



ANNO TRICESIMO NONO & QUADRAGESIMO

GEORGI III. REGIS.

Cap. 116.

An Act for dividing, allotting, and inclosing the Commons and Waste Lands in the Parish of *Yscei-fiog*, in the County of *Flint*, and in the Parish of *Nannerch*, in the Counties of *Flint* and *Denbigh*.
[9th July 1800.]

WHEREAS there are in the Parish of *Ysceifiog*, in the County of *Flint*, and in the Parish of *Nannerch*, in the Counties of *Flint* and *Denbigh*, certain Commons and Waste Lands, containing Three thousand five hundred Acres or thereabouts: And whereas *Watkin Williams* Esquire, is Lord of the Manor of *Penbedw*, lying within and comprising that Part of the said Parish of *Nannerch*, which is situate within the County of *Denbigh*, and Owner of the Soil of all the Commons and Waste Lands within the said Manor, and also Owner of all the inclosed Lands within the same Manor: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord Paramount of the Lordship or Hundred of *Coleshill*, in the County of *Flint*, and Owner of the Soil of the Residue of the said Commons and Waste Lands, subject to a Grant heretofore made, and now vested in the Right Honourable *Richard Earl Grosvenor*, or his Assigns, of all Mines of Lead therein, and subject to such other Rights and Interests (if any) as lawfully belonged to the

[Loc. & Per.] said

said Earl before the passing of this Act: And whereas the said Earl Grosvenor, the Right Honourable Lord Grey de Wilton, Thomas Thomas, Thomas Mostyn Edwards, John Wynne, David Pennant, Esquires, the Reverend Robert Myddelton Clerk, and others, are Owners of Messuages, Tenements, or Lands in the said Parish of Ysceiſiog; and the said Watkin Williams Esquire, Philip Yorke, Thomas Mostyn Edwards, Robert Myddelton Clerk, and others, are Owners of Messuages, Tenements, or Lands in the said Parish of Nannerch, and have in respect thereof Right of Common upon the respective Commons and Waste Lands of and in the said respective Parishes; and the respective Rectors of the said Parishes have also their respective Rights of Common belonging to the Glebe Lands of and in the said respective Parishes, the present Rector of Ysceiſiog being the Reverend William Davies Shipley Clerk, Master of Arts, Dean of Saint Asaph, and the present Rector of Nannerch being the Reverend Robert Anwyl Clerk: And whereas a Division and Inclosure of the said Commons and Waste Lands will be of publick Utility, and beneficial to the Proprietors of Lands interested therein, who have prayed the Aid and Authority of Parliament to effect the same: 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 all the said Commons and Waste Lands in the said Parish of Ysceiſiog, and also all the said Commons and Waste Lands in the said Parish of Nannerch, except within the said Manor of Penbedw, shall be divided, allotted, and inclosed, and the said Commons and Waste Lands in the said Manor of Penbedw shall be allotted and inclosed in Manner and under the Powers by this Act directed and ordained.

Lands to be inclosed.

Commissioner and Surveyor appointed, and requiring them to take an Oath.

II. And be it further enacted, That for the Time being, and subject to the Power of Discharge hereby enacted, *John Matthews of Newmarket, in the County of Flint, Gentleman, shall be Commissioner, and Robert Piercy of Mold, in the said County, Gentleman, Surveyor*, who, before they shall be capable of acting in their respective Offices, or of interfering in anywise therein, shall respectively take and subscribe the following Oath before One or more of His Majesty's Justices of the Peace for the said County of Flint, (who are hereby authorized individually and collectively to administer the same), and in the Presence of any Two or more Proprietors of Land or other Hereditaments in the said respective Parishes, and the said Oath shall be written upon Parchment, and subscribed by the Parties swearing, and by the Justice or Justices administering the same, which Parchment shall be annexed to the Award or Allotment of the said Commissioner hereafter directed, and shall be Evidence of such Oath having been taken; (that is to say)

Oath.

I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill, Judgment, and Ability, execute and perform the several Trusts, Powers, and Duties vested, reposed in, and prescribed to me as a Commissioner or Surveyor, as the Case may be, by virtue of an Act for dividing, allotting, and inclosing the Commons and Waste Lands, in the Parish of Ysceiſiog, in the County of Flint, and in the Parish of Nannerch, in the Counties of Flint and Denbigh, accord-

ing

ing to Equity and good Conscience, and without Favour or Affection,
Prejudice or Partiality, to any Person or Persons whomsoever.

‘ So help me GOD.’

III. And be it further enacted, That if the said *John Matthews* and *Robert Piercy*, or either of them, shall die or shall become incapable of acting, or shall refuse to act, or shall, for the Space of Two Calendar Months, wilfully neglect to act in his or their said respective Offices before this Act is completely executed, then and in every such Case, Five Proprietors of Land or Hereditaments in the said Parishes respectively shall call a Meeting of the Proprietors at large, by giving Notice in Writing, with their Names subscribed thereto, Seven Days or longer before the Day appointed for the Meeting, upon the South Door of the Church of the Parish where the Meeting is to be called, and in each of the *Chester* Newspapers, and the Proprietors who shall be assembled at such Meeting, or the Majority in Number and Value of such Proprietors, or of their known or authorized Agents, are hereby empowered summarily to examine and determine the Fact, which Determination shall be final and conclusive, and shall at the same Meeting declare the Office vacant, and by any Writing under their Hands, or the Hands of the Majority in Number and Value present as aforesaid, of such Proprietors, or of their known or authorized Agents, appoint a new Commissioner and Surveyor in the Room of such Commissioner and Surveyor, or either of them respectively, whose Office shall be so vacated, and so from Time to Time as any Vacancy shall happen by the Death, Incapacity, Refusal, or Neglect of any such new Officer or Officers, shall in like Manner appoint others; and every new Commissioner and Surveyor shall respectively take and subscribe the Oath aforesaid, in Manner aforesaid, before he or they shall be capable of acting in his or their respective Offices, or in anywise interfering therein under this Act.

For appoint-
ing new Com-
missioners in
case of Death,
etc.

IV. And be it further enacted, That Notice of every Meeting of the Proprietors to be held by virtue of this Act, as herein directed (except Meetings respecting the Appointment of a Commissioner or Surveyor) shall be given by the Commissioner for the Time being, by Writing under his Hand, Seven Days at the least before the Day proposed for the Meeting, which Notice shall be affixed upon the South Door of the Church of the Parish where such Meeting is to be called.

Notice of
Meetings to
be given.

V. And be it further enacted, That the Surveyor General of His Majesty's Land Revenue for the Time being may and shall, from Time to Time and at any Time or Times hereafter, by Writing under his Hand, nominate and appoint an Assistant Commissioner to carry this Act into Execution, in so far as relates to the Rights of the King's Majesty, in, upon, over, and under the said Commons and Waste Lands, with full Power for such Assistant Commissioner (after taking the said Oath, which he shall take and subscribe as herein-before directed) to examine, enquire into, and admit or object to on the Part of His Majesty, the Limits or Boundaries of the said Parishes respectively, and of the said respective Commons and Waste Lands within the same, or any Part thereof, and every or any Claim or Claims, of what Nature or Kind soever, within, over, under, or upon the same Parishes, or either of them, or the said Commons and Waste Lands, or any Part thereof respectively; and also jointly with the said *John Matthews*, or his Successors, to allot and set out

Assistant Com-
missioner.

out the Portion or Portions of His Majesty of and in the said Commons and Waste Lands respectively, in respect of His said Rights, Royalties, and Privileges; and that no Allotment or Allotments to or for the Use of His Majesty shall be made or be effectual without the Concurrence and Approbation in Writing of such Assistant Commissioner.

Allowance to
Assistant Com-
missioner.

VI. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining and executing this Act, the said Assistant Commissioner shall be allowed and paid the Sum of Two Guineas for each Day that he shall be actually employed in the Execution of the Duty hereby in him reposed, inclusive of the Days of travelling to and from his Place of Abode, in full Satisfaction for his Trouble and Expences therein; and shall bear and pay his own Expences during the Time that he shall be so employed.

Commissioner's
Sittings.

VII. And be it further enacted, That the Commissioner for the Time being, in Execution of the Powers and Duties by this Act vested in and prescribed to him, shall hold Three or more publick Sittings at some Inn or Publick House within each of the said Parishes, of which Sittings respectively he shall cause Fourteen Days or longer previous Notice under his Hand to be affixed on the South Doors of both the Parish Churches of *Esceifog* and *Nannerch* aforesaid, and on the principal or great Doors of both the Shire Halls of *Flin* and *Abold*, and also to be published in each of the *Chester* Newspapers, of the respective Times and Places of such publick Sittings; and it shall be signified by the first Notice, that all Persons, Bodies Politick and Corporate, having or claiming Right of Common upon the said Commons and Waste Lands, are required, by themselves, their Agents or Tenants respectively, to deliver to the said Commissioner, at his First or Second publick Sitting, a Claim or Claims in Writing, specifying the Messuages, Tenements, Lands, and Hereditaments, in respect whereof they respectively claim Right of Common, and the Quantity thereof, with the Names of the Occupiers; or that, in case of Neglect therein, their Messuages, Tenements, and Lands shall be surveyed and measured, and Plans made thereof for the said Commissioner, at the Expence of the Person or Persons so neglecting.

Duration of
their Sitting.

VIII. And be it further enacted, That the Third publick Sitting of the Commissioner shall continue until Six of the Clock after Noon of the First Day of such Sitting, and may be further continued by the Commissioner, (if he finds it necessary), by Adjournment, from Day to Day, to some future Day not exceeding Four Days from the Day of Adjournment, of which he shall cause such Notices to be affixed and published as of the said Three Sittings.

Perambulation
of Boundaries.

IX. And for ascertaining the respective Limits and Boundaries of the said several Parishes and the said Manors: be it further enacted, That the Commissioner shall, immediately after the said First publick Sitting, cause Notice in Writing, subscribed with his Name, to be affixed on the South Doors of the respective Parish Churches of *Esceifog* and *Nannerch* aforesaid, and of the respective Churches of the several adjoining Parishes of *Bodfari*, *Caerwys*, *Whitford*, *Holywell*, *Hollen*, and *Kilken*, in the County of *Flin* aforesaid, and of the several Parish Churches of *Llangynhafal*, *Llangwysan*, and *Llandyrnog*, in the County of *Denbigh* aforesaid, and also

upon

upon the principal Doors of the Shire Halls of *Flint* and *Mold* aforesaid, and of the Shire Halls of *Denbigh* and *Ruthin*, in the said County of *Denbigh*, and to be published in the said *Chester* Newspapers Twice, and a Copy thereof to be delivered to, or left at the last or usual Place of Abode of the Assistant Commissioner, to be appointed as aforesaid, or if such Commissioner shall not have been appointed, then to be delivered to, or left at the last or usual Place of Abode of, the Surveyor General of His Majesty's Land Revenue; signifying, that on a Day or Days, and at a certain Hour before Noon of such Day or Days, and at a Place or Places to be by him in such Notice respectively and explicitly fixed and appointed, (and which Day or Days shall be before the Second publick Sitting, and shall be Fourteen Days after the said Notice shall have appeared on all the Doors aforesaid and in the said Newspapers, and after it shall have been so delivered to, or left at the House of, the said Assistant Commissioner, or the said Surveyor General in Manner aforesaid), he the said Commissioner, or Commissioner for the Time being, attended by the Surveyor appointed by or under this Act, will perambulate the Limits and Boundaries of the Parishes of *Ysceiſiog* and *Nannerch*, and of the Manor of *Penbedw*, in the said Counties of *Flint* and *Denbigh*, and of every of them respectively; which Perambulation all Persons having or claiming Right of Common, or other Right or Interest, within the same or any of them, or in the said adjoining Parishes or any of them respectively, shall be thereby requested to attend, by themselves or their respective Agents; and the said Commissioner and Surveyor for the Time being (or One of them, in case of Incapacity in either of them at the Time) shall, and all other Persons who will attend may, accordingly perambulate the same respectively, taking the best Information and Evidence that can be obtained for their Guidance in ascertaining the said Limits and Boundaries, and shall at all proper Places fix Boundary Stones in the Ground, to perpetuate the Remembrance of the same.

