ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

** **

Cap. xcv.

An Act for dividing, allotting, and inclosing Common and Waste Lands called *Portfield* otherwise *Poorfield* in the County of the Town of *Haverfordwest*. [27th *July* 1838.]

WHEREAS there are within the Borough and County of the Town of *Haverfordwest* certain Common Pastures and Commonable and Waste Lands called *Portfield* otherwise *Poorfield*, containing in the whole by Estimation Six hundred Acres or thereabouts, which are extra-parochial, and not included within any Manor or Lordship: And whereas the Mayor, Aldermen, and Burgesses of the said Borough are or claim to be seised in Fee or entitled to the Soil and Freehold of the said Common and Waste Lands: And whereas the Freemen of the said Borough on the one Hand, and the Freemen of the said Borough on the other Hand respectively claim to be entitled to the Pasturage of and the Right to stock the said Common Pastures, and to other Rights of Common in and upon the said Common and Waste Lands, and the said Freemen have for a long Period of Time depastured their Horses, Cattle, and Sheep thereon: And whereas an Act was passed in the Forty-first Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for consolidating in One Act certain Provisions* 41G. .c.109.
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 an Act was passed in the First and Second Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Law respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: And whereas the said Common and Waste Lands in their present State are subject to continual Devastations and Encroachments, and are of comparatively little Value to the said Owners and the Persons interested therein and entitled to the Feed thereof, but are capable of considerable Improvement; and it would be very advantageous to such Owners and Persons interested in the said Lands if Part thereof were sold for raising Money to defray the Expences of obtaining and carrying this Act into execution, and for the Purposes thereof, and if the Residue of the said Lands were divided, and specific Shares thereof allotted to the Owners and the several Persons interested therein, according to their several Estates, Rights, and Interests, and if all such Allotments were inclosed; but the same 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 Queen'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 Wilson* of *New Boswell Court* in the County of *Middlesex*, Esquire, Barrister at Law, shall be and he is hereby appointed the Commissioner for dividing, allotting, and inclosing the said Common and Waste Lands, and for carrying this Act into execution, subject to the Rules, Orders, and Regulations in this Act contained, and also subject to the Directions and Provisions contained in the said recited Acts, which said recited Acts shall be applied, deemed, and taken as Parcel of this Act, except in such Cases only where the same are hereby varied or altered, or where the same are repugnant to or inconsistent with the Powers and Provisions of this Act.

1 & 2 G. 4. c. 23.

Appointment of Commissioner.

Rules for Interpetation of this Act.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number or Masculine Gender only shall be understood to include several Matters as well as one Matter, several Persons as well as one Person, and Females as well as Males; and every Word importing the Plural Number shall extend and be applied to one Person or Matter as well as to several Persons or Matters; and where the Words "said Commissioner" shall be used the same shall be held to mean the Commissioner for the Time being acting in the Execution of this and the said recited Acts, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Appointment of new Commissioner.

III. And be it further enacted, That if the said *John Wilson*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or shall become incapable of acting, or shall refuse or neglect for the Space of Two Calendar Months to act as a Commissioner in the Execution of this Act, it shall be lawful for the Majority of Freemen present at a Meeting of the Freemen to be called within the said Borough by Notice to be affixed on or near the outer Door of the Shire Hall in the said Borough Ten Days at least previous to the Day appointed for such Meeting, and by Advertisement to be previously inserted twice at the least in the *Carmarthen Journal*, or some other Newspaper circulated

in the County of *Pembroke*, to appoint some other Person (not interested in the said intended Division, Allotment, and Inclosure) to be a Commissioner in the Stead of the said *John Wilson*, and in the Room of any Commissioner so to be appointed in his Stead who shall die, or become incapacitated, or refuse or neglect to act as aforesaid; and every Commissioner so to be appointed shall have such and the like Powers for carrying this Act and the said recited Acts into execution, and shall be deemed and taken to be the Commissioner referred to by this Act, to all Intents and Purposes, as if he had been herein named and appointed such Commissioner: Provided always, that if the Commissioner hereby appointed, or his Successor for the Time being, shall not attend and proceed in the Execution of his Duty, having at least Twenty-one Days previous Notice in Writing given to him by the Town Clerk for the Time being of the said Borough, every or any such Absence or Neglect of Duty shall be deemed a Refusal to act, and in that Case it shall be lawful for the said Freemen in manner aforesaid to appoint another Commissioner.

Declaration to be made by Commissioner.

IV. And be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in signing and giving Notice of the First Meeting to be held for putting this Act into execution) until he shall have made and subscribed the Declaration following before One of Her Majesty's Justices of the Peace for the County of *Pembroke;* which Declaration such Justice is hereby empowered to take and receive; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of an Act passed in the Second Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*], according to Equity and good Conscience, and without Favour, Prejudice, or Partiality to any Person whomsoever.'

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said first-recited Act to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, and inclosing any Lands.

Appointment of Surveyor.

V. And be it further enacted, That *Harry Phelps Goode* of the said County of the Town of *Haverfordwest*, Surveyor, shall be and he is hereby appointed the Surveyor for the Purposes of this Act and the said recited Acts; and in case of the Death, Refusal, Neglect, or Incapacity of the said *Harry Phelps Goode* to act as such Surveyor whilst the Powers of this Act and the said recited Acts are carrying into execution, then the said Commissioner shall and he is hereby authorized by Writing under his Hand, with the Consent and Approval of the said Mayor, Aldermen, and Burgesses by Writing under their Corporate Seal, to appoint from Time to Time any Person, not interested in the said intended Division, Allotment, and Inclosure, to be a Surveyor for the Purposes of this Act and the said recited Acts in the Stead of the said *Harry Phelps Goode;* and it shall be lawful for the said Commissioner and he is hereby authorized and required to cause and direct such Survey and Admeasurement, Maps and Plans to be had and made as in the Judgment of the said Commissioner

sioner shall appear to be requisite for the Purpose of carrying this Act and the said recited Acts into execution; and to allow such Surveyor, or the Surveyor for the Time being, any Sum not exceeding One Shilling *per* Acre, as the said Commissioner shall judge reasonable for making the Survey, Admeasurement, Maps, and Plans, and for other Business usually transacted by a Surveyor, exclusively of his Attendance upon the said Commissioner, and other Services during the Progress of the said Division and Allotment, and such further Sum, not exceeding One Pound Eleven Shillings and Sixpence *per* Day, as the said Commissioner shall judge reasonable for the Surveyor's Attendance upon the Commissioner, and for other Services not herein-before mentioned; and the Sums allowed by the said Commissioner shall be in full Satisfaction for the Time and Trouble, and for all travelling and other Expences of every Description, of the Surveyor in or about the Execution of this Act and the said recited Acts.

