



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 131.

An Act for inclosing Lands in that Part of the Parish of *Saint Asaph*, in the Counties of *Flint* and *Denbigh*, which is not within the Franchise of *Rhuddlan*, in the said County of *Flint*. [18th June 1808.]

WHEREAS there are within the Parish of *Saint Asaph*, in the several Counties of *Flint* and *Denbigh*, sundry Commons and Waste Lands, containing in the Whole, by Computation, One Thousand Acres or thereabout, over and above that Portion thereof which lies within that Part of the said Parish which is situate in the Franchise of *Rhuddlan*, in the said County of *Flint*: And whereas the King's most Excellent Majesty, in Right of His Crown, is Lord of the Manor of *Denbigh* and *Denbigh* Land, and entitled to the Soil of so much of the said Commons and Waste Lands as lies within that Lordship, and also claims to be entitled to the Soil of all other the Commons and Waste Lands intended to be inclosed by virtue of this Act (save and except such Parts thereof as lie within the Manors of *Uwchtersyn* and *Istertsyn*, herein-after mentioned): And whereas *Catherine Stapleton* Spinster, *Watkins Williams* Esquire, and *Elizabeth* his Wife, the very Reverend *William Davies Shipley* Clerk, Dean of *Saint Asaph*, and *Barbara Yonge* Spinster, claim to be Lords and Ladies of the Manor and Franchise of *Rhuddlan*, and to be entitled to the Soil of so much of the said Commons and Waste Lands as lies within the Township of *Cyrchynan*, within the said Manor of *Rhuddlan*: And whereas the

[*Loc & Per.*]

28 C

Right

Right Reverend the Lord Bishop of *Saint Asaph* is Lord of the Manors of *Uwchtersfyn* and *Iſterfyn*, and entitled to the Soil of so much of the said Commons and Waste Lands, as lies within those Manors respectively: And whereas *Peter Whitley*, *Robert Thomas*, *William Williams*, and *George Strong*, Clerks, are Vicars of the Parish of *Saint Asaph* aforesaid, and as such they, some or one of them, are entitled to certain Glebe Lands within the same Parish, and in respect thereof to Right of Common upon the Commons and Waste Lands by this Act intended to be divided, allotted, and inclosed: And whereas the said Lord Bishop of *Saint Asaph*, and also the Right Honourable *Otho Archer*, Earl of *Plymouth*, Sir *Edward Pryce Lloyd*, Sir *John Williams*, Baronets, *John Lloyd*, *Edward Lloyd*, *Pierce Wynne Yorke*, *Thomas Foulkes*, Esquires, the said *Catherine Stapleton*, *Watkin Williams* and *Elizabeth* his Wife, *William Davies Shipley*, *Barbara Yonge*, and *Edward Hughes* Clerk, and divers other Persons, are Owners and Proprietors of fundry Messuages, Lands, and Tenements, within the Parish of *Saint Asaph* aforesaid, and are entitled, in respect thereof, to Right of Common, in, over, and upon all and every the Commons and Waste Lands by this Act directed to be divided, allotted, and inclosed, in Proportion to their several and respective Estates within the several Manors or Lordships and Township aforesaid: And whereas divers Persons, Proprietors of Lands and Tenements within that Part of the said Parish of *Saint Asaph* which is situated in the Franchise of *Rhuddlan* aforesaid, claim to be entitled, in respect thereof, to a Right of Common over and upon the Commons and Waste Lands by this Act intended to be divided, allotted, and inclosed: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas an Act was passed in the Forty-seventh Year of the Reign of His present Majesty, intituled, *An Act for inclosing Lands in the Parishes of Rhuddlan, Saint Asaph, Diferth, and Cwm, in the County of Flint*, which comprizes so much of the Commons and Waste Lands in that Part of the said Parish of *Saint Asaph* as lies within the Franchise of *Rhuddlan* aforesaid: And whereas the Commons and Waste Lands herein-before first mentioned are in their present State, of little Value, but if divided into specific Allotments, and such Allotments inclosed, the same might be very considerably improved, whereby a manifest Advantage would result, not only to the several Persons interested therein, but such Inclosure would be of great public Utility: But such Division, Allotment, and Inclosure, cannot be established and rendered effectual without the Aid and Authority of Parliament; may it therefore please Your Majesty, That it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every the Commons and Waste Lands lying and being in the Parish of *Saint Asaph* aforesaid, in the said several Counties of *Flint* and *Denbigh* (save and except so much thereof as lies within the Franchise of *Rhuddlan* aforesaid, in the said County of *Flint*) shall be set out, divided, and allotted, as soon as conveniently may be, by *John Calveley*, of *Stapleford* in the County of *Chester*, Gentleman, who is hereby appointed Commissioner for setting out, dividing, and allotting the same, and for carrying this Act into Execution, subject nevertheless to the Rules, Orders, and Directions, mentioned and contained in the said

General Inclosure Act.

Rhuddlan Franchise Inclosure Act.

Utility of Inclosure.

Commissioner.

faid first recited Act, except in such Cases where the same are hereby varied or altered.