X. And be it further enacted, That in case any Person or Persons, Bodies Politick or Corporate, shall deny or be dissatisfied with the Boundaries so to be perambulated and marked, or any of them, or any Part thereof, or claim any Right or Interest within the same, (other than and distinct from Right of Common), they and every of them respectively may and shall cause Notice in Writing, subscribed with the Name or Names of him, her, or them, or their respective Agents, to be delivered to the said Commissioner at or before the said Second publick Sitting, stating the Objection or Objections, Claim or Claims, they may have to make, which the said Commissioner shall immediately register or cause to be registered in a Book to be by him kept for that Purpose, and refer the Question to be heard and determined in the Manner herein-after directed; but no such Objection or Objections, Claim or Claims as aforesaid, shall be received or registered after Six of the Clock in the Afternoon of the Day of the said Second Sitting.

Objections to, or Claims within Boundaries.

XI. And be it further enacted, That all and every Persons and Person, Bodies and Body Politick and Corporate, having or claiming any Right of Common in or upon the said Commons and Waste Lands, or any Part thereof, are and is hereby required, personally or by their respective

Claims of Common and Specification.

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Agents,

Persons refusing, etc to have their Lands surveyed.

Agents, Tenants, or other Persons duly authorized, to deliver to the said Commissioner, at the said First or Second publick Sitting, a Claim or Claims of Allotments in Writing, specifying the Messuages, Tenements, Lands, and Hereditaments in respect whereof they, or any of them respectively, have or hath Right of Common upon the said Commons and Waste Lands, and where situated, with the Quantity (if ascertained) and the Names of the respective Occupiers thereof, and also signifying upon what Parts or Part of the said Commons and Waste Lands they have such Right of Common; and in case any Persons or Person, Bodies or Body Politick or Corporate, shall refuse or neglect, at the said First or Second Sitting, to deliver or cause to be delivered in such Claim or Claims of Allotment, or omit therein the Quantity of the Lands as aforesaid, then and in every such Case the Surveyor for the Time being shall make, or cause to be made, a correct Survey, or Particular and Valuation of all and every or any such Messuages, Tenements, Lands, and Hereditaments, and shall lay the same before the said Commissioner, Seven Days before the said Third publick Sitting, and the same shall stand instead of the Claims and Specifications hereby before required; and the Persons or Person, Bodies or Body Politick or Corporate, owning such Messuages, Tenements, Lands, or Hereditaments, shall make and pay to the Surveyor Satisfaction for the same; and in case of Non-payment of such Satisfaction for One Calendar Month, after an Account thereof previously approved of and signed by the said Commissioner, and given to or left at the usual Place or Places of Abode of any Persons or Person, Bodies or Body Politick or Corporate, so refusing or neglecting to deliver such Claim or Claims, or of their or any of their respective Agent or Agents, it shall be lawful upon the Complaint of the said Surveyor, before any One or more Justice or Justices of the Peace for the said County of *Flint*, by Warrant or Warrants under his or their Hand and Seal or Hands and Seals, to levy by Distress and Sale of the Goods and Chattels of the Person or Persons, Body or Bodies Politick or Corporate, so refusing or neglecting to deliver such Claim or Claims, such Sum or Sums of Money as shall be mentioned in such Account or Accounts respectively, and for Want of sufficient Distress it shall be lawful for the said Surveyor, or his Successor for the Time being, to enter into and upon the Allotment or Allotments of the said Commons and Waste Lands, or any of them, which shall be set out to or for such Persons or Person, Bodies or Body Politick or Corporate, under and by virtue of this Act, and to inclose, hold, possess, and enjoy, and set and let the same, and receive and take the Rents, Produce, and Profits thereof, to his, her, and their own Use, without any Molestation, Suit, or Disturbance whatsoever, until the full Amount of such Satisfaction, and all Costs, Charges, and Expences attending the same, and attending the Entry, Inclosure, Possession, setting, and letting of the same Allotment or Allotments, and receiving the Rents, Profits, and Produce thereof, shall be fully paid.

Power to enter Lands to survey, or make use of old Surveys if approved.

XII. And be it further enacted, That it shall be lawful for the Commissioner and Surveyor for the Time being, and their Servants and Workmen, and they are hereby directed so to do, to enter upon, survey, measure (except as herein-after mentioned) and value all and every the Messuages, Tenements, and Lands, in respect whereof any Person or Persons, Body or Bodies Politick or Corporate, is, are, or shall be entitled to Right of

of Common upon the said Commons and Waste Lands, without any Molestation, Suit, or Disturbance, from or by the respective Owners or Occupiers thereof: Provided always; That if any Person or Persons, Body or Bodies Politick or Corporate, shall happen to have a Survey and Admeasurement of their respective Messuages, Lands, and Tenements, in respect whereof they, or any of them, are entitled to Right of Common upon the said Commons and Waste Lands as aforesaid, and shall produce and deliver the same to the said Surveyor and he the said Surveyor shall be satisfied with the Correctness thereof, then and in such Case the said Surveyor shall not, and he is hereby prohibited from making any Survey or Admeasurement of such Messuages, Lands, and Tenements, of which such Survey and Admeasurement shall be produced and delivered to him as aforesaid.

XIII. And be it further enacted, That after the said Commissioner shall have received the said Claims of Right of Common, Specifications, Surveys, and Plans respectively, the same shall at all reasonable Times afterwards, until and during the First Day of the said Third publick Sitting, remain open before the said Commissioner for the Perusal of, and may be copied and Extracts made thereof by, any Person or Persons having such Right of Common as aforesaid, or by any Guardian, Agent, or other Person or Persons on their or any of their Behalf respectively, who may oppose the same, or any of them, by Notice in Writing, with his or their Name or Names subscribed thereto, delivered to the said Commissioner, and to the Person or Persons whose Claim or Claims is or are opposed, or to his or their Agent or Agents, at any Time within Fourteen Days after the First Day of the Third publick Sitting, declaring the Grounds or Cause of such Opposition; and in case any such Opposition be not agreed between the Parties, or withdrawn before or during the last Day of the said Third publick Sitting, the said Commissioner shall register the Claim or Claims opposed, and the Grounds or Causes of Opposition thereto, in the Book aforesaid, and proceed to examine such Claim or Claims, and to hear and consider all Objections that shall have been made thereto, and by Examination of Witnesses upon Oath, or by other proper and sufficient Enquiry, Proof, or Evidence, to hear and determine all such of the said Claims as he shall think fit; and after the said Commissioner shall have heard and determined the said Claim or Claims, he shall, within Seven Days then next following, make a correct List in Writing of such Claims as shall have been determined by him as aforesaid, and shall cause such List to be forthwith copied or printed, and fixed up the First or Second *Sunday* after such Determination, on One of the principal Church Doors of the said several Parishes, and appoint a Time and Place in such Notice, being not less than Fourteen Days from the Publication thereof, for all Persons who may be dissatisfied with such his Determination, to notify in Writing to the said Commissioner their Dissatisfaction therewith; and in all Cases where no such Dissatisfaction shall be then and there notified, the Determination of the said Commissioner shall be final and conclusive, to all Intents and Purposes.

Inspection of
Claims.

XIV. And be it further enacted, That in all Cases where no Determination shall have been made by the said Commissioner, or where any Dissatisfaction respecting his Determination shall be notified to him as aforesaid,

Commissioner of Appeal
for settling
Differences.

said, all Differences or Matters remaining undecided, or about which such Dissatisfaction may arise, shall, within the Space of Three Calendar Months then next following such Determination, be referred to *Hugh Leicester*, of *Lincoln's Inn* in the County of *Middlesex*, Esquire, or in case of the Death of the said *Hugh Leicester*, or his declining to act in the said Reference, then to *Richard Mytton*, of the City of *Chester*, Esquire, or in case of his Death or declining to act in the said Reference, then to *William Wicksteed*, of *Whitchurch* in the County of *Salop*, Esquire, or in case of his Death or declining to act in the said Reference, then to such other Counsel as the Chief Justice of *Chester* for the Time being, on the Application of the said Commissioner, shall by Writing under his Hand appoint; and the said *Hugh Leicester*, *Richard Mytton*, *William Wicksteed*, or such other Counsel as aforesaid, shall be, and they are hereby respectively appointed Commissioners of Appeal for the Purposes herein mentioned; and on Application to be made to them respectively for that Purpose by any of the said Parties, by Writing under their Hands and Seals, such Commissioner of Appeal is hereby authorized and empowered to examine into all Claims, Matters, and Things which shall be referred to him as aforesaid, and for that Purpose shall and may, either by Examination of the Evidence taken by the said Commissioner for Inclosure, or of any of the Witnesses that may have been produced before the said Commissioner for Inclosure, or of any other Witnesses or Evidence that the Parties in Difference, or either of them, shall produce, and require to be examined by the said Commissioner of Appeal upon Oath, (which Oath he is hereby empowered to administer), hear, settle, and determine the same, and in all Cases respecting Rights of Common, where such Commissioner of Appeal shall give Relief to the Party appealing, then the Costs and Charges attending the said Appeal shall be paid and discharged by the said Commissioner for Inclosure, out of the Monies to be raised by him for the Purpose of carrying the Act into Execution; but if the said Commissioner of Appeal shall determine against the Party appealing, then the Costs and Charges attending such Appeal shall be paid by the Appellant; and in case the Party or Parties making any such Claim or Claims, or the Person or Persons objecting thereto, shall be dissatisfied with the Determination which shall be made by such Commissioner of Appeal, and shall, by Writing under his or their Hand or Hands, signify the same to the said Commissioner for Inclosure within Three Months next after such Determination shall be made, it shall be lawful for the Person or Persons so dissatisfied with such Determination, to have the Subject of such Claim or Objection, in respect of which such Determination shall be made, tried at Law, by an Action to be brought by him or them against the said Commissioner for Inclosure upon a certain Issue, to be settled by the proper Officer of the Court where such Action shall be brought, in case the Parties differ about the same, such Action to be brought within Six Months next after such Determination shall have been made; and the Defendant or Defendants in such Action shall, and he and they is and are hereby required to appear in 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 at the First or Second Great Session or Assize to be holden for the County of *Flint*, next after the commencing of such Action, and the Verdict of the Jury on such Trial shall be final and conclusive upon all the Parties interested therein, unless the Judge

or Judges trying such Issue shall certify the Verdict to be contrary to Evidence or Law; and after any such Trial shall be had as aforesaid, the Costs and Charges payable by the said Commissioner in such Action or Actions, shall be paid and discharged out of the Monies to be raised by him for the Purposes of this Act; but if the Plaintiff in such Action or Actions shall be Nonsuit, or a Verdict shall pass against him, then he shall pay full Costs to the said Defendant.

XV. Provided always, and be it further enacted, That all such Determinations, either of the said Commissioner for Inclosure, or of the said Commissioner of Appeal, as shall not be objected to by such Notice to be given to the said Commissioner for Inclosure as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be proceeded in as aforesaid, shall be absolutely binding, final, and conclusive.

Determinations of Commissioners of Appeal not objected to, to be final.

XVI. Provided always nevertheless, That nothing herein contained shall authorize the said Commissioner for Inclosure and Commissioner of Appeal, hereby appointed respectively, or any or either of them, to hear and determine any Difference or Dispute which may arise, touching the Right or Title to any Manor, Messuages, Tenements, Lands, or Hereditaments, of any Person or Persons having Rights of Common in, over, or upon the said Commons and Waste Lands, or any other Right or Interest therein, for which the Parties may commence and prosecute such Suits or Remedies at Law or in Equity, in respect of such Rights and Titles, between and among themselves, as they shall be advised and think proper.

Commissioners not to determine Titles.

XVII. Provided also, That no Difference or Suit, touching the Title to any Manor, Messuages, Tenements, Lands, or Hereditaments, or other Rights, shall impede or delay the Commissioner in the Execution of the Powers vested in him by virtue of this Act; but the Division and Inclosure hereby directed to be made, shall be proceeded in notwithstanding such Differences or Suits.

Suits not to impede the Inclosure.

XVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioner for Inclosure, hereby appointed or hereafter to be appointed in the Manner herein-before mentioned, and also to and for any of the said Commissioners of Appeal, and they are hereby authorized and empowered to call before them respectively, by Summons in Writing under their Hands respectively, all such Person and Persons as they shall think proper to examine as Witnesses, and to administer an Oath (or in case of Quakers a solemn Affirmation) to such Person or Persons required to give Evidence touching the Matters aforesaid, or in anywise relating thereto.

Power to summon and examine Witnesses upon Oath.

XIX. And be it further enacted, That if any Person or Persons, who shall be duly summoned by Writing under the Hand of the said Commissioner for Inclosure, or by any of the said Commissioners of Appeal, shall omit, refuse, or neglect to appear before the said Commissioners respectively, at any of the Times or Places by such Commissioner of Inclo-

Witnesses not attending to be liable to a Fine.

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sure,

sure, or any of the said Commissioners of Appeal, required, or if appearing shall refuse to be fully examined to the full Satisfaction of the said Commissioners respectively, then and in that Case it shall and may be lawful for any Justice of the Peace for the said County of *Flint*, upon Proof on Oath before such Justice of such Refusal or Neglect to appear, or Refusal to be examined, by Warrant under his Hand and Seal directed unto any Person or Persons whomsoever, to cause any Sum or Sums of Money, not exceeding Ten Pounds nor less than Forty Shillings, to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so omitting or neglecting to appear or refusing to give Evidence, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges of such Distress and Sale.

Persons giving false Evidence to be guilty of Perjury.

XX. And be it further enacted, That all and every Person or Persons who, in any Examination to be taken by virtue of this Act, shall give false Evidence before the said Commissioners respectively, or before any Justice or Justices of the Peace, touching any Matter or Thing relating to the Execution of this Act, shall and may be prosecuted for the same, and being thereof convicted shall be deemed guilty of Perjury, and shall be liable to such Pains, Punishments, and Disqualifications, as by the Laws and Statutes of this Realm Persons convicted of wilful and corrupt Perjury are subject and liable to.

Guardians, &c. to claim.

XXI. Provided always, That every Guardian, next Friend, Husband, Trustee, Committee, and Attorney, may claim and oppose Claims for every Infant, Feme Covert, Child unborn, Cestuique Use, Lunatick, and Person beyond Sea, or otherwise unable or incapacitated, as effectually as if the Party entitled or interested was present and capable.

Surveyor to make a Plan of the Commons, &c.

XXII. And be it further enacted, That the said Surveyor for the Time being shall make a true and correct Survey and Admeasurement of all the said Commons and Waste Lands in the said several Parishes of *Yscelhog* and *Nannerch*, and after the Determination of all Cases and Questions, Objections and Claims respectively, and Limits of Boundaries, (if any happen) shall make a correct Plan of each of them respectively, and also (if required by the said Commissioner) make a like Survey, Admeasurement, and Plans of the inclosed Messuages, Tenements, and Lands in the said Parishes and Manor severally, in which Plans respectively the whole Contents, in Statute Measure, of all the said Commons and Waste Lands, severally and respectively, and, if surveyed, of all Messuages, Tenements, and inclosed Lands, shall be set forth; and the said Plans, with the Admeasurements, shall be delivered to the said Commissioner at or before his last adjourned publick Sitting: Provided always, That the Expence of the Survey, Admeasurement, and Plan, if made, of the Messuages, Tenements, and inclosed Lands within the said Parishes and Manor, shall be paid and borne by the respective Owners thereof.

Roads.

XXIII. And be it further enacted, That the said Surveyor shall mark and set out upon the said Plan of the Commons and Waste Lands, the Tracks or Lines of publick Highways and private Roads for Carriages

and Horses, and Foot Paths, with the proper Places for Fences and Ditches, Gates and Stiles, and also the Tracks and Lines for Drains (if necessary) and the proper Places for Bridges and Plats, all of which shall be laid out as conveniently as possible for publick or most general Use; and the publick Carriage Road shall be Forty Feet wide, exclusive of Ditches; and the said Commissioner shall lay the said Plan before a Meeting of the Proprietors, to be held for that Purpose, and if the Proprietors assembled at such Meeting, or the Majority in Number and Value of such Proprietors, or of their known or authorized Agents, shall not propose any Improvement or Alteration, or any being proposed shall be approved of by such Majority, the same shall be marked upon the Plan and the said Commissioner shall cause the Tracks or Lines of all such Highways, Roads, Foot Paths, Fences, Ditches, and Drains, and the Places for Gates, Stiles, Bridges, and Plats, to be marked upon the said Commons and Waste Lands conformably to the said Plan so to be approved; and the said Commissioner may and shall appoint, in Writing with his Signature thereto, a Surveyor of such Highways and Roads until the same shall be completed, with a reasonable Salary for his Trouble; and such Surveyor of Highways shall be responsible for all his Accounts, Receipts, Expenditures, and Conduct to the said Commissioner, who may discharge him at any Time and appoint another in his Stead; and the said Surveyor of Highways shall cause the said publick Highways, Carriage and Horse Roads, to be ditched, fenced, covered, made, and completed, fit for publick Use, within a Time to be limited by the said Commissioner, (the Charges and Expences whereof, and the Salary of the said Surveyor of Highways, shall be provided for out of the Rates herein-after directed to be raised among the Funds for the Execution of this Act); and the said Surveyor of Highways shall, at some General Quarter Sessions of the Peace to be holden for the said County of *Flint* within Three Calendar Months after the Expiration of the Time to be limited by the said Commissioner, deliver or cause to be delivered to the Justices of the Peace then assembled, an Account in Writing of all Money by him received, paid, and laid out, specifying the Persons and Purposes to and for which the same shall have been paid or laid out, and also a Certificate in Writing, signed by him, of the Completion of the said Roads, or if incomplete an Account of the Cause thereof, and the said Justices may and shall examine into the Truth of the Account and Premises upon Oath, and allow or disallow thereof as shall be just, and according to their Discretion allow further Time for bringing in a subsequent Account and Certificate, which the said Surveyor of Highways is hereby required to do at any subsequent General Quarter Sessions of the Peace for the said County to be appointed by the Justices aforesaid, in the same Manner as is before directed touching the first Account and Certificate, who shall examine and fully allow or disallow thereof as shall be just; and in case any such Surveyor shall refuse or neglect to deliver such first Account and Certificate, or either of them, or such First Certificate being suspended shall neglect to deliver such Second Account and Certificate, or either of them, such Surveyor shall forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, to be levied and applied as other Forfeitures and Penalties are by this Act directed to be recovered and applied; and from and after such Account and Certificate shall have been delivered and finally
allowed

allowed as aforesaid, the said Commons and Waste Lands in the said Parish of *Ysceiſiog*, except Parcels intermixed with inclosed Lands, shall, for the Purpose of repairing the said publick Highways, Carriage and Horse Roads, over and within the said Commons and Waste Lands, be from thenceforth Two distinct and separate Townships, One of which shall comprize the Commons and Waste Lands lying open Westward of the Parish Church and Village of *Ysceiſiog* aforesaid, and shall be called *The Township of Mael-y-Parc*, and the other shall comprize the Commons and Waste Lands lying open Eastward of the said Parish Church and Village, and shall be called *The Township of Talwrn*; and the said Commons and Waste Lands in the said Parish of *Nannerch*, (exclusive of the Manor of *Penbedw*), and except Parcels intermixed with inclosed Lands, shall also, for the Purpose of repairing the said publick Highways, Carriage and Horse Roads, over and within the said Commons and Waste Lands, be a separate and distinct Township and called by the Name of *Bryngoleu*; and the said Commons and Waste Lands in the said Manor of *Penbedw* shall remain in and continue Part of the Township of *Penbedw* aforesaid; and the Inhabitants, Owners, and Occupiers of Land within the Limits of the said Townships of *Mael-y-Parc*, *Talwrn*, *Bryngoleu*, and *Penbedw* respectively, shall keep their respective Highways, publick Carriage and Horse Roads, in Repair, according to the Laws in Force respecting Highways.

No Person to be chargeable to the Repair of Roads till Accounts are delivered.

XXIV. And be it further enacted, That no Person or Persons shall be charged or chargeable to any Repair whatsoever of the said Roads, or any of them, until the Accounts and Certificates hereby required shall be delivered and finally allowed at a General Quarter Sessions of the Peace as aforesaid; and as soon as such Roads shall be ditched and fenced out, the Ditches and Fences thereof shall be repaired and cleaned by the respective Owners of the Lands adjoining thereto; and no Person shall erect any Gate across any such publick Carriage Road, or plant any Tree or Trees in or within Fifty Yards of the Hedges or Sides thereof; and it shall thereafter be unlawful for any Person, on Foot or on Horseback, or with any Beast, Coach, Waggon, Cart, or other Carriage whatsoever, to use any Roads, Ways, or Passages, either publick or private, in, over, through, or upon the said Commons and Waste Lands, other than through such Ways or Roads as shall be so appointed and set out as aforesaid; and the said Commissioner shall set forth and declare, in his Award, in what Manner, by whom, and at what Time all publick Foot Roads and private Ways, and all Ditches, Fences, Stiles, private Bridges, Drains, Gates, and Stiles, shall be made and for ever thereafter repaired, cleaned, and amended; and all former publick and private Roads and Ways over the said Commons and Waste Lands, or so much of them as shall not be set out and appointed as aforesaid, shall be deemed Part of the Lands to be divided and inclosed by virtue of this Act, and shall be allotted accordingly as Part thereof; and the Soil of all such new publick Roads and Ways within the said Manor of *Penbedw* shall remain the Property of the Lord of the said Manor, as to all Royalties; and the Soil of the said publick Roads and Ways in the Rest of the Parish of *Nannerch*, and in the Parish of *Ysceiſiog*, shall remain the Property of the King's Majesty, subject to the Rights and Interests of the said Earl Grosvenor, his Heirs and Assigns,

signs, to or in such Mines or other Things within, upon, or under the same, as lawfully belonged to the said Earl before the passing of this Act.

XXV. And be it further enacted, That if the said Commissioner shall determine that it will be beneficial to the Publick to alter or divert any Highway or Highways, Road or Roads, now open between any anciently inclosed Lands, or to open any new Highway or Highways, Road or Roads, in or through any anciently inclosed Lands adjoining to the said Commons and Waste Lands, the said Commissioner shall, from Time to Time, treat and agree with the Owner or Owners of such respective inclosed Lands, for Permission to alter and divert such Highways or Roads, or open any such new Highways or Roads, and allot an Equivalent of the said Commons and Waste Lands in exchange for the Ground wanted for such altered, diverted, or newly-opened Highways and Roads, or if he fails to agree with any Owner or Owners, he shall apply to any Two of His Majesty's Justices of the Peace to do and execute the same under the Authority of the Act passed in the Thirteenth Year of His present Majesty's Reign, intituled, *An Act to explain, amend, and reduce into One Act of Parliament, the Statutes now in being for the Amendment and Preservation of the publick Highways within that Part of Great Britain called England, and for other Purposes*; but without Prejudice to such Rights of His said Majesty, His Heirs or Successors, and of the said Earl *Grosvenor*, his Heirs or Assigns as aforesaid.

Power to divert Roads.