Declaration to be made by Surveyor.

VI. Provided always, and be it further enacted, That neither the Person hereby appointed the Surveyor nor any other Person shall be capable of acting as such Surveyor until he shall have made and subscribed the Declaration following; (that is to say,)

'I [*A. B.*] do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent on me as Surveyor by virtue of an Act passed in the Second Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*], according to Equity and good Conscience, and without Partiality, Favour or Affection, Prejudice or Malice, to any Person whomsoever.'

Which Declaration the said Commissioner, or any Justice of the Peace for the said County of *Pembroke*, is hereby empowered to take and receive; and the said Declaration so made and subscribed by any such Surveyor shall be annexed to and deposited with the Award of the said Commissioner.

Penalty on making false Declaration.

VII. And be it further enacted, That if any Person making and subscribing a Declaration under the Authority and Direction of this Act shall wilfully and corruptly make and subscribe such Declaration, knowing the same to be untrue in any material Particular, such Person shall be deemed guilty of a Misdemeanor.

Appointment of Clerk.

VIII. And be it further enacted, That the said Commissioner shall have Power and he is hereby authorized and required to appoint a Clerk to assist him in the Execution of this Act and the said recited Acts; and the said Commissioner shall from Time to Time remove such Clerk, and appoint another in his Stead, as the said Commissioner shall see Occasion; and such Clerk so to be appointed shall be paid or allowed out of the Money to be raised for putting this Act into execution such Sum or Sums of Money as herein-after mentioned for his Trouble and Expences in the Assistance to be given by him as aforesaid.

Allowance to Commissioner and Clerk,

IX. And be it further enacted, That the said Commissioner shall be paid the Sum of Five Pounds and Five Shillings, and his Clerk the Sum of Two Pounds and Two Shillings, and no more, by the Day, when respectively

tively actually attending or employed in the Execution of this Act and the said recited Acts, or necessarily travelling to or from any Sitting of the said Commissioner for the Purposes of this Act and the said recited Acts; such Sum so be paid to each of them to include every Expence and Charge for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act and the said recited Acts, other than and except the Expences for the Use of the Rooms in which the said Sittings shall be held for carrying this Act and the said recited Acts into execution, and the Costs and Expences of drawing, preparing, copying, engrossing, and enrolling the Award of the said Commissioner, and of Notices and Advertisements.

Duration of Commissioner's Sittings.

X. And for regulating the Duration of all Sittings to be held for the Purposes of this Act and the said recited Acts, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Sittings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March;* and any Sitting for the Purposes of this Act and the said recited Acts of less Duration than Eight Hours or Six Hours (as the Case may be) shall be charged only as Half a Day, and the said Commissioner and his Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk in which shall be entered the several Days on which the said Commissioner shall hold his Sittings, at what Hour the said Commissioner and his Clerk were respectively present thereat, and at what Hour they respectively left or adjourned the same; and such Book shall be signed by the said Commissioner and his Clerk at the Termination of each Sitting, and shall be open to the Inspection of all Persons interested in the said Division and Allotment, their Agents or Attornies, during the several Sittings to be so held, and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided always, that it shall not be lawful for the said Commissioner to retain or pay himself or such Clerk, out of any Monies to be received by him or over which he may have any Control by virtue and in execution of this Act, any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively beyond Two Thirds of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided; but nevertheless, in case of the Decease of the said Commissioner or of his Clerk previous to the Execution of the said Award, the Commissioner for the Time being shall, after the Expiration of the Time allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due to them.

Commissioner and others to pay their own Expences.

XI. Provided always, and be it further enacted, That as well the said Commissioner and his Clerk as the said Surveyor, and all Persons interested in the said intended Division and Allotment, their Attornies and Agents,

Agents, and others who may attend any Sittings of the said Commissioner to be held in pursuance of this Act and the said recited Acts, shall pay their own Expences when they or any of them shall attend any of the said Sittings.

Proceedings to be entered in a Book, and to be Evidence.

XII. And be it further enacted, That all Orders, Proceedings, and Determinations of the said Commissioner at any of his Sittings to be held in pursuance of this Act or the said recited Acts shall be entered in a Book or Books to be provided for that Purpose, and kept by the Clerk to the said Commissioner, and shall be signed by the said Commissioner; and such Orders, Proceedings, and Determinations, when so entered and signed, shall be deemed and taken as Originals, and the same, or Copies thereof, certified under the Hand of the said Commissioner, shall be read as Evidence of such Orders, Proceedings, and Determinations in all Courts, and before all Judges, Justices, and others.

Notice of Commissioner's Sittings.

XIII. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be given of the Time and Place of his First and every other Sitting for the Execution of this Act and the said recited Acts by affixing a Notice in Writing under his Hand on or near the outer Door of the Shire Hall in the said Borough, and also by causing the same to be inserted in "*The Carmarthen Journal*," or some other Newspaper circulated in the said County of *Pembroke*, Seven Days at least before every such Sitting (Sittings by Adjournment only excepted); and the said Commissoner may adjourn any such Sitting from Time to Time, and from Place to Place, as he shall see Occasion: Provided always, that every Sitting of the said Commissioner shall be held within the said Borough; and if the said Commissioner shall not attend at any Sitting, then it shall be lawful for his Clerk to adjourn such Sitting, and appoint the same to be held at the same Place, or any other Place in the said Borough, on any future Day not exceeding Fourteen Days from the Day of Adjournment, and shall give at least Six Days Notice thereof to the said Commissioner.

Clerk may adjourn.

Other Notices.

