ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 44.

An Act for incloſing Lands in the Pariſh of *Pilleth*, in the County of *Radnor*. [25th *March* 1812.]

WHEREAS there is within the Pariſh of *Pilleth*, in the Lordſhip of *Cantremellenith*, in the County of *Radnor*, a Common or Waſte, called *Pilleth Hill*: And whereas the King's moſt Excellent Majeſty, in Right of his Crown, is Lord of the Lordſhip of *Cantremellenith* aforeſaid, and is ſeiſed of and entitled to the Soil of the ſaid Common or Waſte: And whereas *Richard Price* Eſquire, *Thomas Frankland Lewis* Eſquire, *Edward Jenkins* Eſquire, and ſeveral other Perſons are ſeiſed and poſſeſſed of divers Meſſuages, Tenements, ancient incloſed Grounds and Hereditaments, within the ſaid Pariſh and Lordſhip, and in reſpect thereof, or as appendant, appurtenant, or belonging thereto, they or their Leſſees, Farmers, or Tenants are entitled to Right of Common, and raiſing Stone in, upon, or over the ſaid Common or Waſte: And whereas an Act was paſſed in the Forty-firſt Year of the Reign of His preſent Majeſty, intituled, *An Act for conſolidating in one Act certain Proviſions uſually inſerted in Acts of Incloſure, and for facilitating the Mode of proving the ſeveral Facts uſually required on the paſſing of ſuch Acts*: And whereas the ſaid Common or Waſte in its preſent State is of little Uſe or Advantage, but the whole is capable of Cultivation and Improvement, and the ſeveral Perſons entitled to ſuch Right of Common and raiſing Stone as aforeſaid, are willing and deſirous that the ſaid Common or Waſte, with the Conſent of the King's moſt Excellent Majeſty, as Lord of *Cantremellenith* aforeſaid, ſhould be divided and allotted by Commiſſioners in that Behalf, to be appointed unto

unto and amongſt them proportionally, 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 ſetting out, dividing, allotting, and incloſing the ſaid Common or Waſte, and for putting in Execution this Act, and ſuch of the Powers, Authorities, Directions, and Proviſions contained in the ſaid recited Act as are not altered, controlled, or otherwiſe provided for or affected 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 Three 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 Three 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 Pariſh of *Pilleth*, or within the Space of Eight Miles therefrom,) at leaſt Fourteen Days before the Time of holding ſuch Meeting, ſuch Notice to be publicly read in the Pariſh Church of *Pilleth* 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*.

III. And

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 between the said Commissioners as aforesaid, shall be referred by the said Commissioners, by Writing under their Hands, to some disinterested and skilful Person as Umpire, (whom it shall be lawful for the said Commissioners to nominate and appoint, by Writing under their Hands for that Purpose, from Time to Time, and as often as they shall think necessary,) to determine all and every such Matters or Things, and Points and Questions respectively as aforesaid; and the Determination of every such Umpire so to be appointed, to be expressed in Writing under his Hand, shall be 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. Umpire to be appointed.

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

'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 Persons whomsoever.

'So help me GOD.'

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

V. And

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 Trust reposed in me as a Sur- 'veyor, 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 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 attending 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, for each and every Acre which shall have been so surveyed and admeasured in his Lifetime.

Surveyor to make fair Plans upon Vellum of

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,

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, the Commoners, &c. and his Charge for the same.

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 Door of the Parish Church of *Pilleth* 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 Meetings of the Commissioners shall be holden within the said Parish of *Pilleth*, or within the Distance of Eight Miles therefrom. Commissioners to give Notice of Meetings.

XI. And be it further enacted, That the Commissioners of His Majesty's Woods, Forests, and Land Revenues, or the Surveyor General of His Majesty's Land Revenue for the Time being may from Time to Time, by Writing under their or his Hands or Hand, nominate and appoint an Assistant Commissioner to carry this Act into Execution, as far as relates to His Majesty's Rights and Interests to and in the said Commons and Wastes; and such Assistant Commissioner, before he proceeds to the Execution thereof, shall take the same Oath as the Commissioners hereby appointed, or hereafter to be appointed, are required to take, and such Assistant Commissioner shall be paid at the Rate of Two Pounds Twelve Shillings and Sixpence for every Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, including the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences, and shall bear and pay his own Expences during the Time he shall be so employed. Power to His Majesty's Surveyor-General to appoint an Assistant Commissioner to attend to His Majesty's Interest.