XXVI. And be it further enacted, That the said Commissioner shall set out and allot Portions of the said Commons and Waste Lands in the said respective Parishes, not exceeding in the Whole Fifteen Statute Acres in *Ysceiſiog* Parish, and Ten Statute Acres in *Nannerch* Parish, exclusive of the Manor of *Penbedw* aforesaid, in such Places as he shall judge most convenient for the Accommodation of every Part of each of the said Parishes respectively, to be used and enjoyed for ever thereafter by the respective Proprietors of Hereditaments within the said respective Parishes of *Ysceiſiog* and *Nannerch*, exclusive of the Manor of *Penbedw* aforesaid, in common within each Parish, but exclusively in respect to each other, for the Purpose of getting Lime Stone, Building Stone, Gravel, Sand, Earth, Marl, and Clay to make Bricks, for the Use of Lands in the said respective Parishes of *Ysceiſiog* and *Nannerch* only, or in the Repairs of the Highways and private Roads and Paths within and throughout the same Parishes respectively, and not to be sold or conveyed out of either of the said respective Parishes on any Account; and in case there shall be found Stone, or any other of the said Materials, in any private Land more conveniently situated than any Part of the said Commons and Waste Lands, and the Owner or Owners thereof shall be willing to exchange the same for any Part of that Portion or Portions, it shall be lawful for the said Commissioner, and he is hereby empowered to make such Exchange or Exchanges; and after the same is or are fixed, they shall be mutually conveyed by Feoffment, with Livery of Seisin, to be given to and by the said Commissioner, as taking or conveying by such Exchanges, and the exchanged Portion or Portions of the said Commons and Waste Lands, shall vest in the Person or Persons with whom the same shall be exchanged,

Allotments for common Use for Stone, etc.

to the same Use and Use of Estate or Estates, as the Land given in exchange was previously used to or used, and the Lands so given in exchange shall vest in the Proprietors for the Time being, of Lands and Hereditaments within the said respective Parishes, for the several Purposes declared by this Act; and the said Commissioner shall also set out and appoint Springs and Pools, and other convenient Places for Cattle and Beasts, within each of the said Parishes, respectively, upon the said Commons and Waste Lands, for the common Use and Benefit of all Occupiers of Messuages, Tenements, or Hereditaments within the said Parishes respectively.

Allotments for Labourers;

XXVII. And be it further enacted, That the said Commissioner shall set out and allot such and so many of the Messuages and Encroachments erected and made within Twenty Yards, and such Parts of the said Commons and Waste Lands, as the said Commissioner shall think proper, not exceeding Thirty Statute Acres in the whole of each of the said Parishes, for the Purpose of dwelling, lodging, or putting out the same to and for the Benefit and Comfort of the said poor Labourers of the said Parishes respectively, for Six or more Years, and upon such Conditions as the said Commissioner shall from Time to Time direct.

Race Course.

XXVIII. And be it further enacted, That the said Commissioner shall, in the next Place, allot and set out the Race Ground in the said Parish of *Ysceiſiog*, which is Part of the Race Ground called *Halywell Course*, to be kept open for a Race Course, in such Manner and under such Restrictions as a Majority in Number and Value of the Proprietors, or of their known or authorized Agents, assembled at a Meeting to be held for that Purpose, and the said Assistant Commissioner, whose Concurrence must be obtained, shall direct.

Allotments to His Majesty;

XXIX. And be it further enacted, That after the said Roads, Ways, and other general or publick Allotments are set out, and before any other Allotment whatsoever shall be made or set out, the said Commissioner shall, with the Concurrence and Approbation in Writing of the said Assistant Commissioner, allot and set out unto the King's Majesty, His Heirs and Successors, such Part or Parts of the said Commons and Waste Lands in the said Parishes of *Ysceiſiog* and *Mannech*, exclusive of the Manor of *Penbedw*, as shall be equal in Value to One Twentieth Part thereof, (Quantity, Quality, and Situation considered), in Lieu, Satisfaction, and Extinction of His Majesty's Right and Interest in the Soil of the said Commons and Waste Lands; and then and thereafter the said Commissioner shall allot the Whole of the said Commons and Waste Lands in the said Manor of *Penbedw*, unto the said *Waskin Williams*, as Lord thereof, and Owner of all the messuages and Lands in the said Manor; and then and thereafter the said Commissioner shall allot and set out all the Remainder of the said Commons and Waste Lands in the said Parish of *Ysceiſiog*, to and among the said *Earl Grosvenor*, *Lord Grey de Wilton*, *Thomas Thomas*, *Thomas Mafyn Edwards*, *John Wynne*, *David Pennant*, *Robert Myddelton*, and all other Persons, Bodies Politick and Corporate, who are entitled to Rights of Common upon the said Commons and Waste Lands of and in the said Parish of *Ysceiſiog*, according to their respective

to the Lord of the Manor of *Penbedw*;

to the Freeholders.

Rights of Common, rateably and in due Proportion (Quantity, Quality, and Situation considered) to the Value of their respective Messuages, Tenements, Lands, and Hereditaments, in respect whereof they are severally entitled to such Right of Common as aforesaid; and the said Commissioner shall also allot and set out the Remainder of the said Commons and Waste Lands in the said Parish of *Nannerch*, to and among the said *Watkin Williams, Philip Yorke, Thomas Mostyn Edwards, Robert Myddelton*, and all other Persons, Bodies Politick and Corporate, who are entitled to Right of Common upon the said Commons and Waste Lands of and in the said Parish of *Nannerch*, according to their respective Rights of Common, rateably and in due Proportion (Quantity, Quality, and Situation considered) to the Value of their respective Messuages, Tenements, Lands, and Hereditaments, in respect whereof they are severally entitled to such Right of Common as aforesaid, such Value to be ascertained and fixed by the said Commissioner; and the said Commissioner shall not, upon any Account or under any Pretence, give any undue Preference to any of the Parties interested in the said Divisions, in their or any of their Allotments or Shares of the respective Remainders of the said Commons and Waste Lands, (exclusive of the Allotments to be made to the King's Majesty), but the said Commissioner, in making the Division and Allotment thereof, shall have due Regard to the Quality, Situation, and Convenience, as well as the Quantity, of the Land to be allotted, and shall, if, or as far as, the same can conveniently be done, make all Allotments near to the Lands and Hereditaments they shall belong to, in every respective Township within the said Parishes of *Ysceiſiog* and *Nannerch* respectively, and shall also set out and allot the Share or Shares of every Person respectively in One entire Parcel, (where the same can be conveniently done), and as near to every Person's Lands and Tenements respectively as the same conveniently may be.

XXX. And be it further enacted, That all Encroachments, exclusive of Cottages, made upon, and Inclosures taken from the said Commons and Waste Lands, or any Part thereof, save such as have been enjoyed for the Term of Twenty Years or more next preceding the Twenty-ninth Day of *September* in the Year of our Lord One thousand seven hundred and ninety-nine, without any Interruption, shall be deemed Part and Parcel of the said Commons and Waste Lands, except such as the said Commissioner shall appoint for the Benefit of Poor Labourers as aforesaid; and in case any Question or Doubt shall happen to arise whether any Encroachments or Inclosures, or any Part or Parts thereof respectively, have been, or have not been made or taken and enjoyed without Interruption for the said Term of Twenty Years, the same shall be enquired into, heard, and determined summarily by the said Commissioner of Appeal, upon Examination of Witnesses and other Testimony upon Oath, which Oath the said Commissioner of Appeal is hereby empowered and required to administer; and every such Determination shall be final and conclusive to and upon all Parties.

Encroachments within 20 Years.

XXXI. And be it further enacted, That the said Commissioner shall allot and set out unto any Person or Persons entitled to Right of Common as aforesaid, who shall at the Time of allotting be in Possession of any

Allotments of Encroachments to Proprietors.

Encroachments

Encroachment or Encroachments made within the said Space of Twenty Years, all and every the Lands comprised in such Encroachment or Encroachments, if not required by the said Commissioner, for the poor Labourers as aforesaid, for or in pursuance of the Allotments directed to be made to them respectively by virtue of this Act, if such Person or Persons shall request the same, in Writing subscribed with his, her, or their Name or Names, or the Name or Names of his, her, or their Agent or Attorney respectively, presented to the said Commissioner at any Time before or at the said Term, shall be void, so that such Encroachment or Encroachments (which the said Commissioner is hereby directed to value as Waste Land, without considering the Value of any Erections or Improvements made thereon) shall not prevent the Allotment or Allotments to be made to such Person or Persons in respect of his, her, or their Right of Common; and if it shall be found that Surplus shall be severed and fenced off at the Expence of the Person or Persons so having encroached, and shall be allotted to some other Person or Persons entitled to Right of Common as aforesaid, unless the Person or Persons in Possession of any such Encroachment or Encroachments shall be desirous of purchasing such Surplus Quantity or Quantities of Land, and shall pay into the Hands of the said Commissioner such Price for the same, as shall be fixed by such Commissioner, to be applied towards defraying the Expences of this Act, and carrying the same into Execution, in which Case such Surplus Quantity or Quantities shall be awarded by the said Commissioner to the Person or Persons in Possession thereof.

Coparceners.

XXXII. And be it further enacted, That all Allotments for or in respect of any Messuages, Tenements, Lands, or Hereditaments belonging to Coparceners or Tenants in Common, shall be allotted and set out to the respective Coparceners and Tenants in Common, or such of them as shall desire the same, in separate and distinct Portions and Parcels, according to their several and respective Shares in such Messuages, Tenements, Lands, or Hereditaments.

Tythe Clause.

XXXIII. And be it further enacted, That for the Encouragement of Tillage, the Two First Crops of Corn, or other Produce obtained by Tillage in all and every the said Allotments, shall be exempt from the Payment of Tythe, provided such Crops be raised within Four Years next after the Execution of the said Award; and that from and after the taking of such Two Crops as aforesaid, the future Crops shall be liable to Tythe in the same Manner as other inclosed Lands in the said several Parishes are liable thereto.

Award.

XXXIV. And be it further enacted, That within the Space of Six Calendar Months next after the said Commissioner shall have finished the Partitions and Allotments of the said Commons and Waste Lands, he shall and is hereby required to form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, which shall express the Quantity, in Statute Measure, of Acres, Roods, and Perches, contained in the said Commons and Waste Lands (including the Manor of *Penbedw* aforesaid) so intended to be divided and inclosed as aforesaid, and also the Quantity and Contents, in like Manner, of each and every Part
and

and Parcel thereof, which shall be assigned and allotted to each of the Parties entitled thereto and interested therein, with a Description of the Situation, Abuttals, and Boundaries of such Parcels and Allotments respectively, and also of the said common Allotments for getting Stone and other Materials, and for supplying Water, and also of the said Allotments for the Benefit of poor Labourers, and of such Lands as shall be exchanged by virtue of this Act, together with a Plan thereof respectively to the said Award annexed; and such Award shall also contain proper Orders and Directions for fencing, mounding, ditching, and draining the said Allotments, and for keeping the said Mounds, Ditches, and Drains in Repair, and for setting out and describing proper publick Roads and Ways upon and over the said Commons and Waste Lands so intended to be inclosed, and also proper private Roads, Ways, and Passages, Banks, Gates, Stiles, and other Requisites, with Orders and Directions by whom the same shall be made, and from Time to Time be repaired and kept in Repair; and the said Award shall also contain all such Rules, Orders, Regulations, Directions, and Determinations, which the said Commissioner shall think necessary and proper to be inserted therein, pursuant and according to the several Powers and Authorities hereby given to and vested in him, and conformably to the true Intent and Meaning of this Act; Three Parts of which said Award or Instrument shall be fairly ingrossed or written on Parchment, and a Copy of the said Plan annexed to each Part; and the said Commissioner shall, and he is hereby required and directed to read over One Part of the said Award in the Presence of the Proprietors, who shall and may attend at a Special General Meeting to be called for that Purpose by the said Commissioner (of which Ten Days Notice at least shall be given in One or both of the *Chester Newspapers*); and each Part of the said Award, and also of the said Plan or Plans, shall be signed and sealed by the Commissioner at such Meeting, and by the said Assistant Commissioner, in respect of the Allotments to be made to the King's Majesty, His Heirs and Successors, and the Execution of the said Award shall be proclaimed the next *Sunday* after the same shall have been so read as aforesaid, in the respective Parish Churches of *Ysceiſiog* and *Nannerch* aforesaid, from which Time only the said Award shall be considered as complete; and One Part thereof, with the Plan thereto annexed, shall be deposited and kept in a Box or Chest in the Parish Church of *Ysceiſiog* aforesaid; another Part thereof, with the Plan thereto annexed, shall be deposited and kept in a Box or Chest in the Parish Church of *Nannerch* aforesaid; and One other Part thereof, with the Plan thereto annexed, shall, within One Calendar Month after the same shall be so signed, sealed, and proclaimed as aforesaid, be delivered to the Clerk of the Peace for the County of *Flint*, or his Deputy for the Time being, who is hereby required to receive and deposit the same amongst the Records of the said County, upon being paid the Sum of One Guinea as a Fee for so doing; and the Person or Persons who from Time to Time shall have the Care or Custody of the said Boxes or Chests in the said respective Parish Churches, and also the Clerk of the Peace for the said County of *Flint*, or his Deputy for the Time being, shall permit the said Parts of the said Award to be inspected by any Person or Persons whomsoever, from Time to Time and at all seasonable Times for ever, such Person and Persons paying respectively to the Clerk of the Peace or his Deputy for every such Inspection, the Sum of One Shilling and no more; and any Part of the said Award, or a Copy of that Part which shall

be deposited with the Clerk of the Peace for the said County, attested by him or his Deputy, shall, from Time to Time, and at all Times thereafter, be admitted and allowed in all Courts whatsoever as legal Evidence, which Copy the said Clerk of the Peace or his Deputy is hereby required to make, certify, and deliver to any Person or Persons requiring the same, he, she, or they paying for such Copy after the Rate of Fourpence *per* Sheet, reckoning One hundred Words to each Sheet, and no more; and the several Allotments, Partitions, Divisions, Orders, Directions, Exchanges, Regulations, and Determinations so to be made, declared, and approved by the said Commissioner, in and by his said Award or Instrument as aforesaid, shall be, and are hereby declared to be final, binding, and conclusive, unto and upon the several Parties interested in the said Division and Inclosure, and all other Persons whomsoever; and immediately after the execution of the said Award or Instrument, or at such other Time as the said Commissioner shall by Writing under his Hand direct, all Right of Common in, over, and upon the said Commons and Waste Lands (including the Manor of *Penbedaw* aforesaid) so intended to be inclosed as aforesaid, shall cease and be for ever extinguished.