XIV. And be it further enacted, That all other Notices necessary or requisite to be given by the said Commissioner, except in Cases where such Notices are directed in and by this Act to be otherwise given, shall be given by Advertisement to be inserted in the said Newspaper called "The *Carmarthen* Journal," or in some other Newspaper circulated in the said County of *Pembroke*, and also by affixing such Notices on or near the outer Door of the Shire Hall in the said Borough.

Lands to be allotted.

XV. And be it further enacted, That the said Common and Waste Lands, and all Encroachments or Inclosures made or taken on, from, or out of any Part thereof, without the Consent of the Owners of the Soil, within the Space of Twenty Years next before the passing of this Act, shall be deemed the Lands to be divided and allotted by virtue of this Act under the Powers herein-after and in the said recited Acts contained, and the same shall be divided and allotted accordingly; and in case any Dispute shall arise touching any such Encroachments or Inclosures, or the Extent or Duration thereof, such Dispute shall be settled and determined by the said Commissioner: Provided always, that it shall be lawful for the said Commissioner and he is hereby required to offer such Encroach-

Encroachments or Inclosures to the Person possessing, occupying, or receiving Rent for the same, as and for the whole or as and for Part of the Allotment to which such Person may otherwise be entitled by virtue of this Act, in case any such Person shall be so entitled to any Allotment; and in case the Allotment to which such Person shall be so otherwise entitled shall not be equal in Value to such his Encroachment or Inclosure, or in case such Person shall not be entitled to any Allotment by virtue of this Act, then and in either of such Cases it shall be lawful for the said Commissioner and he is hereby required, in case the Person so possessing, occupying, or receiving Rents shall think proper to purchase, to sell the whole or the surplus Part of such Encroachments or Inclosures respectively to the Person so possessing, occupying, or receiving Rent for the same at such Price or Prices as the same in the Estimation of the said Commissioner shall be worth, having Regard to the Value of the Waste Lands adjoining, but without taking into account the Value of any Building or other Improvements made upon any of such Encroachments; and upon such Person paying such Price or Prices to the said Commissioner at such Time or Times as he shall appoint for that Purpose, and taking his Receipt or Receipts for the same, every such Encroachment, or such Part thereof as shall be so purchased, shall be awarded to such Person and holden and enjoyed by him accordingly; and the said Commissioner shall and he is hereby required to apply such Purchase Money in such and the like Manner as herein directed of and concerning the Monies to arise by Sale of Lands; and in every Case where all or any Part of such Encroachments as aforesaid shall not be allotted to the Person who either by himself or his Tenant shall be in Possession thereof, then such Person shall be at liberty, within such Time and subject to such Regulations and Restrictions as the said Commissioner shall appoint by Writing under his Hand, to remove the Buildings, if any, standing thereon, or the Materials thereof, and to take the same to his own Use.

Commissioner to settle Disputes.

XVI. And be it further enacted, That if any Dispute or Difference shall arise between any of the Persons interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching their respective Rights and Interests in and over the said Lands to be divided and allotted by virtue of this Act, or the Value or Extent of such Rights or Interests, or any other Matter or Thing relating to the said intended Division or Allotment, it shall be lawful for the said Commissioner and he is hereby required, upon Examination of Witnesses on Oath or on any other proper Evidence, to inquire into, hear, and determine the same.

Commissioner may award Costs.

XVII. And be it further enacted, That in case the said Commissioner shall, upon the hearing or determining of any such Dispute or Difference, or any Claim or Objection, to be delivered to him in pursuance of the said first-recited Act or this Act, or in consequence of the Neglect of the Party making such Claim or Objection to proceed therein, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application to be made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party in whose Favour any Determination of the said Commissioner shall be made by the Party whose Claim

or Objection shall be thereby disallowed or overruled, or who may have neglected to proceed therein, or against whom the Commissioner shall have made any Determination as aforesaid; and in case the Person who shall be liable to pay such Costs or Charges shall refuse or neglect to pay the same, on Demand, then and in such Case the same shall and may be recovered either by Action at Law in any of Her Majesty's Courts of Record at *Westminster*, in which Action it shall be sufficient for the Plaintiff to declare that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the said Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act, or in the Manner directed or authorized by the said first-recited Act with respect to Expences to be paid in Proportions by the Proprietors of Lands to whom any Allotment shall have been made.

Parties may try their Rights at Law.

XVIII. And be it further enacted, That in case any Persons interested or claiming to be interested in the said intended Division, Allotment, and Inclosure shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim to the Right of Soil or Right of Common or other Rights and Interests in, over, and upon or out of the Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, or touching or concerning any Matter or Thing whatsoever relating thereto (except where the Determination of the said Commissioner is hereby declared to be final), it shall be lawful for the Persons so dissatisfied with any such Determination to cause an Action to be brought in one of Her Majesty's Court of Record at *Westminster*, upon a feigned Issue, against the Person in whose Favour such Determination shall have been made, within Three Calendar Months next after the Determination of the said Commissioner shall have been notified in Writing to the Person against whom such Determination shall have been made, or to his known Agent or Attorney; and the Person so dissatisfied as aforesaid shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the next or Second Assizes to be holden for the said County of *Pembroke* after such Action shall be so commenced; and the Defendant in such Action shall and he is hereby required to name an Attorney who shall appear thereto and accept an Issue, whereby such Claim or Objection, and the Rights thereby insisted on, may be tried and determined (such Issue to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties or their Attornies shall differ about the same); and the Verdict which shall be given in such Action shall be final, binding, and conclusive on the Parties thereto, unless the Court in which such Action shall be brought shall set aside such Verdict, and order a new Trial to be had therein, and 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, the said Commissioner shall and he is hereby required to act in conformity thereto, and to allow or disallow any Claim, Rights, or Interests thereby determined according to the Event of such Trial: Provided always, that if no such Action at Law shall be commenced within the Time herein-before limited, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time and in the Manner herein-before mentioned, or the Determination of the said Commissioner shall not be overruled by the Event of any such Trial as aforesaid, then the Determination of the said Commis-

Commissioner shall be final, binding, and conclusive to all Intents and Purposes whatsoever: Provided also, that no Difference, Action, or Proceeding as aforesaid, nor any Difference touching the Title to any Lands or Hereditaments, shall impede or delay the Commissioner in the Execution of this Act, but the Inclosure by this Act authorized shall be proceeded in, notwithstanding any such Difference, Action, or Proceeding, and the Allotments in respect of any disputed Property or Right shall be taken and held by the Party who, upon the Determination of such Difference, Action, or Proceeding, shall become entitled thereto.