II. And be it further enacted, That at a General Meeting of the Land Owners within that Part of the Parish of *Saint Asaph* aforesaid which comprizes the said several Manors or Lordships of *Denbigh*, *Uwchtersyn*, *Istern*, *fyn*, and that Part of the said Manor or Lordship of *Rhuddlan* which lies within the Township of *Cyrchynan* aforesaid, to be held at *Saint Asaph* aforesaid, within the Space of Two Calendar Months next after the passing of this Act, a Majority in Value of the said Proprietors, or of their known or reputed Agents or Attornies who shall be present at such Meeting (such Value to be ascertained by the Land Tax Assessments of the same Parish) shall and may, and are hereby empowered, by Writing under their respective Hands, to appoint a Surveyor or Surveyors to act in the Execution of this and the said first recited Act.

III. And be it further enacted, That if the said *John Calveley*, or the Surveyor or Surveyors so to be appointed as aforesaid, or any or either of them or their respective Successors shall die, or become incapable by Sickness or otherwise of acting, or refuse to act as Commissioner, or Surveyor or Surveyors as aforesaid, or shall, for the Space of One Calendar Month wilfully neglect to act in their or his respective Office, before the Powers vested in them by this and the said first recited Act are completely executed, then and in such Case it shall be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessments in and for the said Parish) of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or their known or reputed Agents or Attornies who shall be present at a public Meeting to be held for that Purpose in pursuance of Notice in Writing signed by Two or more Proprietors, to be affixed upon the principal outer Door of the Parish Church of *Saint Asaph* aforesaid at least Fourteen Days before such Meeting, to appoint by Writing under their respective Hands, a new Commissioner, and Surveyor or Surveyors, in the Room of the said *John Calveley*, and the said Surveyor or Surveyors, or such of them or their respective Successors as shall die, become incapable, refuse or neglect to act as aforesaid, and so proceed from Time to Time as often as Occasion may require; and every Commissioner and Surveyor or Surveyors so to be appointed, shall have the like Power and Authority, and shall be subject to the same Power of Removal and Restrictions as the Person or Persons in whose Place he or they shall be appointed was or were vested with and subject to by virtue of this Act.

For appointing a new Commissioner and Surveyor in case of Death, Incapacity, Refusal or Neglect to act.

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause Notice to be affixed, upon some *Sunday* during or immediately after Divine Service, upon the principal Outer Door of the Parish Church of *Saint Asaph* aforesaid, of the Time and Place of holding every Sitting and Attendance for the Execution of this and the said first recited Act, at least Fourteen Days before such Sitting or Attendance shall be held (Sittings or Attendances by Adjournment to the next or any other Day within One Week only excepted), and every such Notice shall express the Purpose for which such Sitting or Attendance is to be held; and every Adjournment shall be made known to Four Proprietors at least before the Business of such Adjournment shall be proceeded upon; and every Sitting

Commissioner to give Notice of Sittings.

or

or Attendance, whether by Adjournment or otherwise, shall be held at *Saint Asaph*, and not elsewhere; and all Claims shall be in Writing, and delivered to the said Commissioner at his First or Second Sitting or Attendance, of which Fourteen Days previous Notice shall be given as aforesaid; and all Objections to Claims shall also be in Writing, and delivered to the said Commissioner at his Second or Third Sitting or Attendance, of which Fourteen Days previous Notice shall also be given as aforesaid; and such Objections shall be determined by the said Commissioner at his next or Second Sitting or Attendance after such Objections shall have been made, unless such Commissioner shall see just Cause to allow further Time for the Determination thereof; and the said First, Second, and Third Sitzings or Attendances of the said Commissioner, for receiving Claims and Objections as aforesaid, shall continue from Eleven of the Clock in the Forenoon until Six of the Clock in the Afternoon of each of such Days respectively.

Other Notices
how to be
given.

V. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, in pursuance of this or the said first recited Act, shall be so made and given by Advertisement to be inserted in one or both of the *Chester* Newspapers, or if the same shall not be then published, then in some other Newspaper or Newspapers circulated in the said several Counties of *Flint* and *Denbigh*.

Commissioner
to inquire into
Encroach-
ments.

VI. And be it further enacted, That it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required by Examination of Witnesses on Oath, to be administered by such Commissioner, and by such other legal Ways and Means as he shall think proper, to enquire into and determine what Inclosures have heretofore been taken from and made upon the said Commons and Waste Lands hereby intended to be divided, allotted, and inclosed; and the Proprietors of all Inclosures which shall be proved to the Satisfaction of the said Commissioner, to have been taken in and made thereon at any Time within the Memory of Man, shall not be entitled to have Allotments from off the said Commons and Waste Lands, by virtue or in respect of such Inclosures.

Commissioner
to settle Dis-
putes.

VII. And be it further enacted, That in case any Dispute shall arise between any of the Parties interested or claiming to be interested, touching their Rights or Claims, Estates or Interests, in the Lands or Grounds hereby directed to be divided and inclosed as aforesaid, the said Commissioner is hereby authorized and empowered to hear and determine the same: Provided always, that nothing herein contained shall authorize or empower the said Commissioner to determine any Dispute that shall or may affect the Right or Title to any Messuages, Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Saint Asaph*.