Commissioner to make an Extract of so much of his Award as describes His Majesty's Allotment, and to transmit the same to the Surveyor General of the Land Revenue.

XXXV. And be it further enacted, That the said Commissioner shall, and he is hereby required to make an Extract on Parchment under his Hand and Seal, of so much of his General Award herein-before directed to be made, as shall contain an accurate Description of the Allotment or Allotments so to be made to His said Majesty, together with such Regulations or Provisions relative to the said Allotment or Allotments, or to any other Rights or Interests of His Majesty, as may be contained in such Award; and also a Copy, signed by the said Commissioner of the Plan annexed to the said Award, and transmit the said Extract and Plan to the Surveyor General of His Majesty's Land Revenue for the Time being, within Six Calendar Months after the making and executing the said Award, to be by him filed and kept among the Muniments of his Office.

Payment of Expences.

XXXVI. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and of holding the Commissioner's Sittings, and of surveying, measuring, planning, dividing, and allotting the said Commons and Waste Lands, and of making the said publick Highways, Roads, and Paths, Bridges, and Plats, and of making, executing, and depositing the said Awards and Plans respectively, and all other incidental Charges and Expences whatsoever which may arise or be incurred under this Act, until the same shall be finally executed, shall be severally and respectively borne and defrayed, from Time to Time (as the same shall be incurred in each of the said Parishes and Manor severally and respectively) by the several Persons to and amongst whom the said Commons and Waste Lands shall be allotted in the said Parishes and Manor respectively (except the King's Majesty, His Heirs and Successors) by Rates or Taxes to be from Time to Time, and at any Time or Times hereafter, as Occasion shall require, assessed, laid, and charged by the said Commissioner, in each of the said Parishes and Manor separately and distinctly, each on its own Account, unconnected with and exempt from the other, according to the respective Quantities and Qualities of Commons

mions and Waste Lands in every of them respectively, expressing the Purpose to which every Rate shall be applied; which Rates shall be assessed and charged equally upon and according to the Value, as nearly as can be estimated by the said Commissioner, of the respective Allotments (except as aforesaid) the Proportions of which Rates, upon the Persons liable thereto, shall be paid to such Person and Persons, for such Purposes, Uses, or Services, at such Times, not exceeding Three Calendar Months next after every or any such Rate shall be so assessed, as the said Commissioner, by an Order or Orders in Writing signed by him, shall direct or appoint, which Orders respectively shall be sufficient Authorities to the Person or Persons receiving any Money; and in case any Person or Persons, Body or Bodies Politick or Corporate, so assessed or charged, shall refuse or neglect to pay his, her, or their Proportion or Proportions of any Rate or Rates within the Time or Times to be limited by the said Commissioner, to the Person or Persons whom he shall appoint to receive the same, then and in every such Case it shall be lawful for any One of His Majesty's Justices of the Peace for the said County of *Flint*, by Warrant under his Hand and Seal, directed to any Person or Persons, to cause the said Rates respectively to be levied by Distress and immediate Sale (as in Cases of Execution upon final Judgement) of the Goods and Chattels of the Person or Persons neglecting or refusing Payment; and in case there shall not be found sufficient Goods and Chattels within the said County of *Flint* to satisfy the same, and all Costs and Charges, the same Warrant shall be indorsed by any Justice of the Peace of any other County in which Goods or Chattels belonging to such Person or Persons shall be found, and the same Rates respectively, and all Costs and Expences thereon, shall be levied by like Distress and Sale of the Goods and Chattels which shall be so found in any other County; and in case no Goods or Chattels can be found to be distrained upon, it shall be lawful for the said Commissioner, or any Person or Persons authorized by him from Time to Time, to enter into and upon the Allotment or Allotments of any Person or Persons so assessed and taxed, and refusing or neglecting Payment of his, her, or their Proportions of such Rate or Rates, and to inclose, possess, and enjoy the same, and to receive and take the Rents, Issues, and Profit thereof respectively, until therewith, or otherwise, such Proportion or Proportions of the said respective Rates, and all Costs, Charges, and Expences occasioned by or through any Distress made or attempted, or attending such Entry and Receipt, shall respectively be fully paid and satisfied.

XXXVII. Provided always, and be it further enacted, That if the Majority in Number and Value of the Proprietors in each of the said Parishes respectively, or of either of them, or of their known or authorized Agents assembled at a Meeting or Meetings to be held for that Purpose, shall at any Time or Times hereafter resolve or determine (which they are hereby empowered to do) that the Imposition and Assessment of any Rate or Rates, herein-before authorized to be charged for carrying this Act into Execution, within the said respective Parishes, or either of them, will be too burthensome or inconvenient to the Proprietors of Hereditaments having Right of Common in the said Parishes, or either of them respectively, the said Meeting of Proprietors in each of the said Parishes may and shall thereupon, from Time to Time and as often as they shall judge expedient, order and authorize the said Commissioner, by such

Power of Sale
of Parts of
the Commons
to pay Ex-
pences.

Ways and Means and under such Conditions as they shall think proper, to sell and absolutely convey in Fee Simple, subject to the Rights and Interests of His said Majesty, His Heirs and Successors, and of the said Earl Grosvenor, his Heirs and Assigns, to or in such Mines or other Things within, upon, or under the same, as lawfully belong to them, or either or any of them before the passing of this Act, to any Person or Persons, for the best Price that can reasonably be obtained, any Part or Parts and Quantity of the said Commons and Waste Lands in the said Parishes respectively or in either of them, which such Meeting of Proprietors shall, from Time to Time and at any Time or Times hereafter, think proper and expedient, not exceeding Five hundred Statute Acres in the Whole in each Parish respectively; and the Money arising thereby shall be applied in Aid or Place of the said Rates of each Parish separately, for their separate Use and Benefit; and upon all and every Sale or Sales under or by virtue of this Act, the Receipt of the Commissioner for the Time being shall be a sufficient Release, Acquittal, and Discharge to the Purchaser for the Purchase Money, in all Cases, and to all Intents and Purposes whatsoever; and the Conveyance to every Purchaser shall be from the Commissioner aforesaid by Feoffment, with Livery of Seisin, and the Parcel or Parcels of Land and Hereditaments so conveyed shall immediately vest in Fee Simple in the Person or Persons to whom the same shall be conveyed, subject as aforesaid.

Power to borrow Money.

XXXVIII. And be it further enacted, That the said Commissioner may borrow such Sum or Sums of Money as he may find necessary for each Parish, to be applied towards defraying the Expences of applying for, obtaining, or carrying into Execution all or any of the Purposes of this Act within the said respective Parishes; and all such Sums of Money as he shall borrow shall be repaid by the said Commissioner to the Person or Persons who shall advance the same, with Interest after the Rate of Five Pounds *per Centum per Annum*, out of the Monies which shall be raised under or by virtue of this Act within the said respective Parishes separately, each Parish being answerable only for the Sum or Sums of Money so to be borrowed on Account thereof; and the said Commissioner is hereby empowered, at his Discretion, to grant and demise in Mortgage all or any Part or Parts of the said Commons and Waste Lands, or any Part thereof, in the said Parishes respectively, for any Term or Terms of Years not exceeding Five hundred Years, for securing from each Parish respectively all or any such Monies as shall be advanced as aforesaid to or for the Use of the Parish upon which such Security shall be given, and all Expences of borrowing and securing the same, with Interest as aforesaid, from the Time each respective Sum shall be advanced; and all such Securities may be assigned and re-assigned, from Time to Time, by all and every Person and Persons possessing the same, as other Mortgages may, and they shall have all usual Powers of Mortgagees; which Securities may be in the following Form:

Form of Security.

‘ BY virtue and in pursuance of an Act made in the Fortieth Year of
 ‘ the Reign of His Majesty King George the Third, intituled, [*insert*
 ‘ *the Title of this Act*], and in Consideration of the Sum of
 ‘ this Day paid by *A. B.* of _____ to *C. D.* the Commis-
 ‘ sioner appointed for putting the said Act into Execution, I the said
 ‘ *C. D.*

‘ C. D. the Commissioner aforesaid, do grant, bargain, and sell unto the
 ‘ said A. B. his [*or, her*] Executors, Administrators, and Assigns, such
 ‘ Proportion of the Commons and Waste Lands in the Parish of
 ‘ in the County of as the said Sum of
 ‘ doth or shall bear to the Whole Sum now or which
 ‘ shall be due and owing on the Credit of the said Commons and Waste
 ‘ Lands in the said Parish of to have and to hold the
 ‘ same unto the said A. B. his [*or, her*] Executors, Administrators, and
 ‘ Assigns, for the Term of Years from the Date hereof:
 ‘ Provided always, That if the said Sum of shall be paid
 ‘ to the said A. B. his [*or, her*] Executors, Administrators, or Assigns,
 ‘ together with Interest for the same after the Rate of Five Pounds *per*
 ‘ *Centum per Annum*, on or before the Day of
 ‘ next ensuing, then this Mortgage shall be void. In Witness whereof I
 ‘ have hereunto set my Hand and Seal this Day of
 ‘ in the Year of Our Lord .’

XXXIX. Provided always, and be it further enacted, That out of the
 First Money which shall be borrowed or raised under or by virtue of this
 Act, the said Commissioner shall, and he is hereby required, in the First
 Place, to pay and defray the Charges and Expences incident to and attend-
 ing the soliciting, obtaining, and passing this Act, together with Interest
 for the same, from the Time such Money shall be so laid out, and after
 Payment thereof, shall apply the Residue of such Money in Manner herein
 mentioned and directed.

For paying
the Expences
of this Act.

XL. And be it further enacted, That all Orders, Acts, and Proceedings
 of the said Commissioner in each of the said Parishes, shall be entered in
 separate Books, One for each of the said Parishes, to be provided for that
 Purpose, and kept for the separate Use of each of the said Parishes, and
 shall be signed by him; which Books shall be received in Evidence in all
 Suits and Actions concerning any Thing which shall be done in pursuance
 of this Act.

Commissioner's
Entry in
his Book.

XLI. Provided always, and be it enacted and declared, That no-
 thing in this Act contained shall prejudice or defeat the Right or Inter-
 est of His Majesty, His Heirs or Successors, or of the said *Richard Earl*
Grosvenor, his Heirs or Assigns, or any Person or Persons claiming or to
 claim by, from, or under, or in Trust for him, them, or any of them,
 or any of the Ancestors of the said *Richard Earl Grosvenor*, in and to such
 Mines, Ores, Minerals, Coals, Stones, and Quarries of Stone, of what
 Nature or Kind soever, in or under the said Commons and Waste Lands
 in the said several Parishes of *Ysceiſiog* and *Nannerch*, (not including the
 said Manor of *Penbedw*), as His said Majesty and the said *Richard Earl*
Grosvenor were respectively entitled to before the passing of this Act; but
 His said Majesty, His Heirs and Successors, and the said *Richard Earl*
Grosvenor, his Heirs and Assigns, and such other Person and Persons as
 aforesaid, and their Lessee or Lessees, Agents, Servants, Colliers, Miners,
 and other Workmen, shall and may, from Time to Time, and at all
 Times hereafter, enter into, have, hold, enjoy, search, and work all such
 Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings
 of Mines, Ores, Minerals, and Coal, Stones and Quarries of Stone what-
 soever as aforesaid, within the said several Parishes of *Ysceiſiog* and *Nan-*
nerch

This Act not
to affect the
Rights of
His Majesty
and Lord
Grosvenor's
to Mines, etc.