Deaths of Parties not to abate Actions.

XIX. Provided always, and be it further enacted, That if any of the Parties, Plaintiff or Defendant in any Action to be brought in pursuance of this Act, shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing the same, it shall be lawful for the Person who might have brought such Action against the Person so dying to bring the same within the Time so limited as aforesaid against such Person as if actually living, and to serve the Clerk of the said Commissioner with Process for commencing such Action in the same Manner as the Person so dying might have been served therewith if living; and the said Clerk shall serve the Heir or other Person who shall claim the Benefit of such Determination as aforesaid forthwith, or as soon as such Heir or other Person may be ascertained or known; and on such Service being made by the said Clerk it shall be incumbent on the Heir or other Person who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had therein in the same Manner as if such Person had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of every such Action.

Rights of Common to be extinguished.

XX. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time when he in his Judgment shall think it convenient or proper, by Notice for that Purpose under his Hand to be affixed on or near the outer Door of the Shire Hall in the said Borough, or on or near the principal outer Door of the Parish Church of *Saint Mary* in the said Borough and County of the Town of *Haverfordwest* on some *Sunday* before Divine Service, to order the Rights of Common in, upon, and over the Lands hereby directed to be divided, allotted, and inclosed, or any Part thereof, to be extinguished, either in the whole or in part, or the Exercise thereof to be suspended; and from and after the Time or Times to be mentioned in and fixed by any such Notice all such Rights of Common as shall be thereby directed to be extinguished or suspended shall cease and be extinguished, or shall be suspended accordingly; and if during such Suspension, or after such Extinguishment of such Rights of Common, any Claimants of Pasturage or Common Rights, or other Person whomsoever, shall permit his Cattle, Sheep, or Swine to go, depasture, or feed on any of the Lands over which such Rights of Common shall be suspended or extinguished, then it shall be lawful for the said Council of the said Borough, or any Person appointed

by the said Council, or any other Person, being a Freeman of the said Borough, to distrain such Cattle, Sheep, or Swine being upon such Lands contrary to such Notice, and to impound the same until the Person so offending shall pay to the said Council, or the Person distraining, any Sum not exceeding Ten Shillings for each Head of Cattle, and Five Shillings for each Sheep or Swine so distrained, to be determined by the said Commissioner; and in case the same, together with all Costs and Charges to be determined as aforesaid, shall not be paid within a reasonable Time to be fixed by the said Commissioner, he the said Commissioner is hereby authorized and empowered, upon Proof of such Offence having been committed and Nonpayment of the Penalty incurred, to cause the Cattle, Sheep, or Swine so distrained, or such of them as he shall think fit (or other the Goods and Chattels of the Person so offending, which the said Commissioner may distrain, in case of any Rescue or Pound Breach), to be sold for raising or paying the Penalty so incurred as aforesaid, together with the Costs and Charges attending every such Distress and Sale, rendering the Overplus (if any), upon Demand, to the Owner of such Cattle, Sheep, or Swine.

Commissioner to appoint private Roads.

XXI. And be it further enacted, That the said Commissioner shall and he is hereby empowered and required, in and by his Award to be made in pursuance of this Act and the said first-recited Act, to set out and appoint such private Roads, Bridleways, and Footways through and over the Lands hereby directed to be divided, allotted, and inclosed as he shall think requisite, giving such Notice and subject to such Examination as is required by the said first-recited Act in case of public Roads; and any Charges and Expences which the said Commissioner may think fit to incur or direct to be incurred prior to the Time of making his Award, relative to the setting out or the Formation or Completion of such private Roads, Bridleways, and Footways, or any of them, shall be raised in like Manner as the Charges and Expences of obtaining and passing this Act and carrying the same into execution; and the said Commissioner shall in and by his said Award order and direct by whom and at whose Costs and Charges the said private Roads, Bridleways, and Footways, and the public Roads through and over the said Lands, shall be from Time to Time amended and kept in repair.

Allotment to Council in Compensation for Right of Soil.

XXII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot, unto and for such Person or Persons as shall be entitled to the Soil of the said Common and Waste Lands, so much and such Part or Parts of the said Common and Waste Lands intended to be divided and allotted as aforesaid as shall in the Judgment of the said Commissioner be full Recompence, Compensation, and Satisfaction to such Person or Persons as aforesaid, for and in lieu of the Right or Claim of such Person or Persons as aforesaid, to the Soil of the said Lands, and also for and in lieu of any other Right or Interest of such Person or Persons as aforesaid in, to, over, or under any Part of the said Lands which may be allotted to any other Person or Persons; and the said Allotments shall be fenced in, and the several and respective Mounds and Fences for dividing and inclosing the same shall be made and for ever thereafter maintained and supported, in such Manner as the said Commissioner shall in and by his Award order and direct.

XXIII. And

Allotment for Gravel, &c.

XXIII. And be it further enacted, That the said Commissioner shall and he is hereby authorized and required to set out and allot so much and such Part of the said Common and Waste Lands intended to be divided and allotted as aforesaid as he shall think proper as and for public Stone, Chalk, Gravel, Clay, and Sand Pits, with convenient Ways to and from the same, for the Use of the public Roads now or hereafter crossing the said Common and Waste Lands within the said Borough and County of the Town of *Haverfordwest;* and such Allotment shall be vested in the Mayor, Aldermen, and Burgesses of the said Borough in Trust to be used as aforesaid, and, subject thereto, to let the said Pits, and the Soil and Herbage of the said Land, for the most Money that can be reasonably had for the same, and to apply the Rents and Profits arising therefrom towards the Repairs of the said public Roads.

Allotments for Sale to defray Expences.