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

Commissioners to determine Differences, except as to Titles.

XIII. 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 Cases 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.

Power to award Costs.

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

Parties may try their Rights by an Issue at Law.

XV. 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 Interest to, in, over, or upon the Lands and Hereditaments intended to be divided or affected by this Act, or any Part thereof, and shall by Writing, under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their known Agent, signify the same to the said Commissioners within Two Calendar Months next after such Determination shall be made; in such

ſuch Caſe, but not otherwiſe, it ſhall be lawful for the Perſon or Perſons ſo diſſatisfied with ſuch Determination, to have the Subject of ſuch Claim or Objection, in reſpect to which ſuch Determination ſhall have been made, tried by an Action at Law to be brought by him, her or them againſt the ſaid Commiſſioners, or ſome one or more of the Parties in whoſe Favour ſuch Determination ſhall have been made, upon a feigned Iſſue, to be ſettled by the proper Officer of the Court in which ſuch Action ſhall have been brought, in caſe the Parties ſhall differ about the ſame, ſuch Action to be brought within Three Calendar Months next after ſuch Determination ſhall have been made; and the Defendant or Defendants in ſuch Action or Actions, ſhall, and is, and are hereby required to appear to ſuch Action, accept a Declaration, and plead to Iſſue, and the Plaintiff or Plaintiffs ſhall thereupon proceed in ſuch Action ſo as to have the ſame tried and determined at the Firſt or Second Aſſizes to be holden for the County of *Hereford* next, after the commencing of ſuch Action, unleſs the Court ſhall direct further Time to be given; and if at the Trial of any ſuch Iſſue or Iſſues it ſhall appear that the Party claiming is entitled to any qualified or leſs Right or Rights or Intereſts than was or were claimed by ſuch Party, then it ſhall and may be lawful for the Jury by whom ſuch Iſſue or Iſſues ſhall be tried, to find and declare the ſame by their Verdict, which ſhall be indorſed on the Poſtea, in addition to the Verdict given upon the Iſſue or Iſſues joined; but nevertheleſs the Coſts of ſuch Action or Actions ſhall abide, and be determined by the Verdict given upon the Iſſue or Iſſues joined, as if no ſuch Special Finding had been made; and the Verdict of the Jury on ſuch Trial, or the 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

Actions not to abate by Death of Parties.

How Actions may be brought after the Death of Parties.

Perſon or Perſons as if actually living, and to ſerve the Clerk of the ſaid Commiſſioners with Notice of ſuch Action or Actions, in the ſame Manner as the Party or Parties might have been ſerved therewith if living; and it ſhall be thereupon incumbent on the Heir or Heirs, or other Perſon or Perſons who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead; and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons ſhould have been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

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 Pariſh of *Pilleth*; 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 Pariſh, ſhall be ſtopped up without the Concurrence and Order of Two Juſtices of the Peace for the ſaid County of *Radnor*, not intereſted in ſuch Roads or Ways; and that every ſuch Order ſhall be ſubject to an Appeal to the Quarter Seſſions for the ſaid County of *Radnor*, in like Manner, and under the ſame Forms and Reſtrictions as Orders originally made by Juſtices for diverting and turning Roads and Ways.

Juſtices at Seſſions to declare new Roads completed.

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 County of *Radnor*, at their Special Seſſions, to declare ſuch Road or Roads to be fully and ſufficiently formed, completed, and repaired; and from which Time and 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 Pariſh now are or ought by Law to be amended and kept in Repair.