[*Loc. & Per.*]

23 X

nerch

nerch (not including the said Manor of *Penbedw*) as fully and effectually, to all Intents and Purposes, as they could have had, held, or enjoyed the same before the passing of this Act; and for that Purpose shall and may use all Pits, Shafts, Levels, Soughs, and Tunnels, already open and sunk in any of the said Commons and Waste Lands (not including the said Manor of *Penbedw*) and all Machines, Engines, and Buildings thereon erected or standing, together with full and free Liberty, Power, and Authority, to and for His said Majesty, His Heirs and Successors, and the said *Richard Earl Grosvenor*, his Heirs and Assigns, and all other Persons who shall hereafter for the Time being be entitled to the Mines and Minerals, and Quarries therein, (not including the said Manor of *Penbedw*), his and their Lessee and Lessees, and their and every of their Agents, Servants, Miners, Colliers, and other Workmen, to sink, dig, delve, drive, and work all and every, or any Number of Pits, Shafts, Levels, Soughs, and Tunnels, which they shall think necessary for discovering, searching for, raising, or getting any Mines, Ores, Minerals, Coals, and Stone whatsoever, in, upon, or under the said Commons and Waste Lands, (not including the said Manor of *Penbedw*), and to dig and raise Clay for making and burning of Bricks, Tiles, Gutters, and Ridges, in and upon any Part or Parts of the said Commons and Waste Lands, (not including the said Manor of *Penbedw*), as well before as after the same shall have been inclosed for the Use of any Colliery or Collieries, Quarry or Quarries, now open or hereafter to be opened therein, and for repairing any old or erecting any new Buildings which may be necessary for carrying on or working any Mine or Mines, Quarry or Quarries whatsoever; and also to erect any Number of Steam or other Engines, Machine and Machines, of what Nature or Kind so ever, which they shall think necessary for the Use, Convenience, or Advantage of any Mine or Mines, Quarry or Quarries whatsoever, in or upon the said Commons and Waste Lands (not including the said Manor of *Penbedw*) or any Part thereof, and to place, stack up, and lay all Lead, Copper, Iron, and other Ores, Coals, and other Minerals, Stone, and Matters which shall be gotten and raised, and all Rubbish, Earth, and Soil, upon the said Commons and Waste Lands, or any Part thereof (not including the said Manor of *Penbedw*); and to make, burn, or convert Coal and Culm into Charcoal or Cokes, and Stone into Lime; and also to have, make, and use all convenient Ways, Roads, and Rail Ways, in, upon, or over the said Commons and Waste Lands, or any Part thereof (not including the said Manor of *Penbedw*) when inclosed, for the Use of any Colliery or Collieries, Mine or Mines, Quarry or Quarries, open, sunk, or made, or which may be opened, sunk, or made, in any Part or Parts thereof, and for working and carrying on the same, and with Carts, Waggons, and other Carriages to fetch, take, and carry away the Lead, Copper, and Iron Ores and Coal, and all other Mines and Minerals, and Stones whatsoever, there to be found, got, and raised as aforesaid; and to do all other reasonable and necessary Acts and Things, in and upon the same Commons and Waste Lands, and Grounds, (not including the said Manor of *Penbedw*), when inclosed, for discovering, getting, working, converting, removing, carrying away, selling, and disposing of all Mines, Coals, and other Minerals, Stones, and Quarries of Stone whatsoever, without any Molestation or Interruption whatsoever; and all and every such Damage, Trespass, and Injury, as shall and may arise or happen to any Allotment or Allotments which shall be set out under

under this Act to the Owners and Occupiers thereof, shall be afterwards reimbursed to and raised amongst such Owner and Owners and Occupiers respectively, other than and except His said Majesty, His Heirs and Successors, and the said *Richard Earl Grosvenor*, his Heirs and Assigns, and except the Allotments in common for the Parish Use, and the Allotments for the Benefit of poor Labourers, in Manner herein-after mentioned and directed; (that is to say), that when and as often as any such Damage, Trespass, or Injury, in any Allotment or Allotments to be set out by virtue of this Act, for, or in searching or working the aforesaid Mines and Minerals, and Quarries, or on Account of any Works, Buildings, or Concerns relating thereto, shall be done, the Person or Persons who shall sustain such Damage, Trespass, or Injury as aforesaid, shall give Information thereof to any Two or more Justices of the Peace for the said County of *Flint*, (Ten Days previous Notice of such Information, signed by the Person giving the same, being fixed on One of the Doors of the said Parish Churches of *Ysceiſiog* and *Nannerch* respectively), and such Justices shall and are hereby empowered to examine and enquire into such Complaint, in a summary Way, by Examination of Witnesses upon Oath (which Oath such Justices are hereby empowered to administer) or by such other Evidence or Proof, Ways and Means, as they shall think proper; and all and every Sum and Sums of Money paid in Satisfaction of such Damages, and the reasonable Charges of giving and prosecuting such Information (to be settled by the said Justices) shall be borne and paid by the Owners or Occupiers of all the Allotments of the Lands and Grounds hereby intended to be divided, allotted, and inclosed, by an equal Rate, to be assessed and charged upon them in respect of their several Allotments, by such Justices, in such Shares and Proportions as shall be just, according to the respective yearly Rents or Values, which shall be ascertained and determined by the Assessments to the Poor Rates for the Time being of the said Allotments; and in case any Person, who shall be charged to such equal Rate as aforesaid, shall refuse or neglect to pay the same within a Time to be limited by the said Justices, to the Person informing as aforesaid, then the said Justices shall and are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of the Goods and Chattels of the Person refusing or neglecting to pay as aforesaid, rendering the Overplus (if any) after deducting the reasonable Charges of such Warrant, Distress, and Sale, to the Owner of such Goods and Chattels, upon Demand; and in case any Occupier of any of the said Allotments shall pay any Part or Share of such equal Rate as aforesaid, every such Occupier shall be at Liberty to deduct the same out of his or her next Rent, and his or her Landlord shall and is hereby required to allow such Deduction.

XLII. And be it further enacted, That the said Commissioner may and is hereby directed and authorized to declare void all and every Lease and Leases, and all other Agreements and Tenures, at Will or at Rack Rent subsisting, of any Messuages, Lands, or Tenements in respect whereof any Allotment shall be made in pursuance of this Act, so far as such Lease or Leases may operate to demise or let all or any Part of the said Commons and Waste Lands, or Right of Common thereon; and the said Commissioner is hereby empowered to order and adjudge such Satisfaction, as to him shall appear reasonable, to be made to such Lessee or Lessees,

Leases at
Will void.

Lessees, and to order, adjudge, and determine by whom such Satisfaction shall be made.

Lessees to have Allotments.

XLIII. And be it further enacted, That the several Lessees or Tenants, who under any other Kind of Lease or Leases have any Messuages, Tenements, Lands, or other Hereditaments, in respect whereof any Allotment or Allotments shall be made as aforesaid (except such as have only Right of Common upon the said Commons and Waste Lands whilst the same remain uninclosed, and except Lessees at Will or at Rack Rent) shall, during the Continuance of their respective Leases, have, held, and enjoy the respective Allotment or Allotments of the said Commons and Waste Lands which shall be set out for and in respect of such Messuages, Tenements, Lands, and Hereditaments, but upon Condition that such Lessee or Lessees, Tenant or Tenants, do and shall well and sufficiently inclose, ditch, and fence out such Allotment and Allotments within One Year next after the said Award shall have been executed, and also do and shall pay his, her, or their Share and Shares, proportionate to their respective Leasehold Interests, of all Charges and Expences relating thereto, to be settled by the said Commissioner, and the Reversioner shall pay the Residue of such Charges and Expences for and in respect of such Messuages, Lands, Tenements, and Hereditaments in Lease respectively; and if any of the Lessees or Tenants shall refuse or neglect well and sufficiently to inclose, fence, and ditch but such Allotment or Allotments of the said Commons and Waste Lands, so to be set out in respect of their several and respective Messuages, Tenements, Lands, or Hereditaments, within the Time herein-before limited, and to pay their several and respective proportionable Shares of the Charges and Expences as aforesaid, according to the true Intent and Meaning of this Act, then all such Allotments of the said Commons and Waste Lands which, at the End of One Year next after the Execution of such Award as aforesaid, be found uninclosed, or not well and sufficiently fenced and ditched as aforesaid, shall go, revert, and remain unto and vest in Possession in the Proprietors of the Reversion of such Leasehold Messuages, Tenements, Lands, and Hereditaments, exonerated and absolutely discharged from such Leases, and the said Proprietors are in such Case hereby ordered and authorized to inclose, ditch, and fence in the same within One Year next after such Neglect or Refusal, and to pay all Charges and Expences thereof; and the Allotment or Allotments of the said Commons and Waste Lands, which shall be set out to the said Leaseholders respectively for and in respect of Messuages, Tenements, Lands, and Hereditaments in Lease, shall nevertheless, from and after the Determination of their Leases respectively, go, remain, and revert to the respective Owners of the Messuages, Lands, Tenements, and Hereditaments in respect of which the same shall be allotted, who shall respectively have and enjoy the same Estate and Estates in such Allotments, whether vested in such in Possession or Reversion, as he, she, or they may have in the Messuages, Tenements, Lands, and Hereditaments for or in respect whereof such Allotments shall be made as aforesaid.

Lessees not having a Right of Common, Allotment to go to the Owner.

XLIV. And be it further enacted, That all Allotments which shall be made in respect of any Messuages, Tenements, Lands, and Hereditaments in Grant or Lease, where the Grantee or Grantees, Lessee or Lessees, Tenant or Tenants, is or are not entitled to Right of Common upon the said Commons and Waste Lands, any longer than whilst the same shall be open

open and uninclosed, shall be inclosed and enjoyed by the Grantor or Grantors, or Owners of the Messuages, Tenements, Lands, and Hereditaments, so granted or leased respectively, according to their several Estates and Interest therein respectively, and the Grantees, Lessees; or Tenants, shall have no Right to such Allotment, or any Part thereof; and it shall be lawful for the said Commissioner to determine upon and settle all Contracts, Covenants, Agreements, Claims, and Demands whatsoever, touching the said Commons and Waste Lands, or any Part or Parcel thereof, or any Right or Benefit of, in, or to the same, between all and every or any Landlord and Tenant, or Landlords and Tenants.

XLV. And be it further enacted, That all and every Person and Persons, Body and Bodies Politick and Corporate, who shall be entitled to any of the Allotments to be made in pursuance of this Act. shall, and they are hereby required to accept of their respective Allotments, by Writing under their Hands, or under the Hand of their known Agents or Attornies respectively, within the Space of Six Calendar Months next after the Execution of the aforesaid Award; and in case they or any of them shall refuse or neglect to accept his, her, or their Share or Allotment within the said Time, such Allotment or Allotments shall be sold towards defraying the Expences of this Act, and the Execution thereof, and the Person or Persons, Body or Bodies Politick or Corporate, so neglecting or refusing, shall be for ever barred and excluded from the same, and from all Interest, Benefit, and Right of Common and Allotments in the said Commons and Waste Lands. Acceptance of Allotments.

XLVI. And be it also enacted, That every Husband, Guardian, next Friend, Trustee, Committee, or Attorney respectively, may and shall accept all Allotments which shall be set out for every Feme Covert, Infant, Child unborn, Cestuique Use, Person beyond Sea, Lunatick, Idiot, or other Person incapable of accepting, and for Charitable Institutions or Uses; and every such Acceptance respectively shall be, and is hereby declared to be as effectual, as if the Person or Persons to whom the same shall have been made respectively, was or were under no Disability, and had in Person made such Acceptance; any Thing herein contained to the contrary notwithstanding. Acceptance of Guardians, &c.