XXIV. And be it further enacted, That the said Commissioner shall and he is hereby also authorized and required to set out and allot so much and such Part of the said Common and Waste Lands, save and except such Land as is herein-after set apart for Recreation or Exercise, from Time to Time, as he shall judge sufficient in Value when sold to defray the Costs, Charges, and Expences preparatory or incidental to or attending the applying for and obtaining and passing this Act, and carrying the same and the said recited Acts into execution, and the Costs, Charges, and Expences which the Body of Freemen have incurred in petitioning Parliament, and protecting their Interests during the passing of this Act, not exceeding the Sum of One hundred Pounds, and of surveying, measuring, planning, valuing, dividing, allotting, fencing, and inclosing the said Common and Waste Lands, and of preparing, enrolling, and depositing the Award of the said Commissioner, and the Costs and Charges which the said Commissioner shall be put unto in respect of any Appeal against his Decisions, or of any Suit at Law or in Equity that may be instituted by or against such Commissioner in respect of any thing done by him in the Execution or under the Authority of this Act and the said recited Acts, either before or after the Execution of his Award, and the Costs and Charges of any Sale or Sales to be made by the said Commissioner under the Power hereby given, and all other Costs, Charges, and Expences arising and accruing in the course of carrying the Powers of this Act and the said recited Acts into full and complete Execution and Effect; and that it shall be lawful for the said Commissioner from Time to Time, as he shall find it expedient, to sell and dispose of so much and such Parts of the said Lands so to be set out and allotted, by public Auction or private Contract, to any Persons whomsoever, for the best Price or Prices that can be reasonably had or gotten for the same, and in One or more Lot or Lots, as the said Commissioner shall in that Behalf determine; and all and every Part of the said Lands so to be allotted and sold as aforesaid for which the full Purchase Money shall be paid shall be vested in the said Commissioner, and be conveyed, by Lease and Release, executed by the said Commissioner, at the Expence of such Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed, and held by such Purchaser in Severalty; and the Receipt of the said Commissioner shall be a good and sufficient Discharge to the Purchaser for the Purchase Money, and such Purchaser shall not in any Manner be liable to see to the Application or be answerable for any Misapplication thereof; and the Money arising by such

such Sale or Sales, shall be applied by the said Commissioner for the Purposes before mentioned; and if any Surplus shall remain after Payment of all such Costs, Charges, and Expences as aforesaid, then and in such Case such surplus Money shall be divided and apportioned between the several Persons interested in the said Lands hereby directed to be divided, allotted, and inclosed in such Shares as shall be in proportion to their respective Rights and Interests in the said Lands.

Allotments for Recreation of the Public.

XXV. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot to the Mayor, Aldermen, and Burgesses of the said Borough so much and such Parts of the said Common and Waste Lands as include the present Race Course, and the Area within the Course, being Eighty-eight Acres or thereabouts, for a Place of Recreation and Exercise for the neighbouring Population at their free Will and Pleasure; and such Allotment shall be holden by and vested in the said Mayor, Aldermen, and Burgesses for the Purposes aforesaid for ever thereafter, and may be depastured by Sheep, but by Sheep only, at all Times of the Year, except at such Times as public Races shall be held upon the said Race Course; and that the Profits arising from such Pasture be divided among the Parties to whom Allotments shall be made under or by virtue of this Act in proportion to the Value, at the Time of Allotment, of the Lands allotted to them respectively.

Allotment of Residue to Trustees for Freemen.

XXVI. And be it further enacted, That the said Commsisioner shall and he is hereby authorized and required to set out and allot the Residue and Remainder of the said Lands by this Act directed to be divided, allotted, and inclosed unto the Trustees to be appointed under the Powers herein-after contained, by the Name and Style of "The Trustees for the Freemen of the Borough and County of the Town of *Haverfordwest*," for the Benefit of the Freemen of the said Borough, and their Successors for ever; and such Lands, when so set out and allotted, shall be and the same are hereby declared to be vested in the said Trustees by their Name and Style aforesaid, and their Successors for ever, but nevertheless for the Intents and Purposes in and by this Act expressed; which said Allotment shall be subject to such Rules, Orders, and Regulations as the said Commissioner shall in and by his Award in that Behalf direct, and shall be in full Bar of and Compensation and Satisfaction for all Rights of Common and other Rights of the said several Persons in, over, and upon all the Lands hereby directed to be divided, allotted, and inclosed, such Rights and Interests to be ascertained in such Manner as to the said Commissioner shall appear to be expedient.

Town Clerk to make out Freemen's List;

XXVII. And be it further enacted, That the Town Clerk of the said Borough shall, on or before the Fourth *Monday* next after the passing of this Act, make out a List, to be called "The Freemen's List," of all Persons admitted and enrolled on the Freemen's Roll, (which, in pursuance of the Directions contained in an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in England and* Wales, is to be kept by the said Town Clerk,) and shall cause a Copy of such List to be fixed on or near the outer Door of the Shire Hall in the said Borough, or in some public and conspicuous Situation within the said County of the Town of *Haverfordwest*, on

5 & 6 W. 4. c. 76.

every Day during the Week next following the making out of such List, and shall permit a Copy of such List to be perused by any Person at all seasonable Times, upon Payment of One Shilling for each Inspection; and the said Town Clerk shall afterwards cause the same to be fairly and truly copied into one Alphabetical List in a Book to be by him provided for that Purpose; and whenever any Person shall hereafter become entitled and shall claim to be admitted a Freeman of the said Borough, and shall give Notice thereof to the Town Clerk of the said Borough for the Time being by leaving the same at his Office, the said Town Clerk shall examine into such Claim, and if he shall find the same to be correct shall immediately admit and enter the Name of such Freeman upon the Freemen's Roll, for which Admission and Entry each Freeman shall pay to the said Town Clerk the Sum of One Shilling; and whenever any Freeman whose Name shall have been inserted on the said Roll shall die the said Town Clerk shall, upon such Evidence thereof as he shall think fit to require, expunge from the said Freemen's Roll the Name of the Freeman who shall so die; and the Town Clerk for the Time being shall cause such Book to be completed and made correct on or before the Twenty-first Day of *February* in every Year, and shall deliver such Book at the Expiration of his Office to the Person succeeding him in such Office; and such Book shall be the Roll of the Freemen entitled to vote at any Election of Trustees herein authorized and directed, and at every other General Meeting of the said Freemen; provided that no Stamp Duty shall be payable in respect of the Admission, Registry, or Enrolment of any Freeman on the Freemen's Roll under the Provisions of this Act.

and to insert Names, and expunge them in case of Death;

XXVIII. And be it further enacted, That the Town Clerk of the said Borough for the Time being shall deliver a Copy of the Freemen's Roll, or an Extract therefrom, to any Person requiring the same, on Payment of the Sum of Sixpence for any Number of Words not exceeding One hundred, and so in proportion for any greater Number of Words.

and deliver Copy or Extract if required.