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

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

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

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, with the Conſent in Writing of the Aſſiſtant Commiſſioner, and not otherwiſe, to ſet out, appoint, and allot ſuch and ſo many Stone and Slate Quarries in the ſaid Common Land or Ground as they ſhall think neceſſary for the Uſe and Benefit of the Proprietors and

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.

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

XX. 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, 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, are by them the ſaid Commiſſioners ſet out and appointed for the excluſive Uſe and Enjoyment of thoſe ſo excluded; and provided alſo, that no Proprietor or Claſs of Proprietors of Lands or Tenements in one Pariſh ſhall have any further or other Uſe or Enjoyment of any Quarry or Quarries in the other Pariſh, than hath been cuſtomary for the laſt Thirty Years.

Allotment to His Majeſty as Lord of the Manor.

XXI. And be it further enacted, That the ſaid Commiſſioners ſhall (after ſuch neceſſary Roads and Highways, and Quarries as aforeſaid ſhall have been ſet out,) aſſign, ſet out, and allot unto and for the Uſe of the King's Moſt Excellent Majeſty, his Heirs and Succeſſors, with the Concurrence and Approbation in Writing of the ſaid Aſſiſtant Commiſſioner, and not otherwiſe, ſo much and ſuch Part or Parts of the Reſidue of the ſaid Common or Waſte hereby directed to be incloſed, as ſhall be equal in Value to one full Twentieth Part or Share of ſuch Reſidue remaining, after deducting ſuch Roads, Highways, and Quarries, ſo ſet out as aforeſaid, for and in lieu, ſatisfaction, and extinction of the Rights and Intereſts of His Majeſty, his Heirs and Succeſſors, in, over, or upon the Soil of the ſaid Common or Waſte ſo directed to be incloſed as aforeſaid.

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

XXII. And be it further enacted, That (after ſuch neceſſary Roads and Highways, and Quarries as aforeſaid, and the ſaid Allotment to His Majeſty, his Heirs and Succeſſors, ſhall have been deducted,) it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized, empowered, and required, as ſoon as conveniently may be, to appropriate, mark, and ſet out, by proper Stakes or Land-Marks, ſo much and ſuch Part or Parts of the ſaid Common or Waſte as to them ſhall ſeem competent, neceſſary, and ſufficient to be ſold as 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 Outſide 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.

XXIII. And as to so much and such Part or Parts of the said Common or Waste as shall be appropriated, marked, and set out to be sold by the said Commissioners, in pursuance of the Directions herein contained, be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, as soon as may be after the same shall be appropriated, marked, and set out as aforesaid, and at such convenient Times and Places as to them shall seem meet, to cause all such Part or Parts of the said Common or Waste as shall be 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 the present Reign; and upon Payment to the said Commissioners of the Purchase Money for which the same shall be sold, the said Commissioners shall, in and by their general Award, allot and appoint the Part or Parts of the said Common or Waste which shall be so sold as aforesaid, unto the respective Purchasers thereof, or to such Person or Persons as he, she, or they shall respectively direct; and all and every such Part and Parts of the said Common or Waste as shall be so sold, allotted, and appointed as aforesaid, shall, from, and immediately after the Execution of the said general Award of the said Commissioners, become, and the same is and are hereby declared to be vested in the Person or Persons to whom the same shall be so allotted and appointed, and his, her, or their Heirs and Assigns for ever.

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

XXIV. 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 Watercourses which the said Commissioners shall direct to be made or set out, or in anywise relating thereto; and in case there shall be any Surplus of the Monies arising by or from such Sale or Sales as aforesaid, after Payment of all such Charges and Expences as aforesaid, such Surplus Monies shall be divided between the several Persons interested in the said Lands and Grounds, in proportion to their respective Interest and Property therein; and the Shares of such of them as shall be Tenants in Fee Simple, shall be paid to them respectively, and the Shares of such other Persons respectively shall be applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands or Hereditaments to be settled to the same Uses; Provided always, that in all Cases where any of the Persons, Bodies 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