XLVII. Provided always, That the Non-claim or Non-acceptance of any Husband, Guardian, next Friend, Trustee, Committee, or Attorney, or of the Rectors for the Time being of the said Parishes of *Ysceiſiog* and *Nannerch* respectively, of any Allotment or Allotments, shall not exclude or prejudice the Claim or Acceptance of any Infant, Feme Covert, or any Person or Persons under any Disability or Incapacity, or of their Heirs, in case they shall die under Disability, nor the future Rectors of the said Parishes of *Ysceiſiog* and *Nannerch*, of or to any such Allotment, provided the Bishop of the Diocese for the Time being shall signify his Consent thereto under his Hand and Seal, and provided the Person or Persons shall respectively make and declare such Claim and Acceptance within Twelve Calendar Months next after the Removal of the Disability, Incapacity, or Death of any Person or Persons dying during Disability or Incapacity. Non-acceptance not to injure their Trusts, &c.

Fencing Glebe
Allotments.

XLVIII. And be it further enacted, That the said Commissioner shall cause and order all and every the Allotment and Allotments to be made to the Rectors of the said Parishes of *Ysceiſiog* and *Nannerch* respectively, to be inclosed and fenced on the outward Boundaries thereof respectively; and the Expence thereof shall be paid and defrayed, by the said Commissioner out of the Money which shall be raised under this Act, for obtaining and carrying the same into Execution, as herein-before mentioned.

Inclosing
Allotments.

XLIX. And be it further enacted, That all and every Person or Persons, Body or Bodies Politick or Corporate, to whom or to whose Use or Benefit any Land shall by virtue of this Act be allotted (other than and except the Rectors of the said Parishes of *Ysceiſiog* and *Nannerch* for the Time being) shall inclose and fence the Land that shall be allotted and set out to or for him, her, or them respectively as aforesaid, in such Manner, and at such Time or Times as the said Commissioner shall in such his Award order and appoint; and in case of Refusal, Neglect, or Delay in any Person or Persons, it shall be lawful for the Owner or Owners of the adjoining Allotment or Allotments to exhibit a Complaint in Writing against such Person or Persons, before any One of His Majesty's Justices of the Peace for the said County of *Flint*, not being interested in the Land so to be inclosed and fenced as aforesaid, who may summon the Parties concerned, and by Examination of Witnesses upon Oath (all which Oaths it shall be lawful for any such Justice to administer) enquire into the Truth of such Complaint, and upon due Proof thereof he shall authorize the Person or Persons, Body or Bodies Politick or Corporate, exhibiting such Complaints, to make proper Ditches and Fences to the Land, of the Person or Persons, Body or Bodies Politick or Corporate, so refusing, neglecting, or delaying, and he shall, by Warrant under his Hand and Seal, directed to such Person or Persons as he shall think proper, cause the Charges and Expences of making such Ditches and Fences (if not paid upon Demand made thereof before One or more credible Witness or Witnesses) to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons whose Ditches or Fences shall have been so made, rendering the Overplus (if any) to him or them, after deducting the Costs and Charges of taking and making such Distress and selling the same, or otherwise the said Justice of the Peace may, by Writing under his Hand and Seal, authorize and empower the Person or Persons exhibiting such Complaint to enter into and upon the Allotment or Allotments when so ditched and fenced as aforesaid, and to receive and take the Rents and Profits thereof respectively, until thereby the Charges and Expences of such Complaint and Prosecution, and of making, repairing, and maintaining the said Ditches and Fences, and all Costs, Charges, and Expences occasioned by or attending such Entry and Receipt of the Rents and Profits of the same Premises, with Interest for the same after the Rate of Five Pounds *per Centum per Annum*, shall respectively be fully satisfied.

Gaps to be
opened for a
Time.

L. Provided always, That convenient Gaps and Openings shall be left in such new Fences and Inclosures, for the Space of Twelve Calendar Months next ensuing the Execution of the said Award, for the Passage of Cattle, Carts, and other Carriages, unless the several Parties interested shall

shall agree that the same shall be sooner fenced in, made up, and inclosed.

LI. And be it further enacted, That it shall be lawful for all and every Person and Persons, Body and Bodies Politick and Corporate, to whom any Allotment or Allotments shall be made by virtue of this Act, from Time to Time during the Term of Three Years from the signing of the said Award, to set down Posts and Rails, or any other Fences, in such Manner and in such Places as the said Commissioner shall by his said Award direct, on the Outside of the Ditches bounding any Highway or uninclosed Lands adjoining to his, her, or their Allotment or Allotments, for the Preservation of the Quicksets, not exceeding Four Feet from such Ditches, and at any Time before the Expiration of the said Term to remove and take away such Posts, Rails, and Fences; and no Person or Persons, Body or Bodies Politick or Corporate, shall, for the Space of Three Years from the Time of the Execution of the said Award, keep any Sheep or Lambs on any Allotment or Inclosure to be made under this Act, unless he, she, or they shall fence the same with walling, or Posts and Rails, so as effectually to prevent his, her, or their Neighbour's Quicksets and Hedges from being injured or destroyed by such Sheep or Lambs.

Railing against Roads and Sheep.

LII. And be it further enacted, That the several Proprietors of the said Allotments and new Inclosures shall have Liberty, for the Term of Ten Years from the Time of the Execution of the said Award, to erect or set up any Gate or Gates in or across any Part of the said private Roads to be made through or adjoining to his, her, or their Lands, for keeping out Sheep and Cattle, and to prevent their destroying any Banks, Plants, Trees, Quicksets, or Fences which shall be made or planted for inclosing or fencing any Part or Parcel of his, her, or their Allotment or Allotments.

Gates across private Roads.

LIII. And be it further enacted, That it shall be lawful for all Tenants for Life or in Tail, by Will or Settlements, and for all Husbands, Guardians, Trustees, Committees, or Attornies of Owners and Proprietors who shall be under Coverture, Infants, Children unborn, Idiots, Lunaticks, or beyond the Seas, or otherwise incapable of acting for themselves, and for the Trustee or Trustees for any Charity or Charities, and all other Trustees, and for all other Persons whomsoever (not otherwise authorized) by any Writing or Writings under his, her, or their Hand and Seal or Hands and Seals, attested by Two or more credible Witnesses, to lease and demise all or any Allotment or Allotments, for any Term or Number of Years not exceeding Twenty-one Years from and next after the Date of the said Award, in Possession and not in Reversion, or by Way of future Interest; so as in all and every such Lease or Leases there be reserved and made payable, during the Continuance thereof, the most improved yearly Rent that can reasonably be got for the same, to be paid by Two equal Half-yearly Payments, and to be incident to and go along with the yearly Rents and Profits of the Messuages, Lands, and Hereditaments in respect whereof such Allotments shall be so made, without taking any Sum of Money or other Thing by Way of Fine, Income,

Power of leasing Allotments.

or

or Foregift, for or in respect of such Lease or Leases; and so as none of the said Leases be made dispensable of Waste; and so that in every such Lease there be contained a Power of Distress and Re-entry for Non-payment of the Rent thereby reserved; and so that the Lessee or Lessees in every such Lease do execute a Counterpart of the same: Provided always, That no such Lease shall be made by the Rectors of the said Parishes of *Ysceiſlog* and *Nannerch* respectively for the Time being, without the Consent of the Lord Bishop of *Saint Asaph* for the Time being, under his Hand and Seal first had and obtained.

Rectors re-
fracted from
leasing.

This Act not
to defeat
Settlements,
etc.

LIV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed, adjudged, deemed, or taken to revoke, make void, alter, defeat, or annul any Settlement, Deed, or Will whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Rent Service, Debt, Charge, or Incumbrance in, out of, upon, or affecting any Part of the Lands or Grounds to be divided and inclosed as aforesaid, or any Part or Parcel thereof, but the respective Shares of the said Commons and Waste Lands, so to be allotted and assigned upon the said Inclosure and Division to the several Proprietors respectively, shall immediately after such Allotment vest, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be assigned and allotted shall from thenceforth stand and be held and possessed thereof respectively, to the same Uses, for the same Estates and Interests, with the same Powers, and subject to the same Limitations, Debts, Charges, Incumbrances, Proviso's, Conditions, Outgoings, and Reprizes, as the several Messuages, Tenements, Lands, or Hereditaments, in respect whereof such Allotments shall be made to them respectively, were and stood severally limited at the Time of the Execution of the said Award, not impeaching or hindering nevertheless the Powers and Authorities given by this Act, for leasing the said Allotments, and other the Purposes herein mentioned.

Powers of
Exchanges

LIV. Provided also, and be it further enacted, That it shall be lawful for all or any Person or Persons, Bodies Politick or Corporate, and Feoffees or Trustees of Charitable Institutions or Uses, who respectively have or shall have Right of Common in any of the said Commons and Waste Lands respectively, and for the Husband, Guardians, Trustees, and Committees of any Person or Persons having such Right and being under any Disability with the Approbation of the said Commissioner, to exchange any Allotment or Allotments, or Part or Parts of any Allotment or Allotments, which they shall respectively have in the said Commons and Waste Lands under this Act, or any of their respective Messuages, Tenements, Lands, or Hereditaments, situated within the said Parishes of *Ysceiſlog* and *Nannerch*, or either of them, with any Person or Persons for any other Allotment or Allotments, or Part or Parts of Allotments under this Act, or for any other Messuages, Tenements, Lands, or Hereditaments, of equal or greater Value, situated within the said respective Parishes of *Ysceiſlog* and *Nannerch*, or either of them; and all such Exchanges shall be certified by the said Commissioner in his said Award, or in the Schedule thereof, and shall from thenceforth be binding and effectual in the Law upon and against all Persons, and to all Intents and Purposes

Purposes whatsoever, notwithstanding Infancy, Coverture, or other Disability, in any Parry or Parties thereto, or any Settlements, Devises, Intails, Limitations, Uses, or Trusts, affecting the Premises exchanged: Provided nevertheless, That the Allotments, Messuages, Tenements, Lands, and Hereditaments respectively, which shall be received in exchange, shall be subject to the same Settlements, Devises, Intails, Limitations, Uses, Trusts, and Incumbrances, as the respective Premises for which they shall be exchanged shall have been subject or liable to immediately before exchanging respectively: Provided always, That no such Exchange shall be made by the Rectors of the Parishes of *Ysceiſiog* and *Nannerch* aforesaid for the Time being, or either of them, without the Consent of the Lord Bishop of *Saint Asaph* for the Time being, under his Hand and Seal first had and obtained.

LVI. And be it further enacted, That it shall be lawful for the several Owners for the Time being of any Allotment or Allotments to be made by virtue of this Act, being Tenants for Life, or in Tail, and for Mortgagees in Possession, or after Proviso for Redemption broken, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of or for such of the said Owners or Proprietors as shall be under Coverture, Infants, Children unborn, Idiots, Lunaticks, or beyond Seas, or otherwise incapable of acting for themselves, and for the Trustees for any Charity or Charities, or other Uses, and for every or any of them respectively, (other than and except the Rectors of the said Parishes of *Ysceiſiog* and *Nannerch* for the Time being), to borrow, and by Writing under his, her, or their Hand and Seal, or Hands and Seals, from Time to Time to charge the Allotment or Allotments of the said Commons and Waste Lands which shall be assigned and set out unto such Owners, Mortgagees, or their Mortgagors, or to Trustees respectively, by virtue of this Act, with such Sum or Sums of Money as the said Commissioner shall, by Entry in Writing in his said Book, or upon the Deed or Instrument of every such Charge respectively, signed by him, direct or appoint, not exceeding Five Pounds for every Acre, of Statute Measure, of the Lands so to be allotted to them respectively, to be paid to such Person or Persons as the said Commissioner shall appoint, in order to be applied and disposed towards the Expences of fencing and improving the said Allotments respectively; and for securing the Repayment of such Sum or Sums of Money, with Interest, every or any such Owner, Husband, Guardian, Trustee, Committee, and Mortgagee, may demise or grant in Mortgage such Allotment or Allotments, unto or in Trust for any Person or Persons who shall respectively advance and lend such Money, his, her, and their respective Executors, Administrators, or Assigns. for any Term or Number of Years; so as every such Demise or Grant be made with a Proviso or Condition of Redemption, or to cease and be void, or with an express Trust to be surrendered when the Money thereby secured, with the Interest thereof, shall be fully satisfied and paid; and so as in every such Demise or Mortgage from or on Account of all and every Tenant or Tenants for Life or Lives, there be contained a Covenant to pay and keep down the Interest of the said Money so secured, during his, her, or their respective Life or Lives, in such Way and Manner as that no Person or Persons coming afterwards in Remainder or Reversion, shall be sub-

Owners of
Allotments
may borrow
Money.