XXIX. And be it further enacted, That upon the Seventeenth Day of *October* now next ensuing the several Persons whose Names shall be inserted in the Freemen's Roll as aforesaid shall openly assemble at the Shire Hall in the said Borough, and elect from among their Number Nine Persons, who shall be and be called "The Trustees for the Freemen of the Borough and County of the Town of *Haverfordwest*," who shall continue in Office until the First Day of *March* which will be in the Year of our Lord One thousand eight hundred and forty-one, and until others shall be elected in their Stead as herein-after mentioned; that on the said First Day of *March* One thousand eight hundred and forty-one, and on the First Day of *March* in every succeeding Third Year, the several Persons whose Names for the Time being shall be inserted on the Freemen's Roll herein-before directed to be made and kept as aforesaid shall in like Manner openly assemble at the Shire Hall in the said Borough, and shall elect from their Number Nine Trustees for the then Three ensuing Years: Provided always, that whenever the First Day of *March* shall happen on a *Sunday*, then and in such Case the Election of Trustees shall take place on the *Monday* following: Provided also, that the Trustees going out of Office on any Day of Election shall for the Purposes of this

Freemen named in the Roll to elect Trustees.

this Act be considered as the Trustees, not only until the Business of the Day shall have terminated, but until others shall have been elected in their Place or Stead, and that any Trustee going out of Office shall be capable of being forthwith re-elected.

Occasional Vacancies to be supplied.

XXX. And be it further enacted, That when and so often as any Trustee to be elected by virtue of this Act shall die, or become incapable of acting, or shall resign his Office, it shall be lawful for the Freemen, in manner aforesaid, to appoint some other Freeman whose Name shall be entered on the Freemen's Roll to be Trustee in the Place or Stead of the Trustee so dying, becoming incapable of acting, or resigning his Office as aforesaid; and every Person so appointed a Trustee as last aforesaid shall hold the Office of Trustee until the Time at which the Person in the Room of whom he was chosen would regularly have gone out of Office, and he shall then go out of Office, but shall be capable of immediate Re-election.

Trustees to make a Declaration.

XXXI. And be it further enacted, That no Person elected pursuant to the Powers and Authorities herein contained shall be capable of acting as a Trustee, except in administering the Declaration herein-after contained, until he shall have made and subscribed before any Two or more of such Trustees (who are hereby respectively authorized and required to administer the same to each other) a Declaration in the Words or to the Effect following; (that is to say,)

Form of Declaration.

'I [*A.B.*] having by virtue of the Provisions of an Act passed in the Second Year of the Reign of Her Majesty Queen *Victoria*, intituled '[*here insert the Title of this Act*], been appointed One of "The Trustees 'for the Freemen of the Borough and County of the Town of *Haverford-west*," do hereby declare, That I take the said Office upon myself, and 'that I will faithfully, impartially, and honestly, according to the best 'of my Skill and Ability, execute and perform the Power and Authority 'vested and reposed in me as a Trustee, according to Equity and 'good Conscience, and without Favour or Affection, Prejudice or Malice, 'to any Person whomsoever.'

Meetings of Trustees and Freemen.

XXXII. And be it further enacted, That the Trustees for the Time being shall have full Power and Authority to meet at any Time and Place they shall think proper, and to adjourn from Time to Time and from Place to Place, and also at any Time or Times, and from Time to Time to call a General Meeting of the Freemen for any Purpose the Trustees may think proper, and to appoint the Time and Place for holding every such Meeting of Freemen.

Notice to be given of their Meetings.

XXXIII. And be it further enacted, That every Meeting of the Trustees for the Time being which shall be held under the Provisions of this Act, and every General Meeting of the Freemen called by the said Trustees, shall be convened by Notices in Writing signed by any Two or more of the said Trustees, which Notices shall be affixed on or near the outer Door of the Shire Hall in the said Borough for Three Days previously to the Day on which such Meetings respectively are intended to be held; and such Notices shall express the Time and Place of Meetings, and, in case of Special Meetings, the Purpose for which such Special Meetings are intended to be held.

Majority of Trustees and Freemen at Meetings to exercise the Powers hereby given

XXXIV. And be it further enacted, That all Acts whatsoever authorized or required by virtue of this Act to be done by the Trustees and by the Freemen at their respective Meetings; and all Questions of Adjournment or others that may come before the said Meetings of Trustees and Freemen respectively under the Authority of this Act, may be done and decided by a Majority of the Trustees who shall be present at any Meeting of the said Trustees, and by a Majority of the Freemen who shall be present at any Meeting of the Freemen held in pursuance of this Act, the whole Number of the Trustees present at any Meeting of the said Trustees not being less than Three, and the whole Number of Freemen present at any Meeting of the said Freemen not being less than Ten; and at all Meetings of Trustees and Meetings of Freemen some Person present shall be appointed and shall preside as Chairman; and that at each Meeting of Trustees and Meeting of Freemen any Questions which shall be submitted to such Meetings respectively shall be determined by a Show of Hands, unless a Ballot shall be demanded in Writing under the Hands of any Three or more of the Trustees or Freemen, as the Case may be, present at such Meetings respectively; and then and in such Case every Trustee or Freeman, as the Case may be, shall deliver to the presiding Officer at such Meetings respectively a printed or written Paper containing the Substance of the Resolution or Resolutions submitted, and a Statement whether he votes for or against the same, such Paper being previously signed with the Name of the Trustee or Freeman voting, as the Case may be, and the presiding Officer shall examine such Voting Papers, and shall declare the Result of such Ballot so soon as the same shall have been ascertained; and in case the Number of Votes given shall be equal, the presiding Officer shall give a second or casting Vote; and such Ballot may, at the Discretion of the presiding Officer, be taken when the same shall be demanded, or when the Meeting shall break up or adjourn, or on the following or the Day succeeding the following Day, and shall be closed whenever all the Trustees or Freemen, as the Case may be, present and not declining to vote, shall have given their Votes, but in no Case shall the Ballot be kept open for more than Seven Hours.