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

ſaid Commiſſioners of ſuch their Mind and Deſire, that then and in every ſuch Caſe, the Share or reſpective Shares of the Party or Parties ſo giving ſuch Notice as aforeſaid, of and in all ſuch Expences, ſhall be paid and defrayed in Money by ſuch Party or Parties reſpectively, and in ſuch Manner, and at ſuch Time or Times, and to ſuch Perſon or Perſons as the ſaid Commiſſioners ſhall, by Writing under their Hands, order, direct, and appoint; and in all Caſes where any ſuch Payment or Payments in Money ſhall be ſo made as aforeſaid, the ſaid Commiſſioners, in ſetting out Allotment or Allotments of the Party or Parties making ſuch Payment or Payments, ſhall have regard to the Amount of ſuch Payment and Payments reſpectively, in aſcertaining the Share and Proportion of the ſaid Common or Waſte ſo to be ſet out and allotted to ſuch Party or Parties reſpectively.

Allotment of the Reſidue.

XXV. 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 ſeveral Perſons intereſted therein, in ſuch Quantities, Shares, and Proportions, as by the ſaid Commiſſioners ſhall be adjudged and determined to be a fair, juſt, 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.

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

XXVI. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Shares, Rights, and Intereſts of the ſaid Proprietors, in the Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof; and ſuch propoſed Allotment and Allotments ſhall be ſtated and marked out; they, the ſaid Commiſſioners, ſhall hold a Meeting at ſome convenient Time and Place, when and where the Proprietors may be informed by ſuch intended Allotments, and ſee the Scheme thereof ſet out and delineated upon a Map to be produced for their Inſpection; and if any of the ſaid Proprietors ſhall, upon ſuch Inſpection, be diſſatisfied with any of the propoſed Allotments, the ſaid Commiſſioners ſhall, at ſuch Time and Place as laſt aforeſaid, or at ſome other Time and Place to be appointed by them for that Purpoſe, receive Statements, in Writing, of the Complaints and Objections of any Proprietor or Proprietors againſt any Allotments, and ſhall forthwith, or as ſoon after as conveniently may be, determine the ſame; and ſuch Determination being reduced into Writing, and ſigned by them, ſhall be binding and concluſive upon all Parties intereſted in any ſuch Allotment or Allotments.

For fencing Allotments.

XXVII. 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

Gaps to be left.

Fences

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.

Power to ſell His Majeſty's Allotment.

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

Proprietors may ſell Allotments before Award and Common Rights ſeparate.

XXIX. 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,

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.

XXX. 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 Pariſh of *Pilleth*, in Lieu of and in Exchange for any other Lands, Tenements, or Hereditaments within the ſaid Pariſh, 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 or other Uſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Feme Coverts, 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 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.

XXXI. 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.

XXXII. 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.

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

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

Separate Allotments for separate Titles.

XXXIV. And be it further enacted, That where the Proprietor or Proprietors of any of the Common Lands or Grounds hereby directed to be divided or inclosed, shall hold his or their respective Estates under separate Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, set out and distinguish in their said Award, distinct and several Allotments for the Lands or other Hereditaments held under each Title; and where from the Want of the necessary Information before the said Commissioners, or from any other Cause their Award shall omit discriminating as aforesaid, such different Titles, Request shall within Twelve Calendar Months after the Execution of the Award of the said Commissioners be made to the said Commissioners, by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied by a separate Instrument, then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require, to examine Witnesses, and in every other respect to proceed and act as if the Award had not been made; and when they shall have obtained what they 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

be contained in the ſaid Award; and every ſuch ſeparate Inſtrument, after having been duly executed by the ſaid Commiſſioners, ſhall have the ſame Effect as if it was contained in the ſaid Award, and ſhall be delivered to the Perſon or Perſons to whom the Cuſtody of the Deeds and Writings concerning the Title to the Premiſes in Queſtion, ſhall, in the Opinion of the ſaid Commiſſioners moſt properly belong, for the Time being, and all Expences which ſhall be reaſonably incurred in or about any ſuch ſupplemental Inſtrument as aforeſaid, ſhall be payable by the Perſon or Perſons who ſhall have ſo requeſted the ſaid Commiſſioners as aforeſaid, or by his or their Heirs, Executors, or Adminiſtrators.