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ject or liable to pay any further or larger Arrear of Interest than for One Year preceding the Death of the Tenant for Life, or the Time when the Right of Possession of the Remainder-Man or Reversioner shall accrue or commence, and every such Grant, Mortgage, Demise, or Charge of the said Lands and Premises, or any Part or Parts thereof, so to be made in pursuance of this Act, shall be good and effectual in the Law for the Purposes thereby intended, notwithstanding the Want of Title in any Party or Parties, Person or Persons whomsoever interested or concerned in such Allotment or Allotments, or granting or demising the same, or in Tenants in Tail or for Life, Mortgagees, or Trustees for any Charity or Charities or other Uses, and notwithstanding any Settlement, Will, Trust, or Use, Remainder, Limitation, Equity of Redemption, or other Impediment or Incumbrance; and all and every Person and Persons to whom any Mortgage, Lease, or Demise shall be made by virtue of this Act, or who shall be entitled to the Money thereby secured, may from Time to Time by any Deed or Deeds, Writing or Writings, under his, her, or their Hand and Seal or Hands and Seals, to be executed in the Presence of a credible Witness or Witnesses, assign or transfer the same Security or Securities, and the Principal Money and Interest thereby secured, and all Benefit and Advantage thereof, and all his, her, or their Right, Title, and Interest of, in, and to the same, unto any Person or Persons whomsoever who may again in like Manner re-assign the same, when, and so often as Occasion shall require; and such Mortgagee or Mortgagees, Assignee or Assignees, his, her, or their Executors or Administrators, and all Persons claiming under them, or any of them, shall and may use, take, and pursue all such lawful Methods, Courses, and Expedients at Law or in Equity for recovering and obtaining Possession of the Premises so to be mortgaged, demised, and assigned as aforesaid, in case of Non-payment of the Principal and Interest thereby secured, or any Part thereof, as are or can be used, taken, or pursued upon other Mortgages.

Death of Parties not to stop the Execution of this Act.

LVII. And be it further enacted, That if any of the Parties interested in the said intended Division and Inclosure shall die before the same shall be made, the Powers and Authorities hereby given shall not be determined or suspended, but the Commissioner and Surveyor for the Time being shall proceed to execute the Powers and Authorities by this Act to them respectively given, and the Share of the Person or Persons so dying, shall be allotted to the Person or Persons who is, are, or shall be entitled thereto, and shall be accepted, fenced, held, and enjoyed by him, her, or them respectively, according to the Terms and Conditions prescribed by this Act.

Penalty for selling Lime Stone, &c. from publick Allotments.

LVIII. And be it further enacted, That if any Person or Persons do or shall carry or convey out of the said Parishes of *Xfceislog* and *Nannerch* respectively, or sell or bargain, or agree for the Sale of any Lime Stone, or other Stone, Gravel, Sand, Earth, Marl, or Clay, or Brick made of any Earth, Marl, or Clay which shall be found hewn, dug, or raised in or upon the said Allotments to be set out for the Common Use and Supply of the said Parishes respectively, or in or upon Lands to be exchanged for that Purpose, he, she, or they in any of the said Cases offending, shall

forfeit and pay any Sum not exceeding Forty Shillings nor less than Twenty Shillings for every Offence.

LIX. And be it further enacted, That the said Commissioner and Surveyor shall and they are hereby required to enter in separate Books to be provided for that Purpose, distinctly for the separate Use and Benefit of each of the said Parishes of *Ysceiſiog* and *Nannerch* respectively, an Account of all Monies whatever received from the Proprietors or others during the Progress of the Inclosure, and also of all the Charges, Expences, and Disbursements which shall accrue or be made by virtue of this Act, and in carrying the same into Execution, which Books of Account shall be kept at the Office of their Clerk, open at all reasonable Times during the Progress of the said Inclosure, and till all the Accounts are finally settled, for the Inspection of any of the Proprietors, without Fee or Reward; and in case the said Commissioner, Surveyor, or Clerk, shall neglect to provide and keep such Books of Account as aforesaid, or refuse the Inspection thereof to any of the Proprietors at reasonable Times in Manner before mentioned, and shall be convicted thereof upon the Oath of One or more credible Witness or Witnesses, not interested in the intended Division and Inclosure, before any Justice of the Peace of the said Counties of *Flint* and *Denbigh*, or either of them, or of such other County or Place where such Commissioner, Surveyor, or Clerk so offending shall be or reside, every such Commissioner, Surveyor, or Clerk so causing such Neglect or Refusal, and convicted as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds nor less than Five Pounds; and if he or they shall make Default in paying such Sum for the Space of Ten Days next after such Conviction, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party or Parties so offending, by Warrant under the Hand and Seal of such Justice, (which Warrant such Justice is hereby empowered and required to grant), and the Overplus, after such Penalty and the Charges of such Distress and Sale are deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and the Money arising by such Forfeiture or Penalty, shall be paid and applied, to or to the Use of such Proprietor or Person interested making the Complaint.

Books of Accounts to be left with the Clerk, for the Proprietors Inspection.

LX. And be it further enacted, That all and every the Monies to be raised and received, under and by virtue of the Powers of this Act, during the Progress of the intended Division and Inclosure, shall from Time to Time, as often as the same shall amount to the Sum of Fifty Pounds, be paid and deposited in the Hands of some Banker, or such other Person or Persons as shall be approved of by a Majority in Value of the Proprietors who may be present at the First Meeting of the said Commissioner, and in the Notice of which Meeting shall be expressed the Intention of then appointing such Banker, or such other Person or Persons; and no such Monies deposited or paid into the Hands of such Banker, or other Person or Persons to be appointed as aforesaid, shall be issued or paid by him or them without an Order in Writing, under the Hand of the said Commissioner, specifying the Person or Persons to whom the same are respectively payable, and the Service or Consideration for which the same are due; and that the Balance (if any) upon the final Settlement of all
Accounts

Monies received, when amounting to 50 *l.* to be put in a Banker's Hands, or such other Person as shall be approved by a Majority in Value of the Proprietors.

Accounts in anywise concerning the Business of the said intended Division and Inclosure, shall be immediately repaid and returned to the several Proprietors or Persons interested, in Proportion to the several Sums respectively paid and advanced by them.

Penalties how
to be levied.

LXI. And be it further enacted; That all Fines, Penalties, and Forfeitures inflicted or imposed by, or which shall be incurred by or through this Act, shall be levied by Distress and Sale of the Goods and Chattels of every Offender, by Warrant under the Hand and Seal of any One or more of His Majesty's Justices of the Peace for the said Counties of *Flint* and *Denbigh* respectively, who are hereby authorized to hear and examine all Complaines and Witnesses upon Oath or otherwise, touching all Offences which may be committed against this Act, and to determine the Guilt or Innocence of all Parties accused; and in case of Conviction, to issue such Warrant as aforesaid, and if sufficient Goods or Chattels of any Offender or Offenders cannot be found to satisfy the Fine, Penalty, or Forfeiture inflicted or imposed; and all Costs and Charges attending the Recovery thereof, the Offender or Offenders may and shall be committed, by the Warrant of any One Justice of the Peace as aforesaid, to the Common Gaol or House of Correction of the said County of *Flint*, for any Term not exceeding Six Calendar Months, and every Justice of the Peace may mitigate any Penalty by this Act inflicted or imposed in any Degree he shall judge proper, according to the Circumstance of the Case, so as the Fine, Penalty, or Forfeiture, be not in any Case reduced below One Fourth Part of its whole Amount, and all Penalties, and Forfeitures which are imposed by, or shall be inflicted by virtue of this Act, and not before directed to be applied, shall be paid One Half to the Person informing, and the other Half to the said Commissioner in Trust, for the Improvement of the Allotments for the Benefit of poor Labourers within the said respective Parishes.

Distress not
unlawful.

LXII. And be it further enacted; That where any Distress shall be made for any Money or Penalty under or by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Person or Persons making the same a Trespasser or Trespassers *ab initio*, for Defect of Form in any Summons, Conviction, Warrant of Distress, or other Proceeding therein, or any Irregularity in the Execution thereof; but the Person or Persons aggrieved by such Irregularity may recover Satisfaction for the Special Damage by Action upon the Case.

Allowing an
Appeal.

LXIII. Provided always, That any Person or Persons aggrieved by any Order, Determination, Conviction, or Judgement of any Justice or Justices of the Peace under this Act, may, within One Calendar Month's Notice in Writing to be given to the Justice or Justices acting therein, appeal to the then next Quarter Sessions of the Peace for the said Counties of *Flint* and *Denbigh* respectively, where the Appeal shall be summarily heard and determined, or adjourned to the next following Quarter Sessions, and then finally heard and determined, and confirmed or reversed, or Penalties mitigated or returned, with Satisfaction for Costs and Damages, as to the Justices present shall seem just and reasonable; and no Proceeding which shall be had or heard before any Justice or Justices, or at the Quarter

Quarter Sessions, under this Act, shall be quashed or vacated for Want of Form, or removed by *Certiorari*, or other Process, to any of His Majesty's Courts at *Westminster*, or of the Great Session in *Wales*; any Law to the contrary notwithstanding.

LXIV. And be it further enacted, That if any Action, Suit, or Information, shall be commenced or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of any of the Powers hereby given, every such Action, Suit, or Information shall be commenced within Six Calendar Months next after the Cause of such Action shall have arisen and not afterwards, and shall be brought and laid within the County of *Flint* aforesaid and not elsewhere, and the Defendant or Defendants in every such Action, Suit, or Information, shall plead the General Issue only, or if in Replevin justify and avow by virtue of this Act only, and give the Special Matter in Evidence; which shall be a complete Defence in all Suits, Actions, and Cases arising from or under this Act. Limitation of Actions:

LXV. And be it further enacted, That this Act, or any Thing herein contained, shall not extend, or be construed to extend, to defeat, lessen, or prejudice the Right, Title, or Interest of the King's most Excellent Majesty, as Lord Paramount of the said Lordship or Hundred of *Colehill*; but that His Majesty, His Heirs and Successors, 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, Forfeitures, and all other Royalties, Privileges, Pre-eminences, Manerial Jurisdictions, and Appurtenances whatsoever, except Right of Common and of Soil, Springs, and other Matters, (not being Quarries, Mines, or Minerals), which Springs and other Matters (not being Quarries, Mines, or Minerals) shall belong to the several Persons, Bodies Politick or Corporate, to whom any Allotments shall be made by virtue of this Act; and which said Quarries, Mines, or Minerals shall continue to belong to such Person or Persons, Body or Bodies Politick or Corporate, as were lawfully entitled to the same before the passing of this Act. Saving the Lords Rights.

LXVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and all and every Person or Persons, Bodies Politick or Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the several Persons, Bodies Politick or Corporate, to and among whom the said Commons and Waste Lands shall be allotted and divided in pursuance of this Act, and whose Rights are hereby intended to be barred, and other than and except all and every Person or Persons, his, her, and their Successors, against whom any Verdict or Judgement shall pass or be pronounced, upon any Reference to the said Commissioner of Appeal under this Act, to try any Claim or Right as aforesaid), all such Right, Title, and Interest, as they, every, or any of them had or enjoyed of, in, to, within, upon, under, or out of the said Commons and Waste Lands at the Time of passing this Act, or could or might have had or enjoyed in case this Act had not been made. General Saving.

Publick Act,

LXVII. And be it further enacted, That this Act shall be deemed, ad-
judged, and taken to be a Publick Act, and be judicially taken Notice of
as such, by all Judges, Justices, and other Persons whomsoever, without
the same being specially pleaded.

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