Chairman.

Mode of voting.

General Powers of Trustees.

XXXV. And be it further enacted, That it shall be lawful for the Trustees for the Time being to order and direct from Time to Time the Distribution of the clear annual or other Rents and Profits or Proceeds of the said Lands so allotted to them equally between all the said Freemen for the Time being, Share and Share alike, and that such Distribution shall be made within the Town of *Haverfordwest* as often as the Sum to be divided shall Amount to Forty Shillings at the least to each Freeman, and that public Notice of the Time and Place of the Payment of such Distribution shall be given on or near the outer Door of the said Shire Hall, and that any Distributive Share not claimed by any Freeman within Six Calendar Months after the said Notice shall be forfeited, and fall into the Fund for Distribution at the next succeeding Division; and it shall be lawful for the Trustees for the Time being to order and direct from Time to Time the general Regulation, Draining, and Improvement of the said Lands, and the letting of the same, or any Part or Parts thereof, for the most Money or the best annual or other Rent and Rents that can reasonably be had or obtained for the same; and to fix the Time when any Pastures shall be broken or depastured, and when the same shall be shut up or closed, and to order and direct in what Manner the same

same shall be used and stocked; and to limit and settle the Number of Horses, Cattle, and Sheep to be from Time to Time turned into the said Pastures; and from Time to Time to alter and change the Custom and Manner of feeding or depasturing such Pastures, and to appoint and employ sufficient and proper Persons to superintend the fencing, draining, letting, or Improvement of the said Pastures, and the stocking thereof; and to enforce the Orders and Directions which shall from Time to Time be made by the Trustees for the Time being for the Purposes aforesaid, or any of them.

Trustees may lease.

XXXVI. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, first giving Twenty-one Days Notice thereof on or near the outer Door of the Shire Hall in the said Borough, and advertising the same Three Times at least in some One or more Newspaper or Newspapers circulating in the said County of the Town of *Haverfordwest*, from Time to Time to demise or lease the said Lands so allotted to them, or any Part or Parts thereof, by public Auction to the best Bidder, for any Term of Years not exceeding Twenty-one Years at any one Time, commencing from the Day of the Date of such Demise or Lease, for the best annual Rent that can be gotten for the same, clear of all Taxes or other Deductions; and the said Trustees, or any Three or more of them, shall, under the Authority of this Act, by Indenture, demise or lease the said Lands, or any Part or Parts thereof, for the aforesaid Term or any less Term or Number of Years, free from all Claims whatsoever, except Mines and Minerals: Provided always, that there be contained in every such Indenture of Demise or Lease such Covenants for the Payment of the Rent by the Lessee or Lessees to the said Trustees, or to such Person or Persons as shall be by them authorized to collect and receive the same, and such Power of Re-entry by the said Trustees on Nonpayment of the said Rents or any Part thereof, and Nonperformance of the Covenants or any of them, as the said Trustees shall think proper, and that the Lessee or Lessees thereof execute a Counterpart or Counterparts of his, her, or their Lease or Leases.

Trustees may make Bye Laws for regulating the Lands.

XXXVII. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to make such Bye Laws as they shall think proper for regulating the said Lands so allotted to them as aforesaid, and the Distribution and Payment of the clear annual or other Rents and Profits thereof, for limiting, increasing, or reducing the Number of Horses, Cattle, and Sheep which may be depastured, and for fixing the Amount and Time and Manner of paying the Head Money and other Monies payable for depasturing the said Horses, Cattle, and Sheep, and for regulating the several Horse and Cattle Gates, and for more effectually carrying into execution the Powers and Authorities hereby given to the said Trustees in all respects whatsoever, as they the said Trustees may think proper; and from Time to Time to alter and repeal such Bye Laws or any of them, and to make others, and to impose, inflict, and enforce such reasonable Fines and Forfeitures upon all Persons offending against the same, not exceeding Five Pounds for any Offence, as to them shall seem meet; such Fines and Forfeitures to be levied and recovered as Penalties and Forfeitures are by the said first-recited Act directed to be levied and recovered; which said Bye Laws, being reduced into Writing, and signed by any Three or more of the said Trustees,

Trustees, shall be printed and published, and so many and such Part thereof as shall impose any Fine or Penalty shall be painted on Boards, and affixed and continued in some conspicuous Part of the Land so allotted to the said Trustees as aforesaid, near the Entrance thereof; which Boards shall from Time to Time be renewed as often as the same or any of them, or any Part thereof respectively, shall be defaced, obliterated, or destroyed; and such Bye Laws shall be binding upon and be observed by all Persons, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any of the Provisions in this Act contained; but all such Bye Laws shall be subject to Appeal in manner herein-after mentioned.

Commissioner at a Sitting to determine any Objections to Allotments.

XXXVIII. And be it further enacted, That when and so soon as the said Commissioner shall have ascertained the respective Rights, Shares, and Interests of all Persons of, in, and over the Lands to be divided, allotted, and inclosed by virtue of this Act, and also the respective Shares and Proportions by the said Commissioner proposed to be allotted to such Persons respectively in lieu thereof, he the said Commissioner shall give Notice, in manner herein-before directed for giving Notices of Commissioner's Sittings, of some convenient Time and Place when and where all Persons interested therein may inspect the Plan whereon the same shall be sketched out and delineated; and as some Persons may, on such Inspection, be dissatisfied with their intended Allotments, the said Commissioner shall give Notice of One Sitting at the least to be held by him for receiving Complaints and Objections; and the Determination of the said Commissioner with respect to such Allotments shall be binding, final, and conclusive upon all Parties.

Commissioner may borrow Money.

Parties lending the same to be repaid with Interest.

