor.

General Saving. XLIX. Saving always to the King's moſt Excellent Majeſty, his Heirs, and Succeſſors, and every Perſon or Perſons, Bodies Politic or Corporate, his, her, or their Heirs, Succeſſors, Adminiſtrators, and Aſſigns, (other than and except the reſpective Perſons to whom any Allotment or Allotments of Land or other Compenſation ſhall be made or provided by virtue of this Act in reſpect of the Intereſt or Property for which ſuch Allotment or Compenſation ſhall be made, and except ſuch other Rights and Intereſts as the Intent and Purpoſes of the Incloſure hereby authorized to be made ſhall abſolutely require to be barred, deſtroyed, or extinguiſhed by this Act) all ſuch Eſtates, Rights, and Intereſts as they, or any of them, had or enjoyed of, in, and to, or in reſpect of the Common or Waſte hereby directed to be divided and encloſed before the paſſing of this Act, or could or might have enjoyed if this Act had not been made.

Publick Act. L. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1812.