Encroachments to be allotted to Perſons in Poſſeſſion thereof.

XXXV. 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 a Right to Common upon the ſaid Common or Waſte, as are in the Poſſeſſion of any ſuch Encroachment or Enroachments 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 or 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 accordingly to the original Value in their open State, without any regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected and built thereupon.

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

XXXVI. 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.

XXXVII. And be it further enacted, That in the mean Time, and until ſuch Diviſions and Allotments ſhall be made as aforeſaid, all the Lands hereby directed to be divided and incloſed ſhall be ſtocked with ſuch Cattle,

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

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

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

Award.

XXXIX. 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 made and executed within the Space of Three Years from the paſſing of this Act, and ſhall be enrolled with the Clerk of the Peace for the County of *Radnor*, within Two Calendar Months after the Execution thereof by the ſaid Commiſſioners, or ſo ſoon after as conveniently may be; and the ſaid original Award, and ſuch Plans or Surveys as may be annexed thereto, ſhall be lodged and depoſited in the Pariſh Church of *Pilleth* aforeſaid to the End that Recourſe may be had thereto by any Perſon or Perſons intereſted in the ſaid Diviſion and Incloſure; which ſaid Award and Plans, and every other Writing and Inſtrument to be lodged with the ſaid Award, ſhall and may be inſpected at all ſeaſonable Times, upon reaſonable Notice given by the Party requiring ſuch Inſpection.

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

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

Any Money advanced for the paſſing of this Act to be

XLI. 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 and

and lend the ſame, his Executors, Adminiſtrators, and Aſſigns, out of the first Monies which ſhall be raiſed for defraying the Expences of paſſing and executing this Act. repaid with Intereſt.

XLII. 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, (except His ſaid Majeſty, his Heirs and Succeſſors,) to whom any Allotment or Allotments of the ſaid Common Lands or Grounds ſhall be reſpectively made, his, her, or their Heirs, Succeſſors, Executors, Adminiſtrators, and Aſſigns, other than and except the reſpective Purchaſers of ſuch Part or Parts of the ſaid Common or Waſtes as ſhall be ſold by the ſaid Commiſſioners in purſuance of this Act, in proportion to the real Value of their reſpective Allotments, to be ſettled and aſcertained by the ſaid Commiſſioners; and the ſeveral and reſpective Shares and Proportions of all ſuch Coſts, Charges, and Expences as aforeſaid, ſhall be payable and paid by ſuch Owners and Proprietors reſpectively to ſuch Perſon or Perſons, and at ſuch Time or Times as ſhall, by the ſaid Commiſſioners, either before or after the Execution of their general Award as aforeſaid, be ordered, directed, and appointed, in Writing under their Hands reſpectively, Twenty-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.

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

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.

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

Saving the Rights of His Majeſty to Mines, &c.

XLV. Provided always, and be it further enacted, That nothing in this Act contained ſhall prejudice or defeat the Right or Intereſt of His Majeſty, his Heirs or Succeſſors, in and to all Mines, Ores, Minerals, Coals, Quarries of Lime and Stone, and other Matters of what Nature or Kind ſoever in or under the ſaid Commons and Waſte Lands, but His ſaid Majeſty, his Heirs and Succeſſors, and his and their reſpective Leſſee or Leſſees, Grantee or Grantees, Agents, Servants, Colliers, Miners, and other Workmen, ſhall and may from Time to Time and at all Times hereafter enter into, have, hold, enjoy, ſearch for, and work all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, and Coal, and Quarries of Lime and Stone whatſoever, as fully and effectually to all Intents and Purpoſes whatſoever as he or they could have had, held, and enjoyed the ſame before the paſſing of this Act.

XLVI. And

Saving His Majesty's Right as Lord of Cantremellenith.

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

General Saving.

XLVII. 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 inclosed before the passing of this Act, or could or might have enjoyed if this Act had not been made.

Publick Act.

XLVIII. 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.