XXXIX. And be it further enacted, That it shall and may be lawful for the said Commissioner, from Time to Time as he in his Discretion shall think fit, to borrow of any Persons willing to lend the same such Sums of Money as may be deemed necessary for paying the Expences of applying for and obtaining and executing this Act; and the Persons who shall lend, advance, or pay any such Sum or Sums of Money shall be repaid the same out of the first Monies which shall be raised or collected in pursuance of this Act, with Interest for the same, not exceeding Five Pounds *per Centum per Annum*, from the Time of lending, advancing, or paying each such Sum respectively as aforesaid.

For fencing Allotments.

XL. And be it further enacted, That the Common and Waste Lands hereby directed to be divided and allotted shall be inclosed, hedged, ditched, drained, and fenced by such Persons within such Time and in such Manner as the said Commissioner shall in and by his Award order and direct; and the Hedges, Ditches, Drains, and Fences which shall be made pursuant to the said Award shall at all Times thereafter be maintained and kept in repair and cleansed by such Persons as the said Commissioner shall by his Award order and direct; so that nevertheless the Expences of fencing and draining the Land to be allotted for Recreation and Exercise as aforesaid, pursuant to the Power herein-before contained, shall be defrayed by and out of the Monies to be raised by virtue of this Act.

Award to be deposited.

XLI. And be it further enacted, That the Award to be made by the said Commissioner under the Authority of this Act and the said first-recited Act shall be executed and published as soon as conveniently may be after the said Division and Allotment shall be completed, and, together with a proper Map or Plan of the said Common and Waste Lands thereto annexed, shall, within Fourteen Days next after the Execution thereof, be delivered to the Clerk of the Peace for the said County of the Town of *Haverfordwest*, who is hereby required to deposit and keep the same among the Records of the said County, so that recourse may be had thereto by any Person or Persons interested in the Premises; for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be demanded by or paid to the said Clerk of the Peace, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall, from and after the Delivery thereof to the said Clerk of the Peace, be deemed and taken to be enrolled according to the Directions and within the Meaning of the said recited Act; and the said Award, and any Copy thereof, or of any Part or Parts thereof, attested by the Clerk of the Peace for the Time being of the said County, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence and no more shall be paid,) shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Commissioner's Accounts to be allowed and published.

XLII. And be it further enacted, That once at least in each and every Year during the Execution of this Act, such Space of Time to be computed from the Day of the passing of this Act, the said Commissioner shall and he is hereby required, by himself or by his Clerk, to make a just and true Statement or Account of all Sums of Money by him received and expended, or due to him, and any Person to be employed by him in carrying this Act and the said recited Acts into execution, for their Trouble and Expences in the Execution of this Act and the said recited Acts; and in every such Account shall be stated and particularly specified the several Items and Articles for which each particular Sum has been disbursed or paid; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by the said Commissioner laid before any One of Her Majesty's Justices of the Peace for the Time being for the said County of *Pembroke*, not interested in the Premises, to be by him examined and balanced; and such Balance shall be by such Justice stated in the Books of Account to be kept in the Office of the Clerk to the said Commissioner; and an Abstract of such Account, so examined and balanced, shall from Time to Time be published in the *Carmarthen Journal*, or some other Newspaper circulated in the said County of *Pembroke*; and no Charge or Item in such Account shall be binding on the Parties concerned, or valid in Law, unless the same shall be duly allowed by such Justice, and until such Account, or the Abstract thereof, shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Appeal.

XLIII. And be it further enacted, That if any Persons shall think themselves aggrieved by any thing done in pursuance of the said recited Acts or this Act, (other than and except the Determination, Orders, Acts, and Proceedings of the said Commissioner by the said first recited Act

Act and this Act declared to be final, binding, and conclusive, and except in Cases where an Issue at Law may be tried as herein-before mentioned,) or by any Order or Judgment made or given in pursuance of any Bye Law of the said Trustees, then and in every such Case they may appeal to any General Quarter Sessions of the Peace which shall be holden for the said County of *Pembroke* within Six Calendar Months next after the Cause of Complaint shall have arisen, they the said Persons so appealing entering into Recognizances before some Justice of the Peace of the said County of *Pembroke*, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order of the said Court of Quarter Sessions therein, and giving to the said Commissioner and to the Party or Parties concerned Notice in Writing of such Appeal, and of the Matter thereof, within Twenty-eight Days after the Cause of Complaint shall have arisen, and Fourteen Days at the least before such General Quarter Sessions, except with respect to the Accounts of the said Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the depositing of the said Award in manner aforesaid, on giving to the said Commissioner such Notice as last aforesaid; and the Justices, not interested in the Premises, at their said General Quarter Sessions, are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein and award such Costs and Damages as to them in their Discretion shall seem reasonable; and by their Order and Warrant to levy the Costs and Charges which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and every Order and Determination of the said Justices upon every such Appeal shall be final and conclusive upon all Parties concerned, and shall not be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere; but in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then and in such case the said Justices shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and such Costs shall be levied in manner last aforesaid.

General Power to Justices and Commissioner to administer Oaths.

XLIV. And be it further enacted, That in all Cases where in the Execution of this Act or the said recited Acts Authority is given to any Justices of the Peace or Commissioner to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justices and Commissioner respectively, and they are hereby respectively empowered, to administer an Oath to any Person before he shall be examined by or before the said Justices and Commissioner respectively; and if any Person who shall be examined by or before any Justice of the Peace or Commissioner under the Authority of this Act shall wilfully and corruptly give false Evidence, and shall be thereof convicted, such Person so giving false Evidence shall be subject to the same Punishment as Persons convicted of wilful and corrupt Perjury are by Law subject or liable to.

XLV. Pro-

Saving Rights of Commissioners under 3 & 4 W. 4. c. 103. for supplying Haverfordwest with Water.

XLV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, diminish, affect, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in the Commissioners appointed under or by virtue of an Act passed in the Fourth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for supplying with Water the Town and County of* Haverfordwest, *and the Liberties thereof.*

General Saving.

XLVI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every Persons and Corporations, their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for or intended to be barred and compensated for and extinguished by this Act,) as they, every or any of them, could or might have had, held, or enjoyed of, in, to, or out of the said Lands authorized to be divided, allotted, and inclosed, or any Part thereof, in case this Act had not been passed.

Public Act.

XLVII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judically taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by George Eyre and Andrew Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1838.