Power to as-
sess Costs.

VIII. And be it further enacted, That in case the said Commissioner shall upon the hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to him in pursuance of this or the said first recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner, and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made, by the
Person

Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay such Costs and Charges shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner, and he is hereby authorized and required, by Warrant under his Hand directed to any Person or Persons whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so neglecting or refusing to pay the same, rendering the Overplus (if any) upon Demand, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale.

IX. Provided always, and be it further enacted, That in case the King's most Excellent Majesty, His Heirs or Successors, or the Lords and Ladies of the said Manor and Franchise of *Rhuddlan*, or the said Lord Bishop of *Saint Asaph*, or any other Person or Persons, Body or Bodies Politic or Corporate, interested or claiming to be interested in the said intended Division and Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning any Claim or Claims of the Right to the Soil of the said Commons and Waste Lands hereinbefore mentioned, or of any Rights of Common, or other Rights or Interests, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, it shall be lawful for His said Majesty, His Heirs or Successors, or the said Lords and Ladies, or the said Lord Bishop, or the Person or Persons so dissatisfied, to proceed to a Trial at Law relative to the Matter so determined by the said Commissioner, at the then next or second Assizes for the County of *Chester* (Notice of which shall within One Calendar Month next after the Determination of the said Commissioner, be given to the said Commissioner, by entering the same in a Book to be openly kept for that Purpose by the said Commissioner) and to that End, such Person or Persons who shall be dissatisfied with the Determination of the said Commissioner, shall cause an Action to be brought upon a feigned Issue or Issues, against the Person or Persons in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination of the said Commissioner; and the Defendant or Defendants in such Action or Actions shall, and he, she, or they, is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and accept such Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted upon, may be tried and determined; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person or Persons whomsoever, Body or Bodies Politic or Corporate, unless the Court in which such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for such Court to do as is usual in other Cases; and after such Verdict or Verdicts shall be obtained, and not set aside by the Court, the said Commissioner shall and he is hereby required to act in Conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials; and the Costs of such Action or Actions shall abide and follow the Event thereof, and be paid and recoverable by Execution, as other Costs are paid and recoverable in the same Court: Provided always, that the Determination of the said Commissioner touching such Claim or Claims of the Right to the Soil of the said Commons

Allowing Parties to try their Rights at Law.

Determinations of the Commissioner and

er which shall
not be ob-
jected to, to
be final.

and Waste Lands herein-before mentioned, or other Rights or Interests in, over, and upon the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or any Part thereof, which shall not be objected to, or being objected to, the Party or Parties objecting not causing such Action at Law to be brought and proceeded in as aforesaid, shall be final and conclusive upon all Parties.

Persons dying
not to hinder
the Commis-
sioner pro-
ceeding nor
to abate any
Action.

X. And be it further enacted, That if any Person or Persons, by or for whom any Claim or Claims of Right of Common shall be made, shall happen to die before the said intended Division and Inclosure shall be made and perfected, and before the said Commissioner shall have made his Award touching the same, then and in such Case the Powers and Authorities hereby given to the said Commissioner shall not be any ways determined, suspended, or affected by such Death or Deaths; but that the said Commissioner shall and may proceed in and execute the said Powers and Authorities and every of them, in such and the like Manner as he could or might have done if such Person or Persons had not died; and if any of the Parties in any Action to be brought in pursuance of this Act shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened.

In Cases of
the Deaths of
Parties be-
fore Actions
brought, the
same to be
carried on
and defended
in their
Names.

XI. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time hereinbefore limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politic or Corporate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid, against such Person or Persons as if actually living, and to serve the Clerk to the said Commissioner with Process for commencing such Action or Actions in the same Manner as the Party or Parties might have been served therewith if living; and it shall thereupon be incumbent on the Heir or Heirs, or other Person or Persons, who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Persons in
Possession not
to be molested
but by due
Course of
Law.

XII. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioner to determine any Right between any Parties contrary to the Possession of any such Parties (except in Cases of Encroachments made within the Period of Twenty Years, as hereinafter mentioned); but in case the said Commissioner shall be of Opinion against the Right of the Person or Persons so in Possession, he shall forbear to make any Determination thereupon until such Possession shall have been given up by, or recovered from such Person or Persons by Ejectment, or other due Course of Law.

Commissioner
empowered
to set out
Common Pas-
tures.

XIII. And be it further enacted, That in case any of the Proprietors entitled to Rights of Common in or over the Lands and Grounds hereby directed

directed to be divided and allotted, or any Part thereof, shall request to have their Common Rights compensated by a Common Pasture instead of distinct Allotments of Land, and shall give Notice thereof to the said Commissioner within such Time as the said Commissioner shall for that Purpose appoint, and the Commissioner shall be of Opinion that the Number of Proprietors who have made such Request shall be sufficient to enable the said Commissioner to set out such an Allotment or Allotments as will answer the Purpose of a Common Pasture, then it shall be lawful for the said Commissioner, and he is hereby required to set out and allot to and for the Proprietors making such Request, from and out of such Part of the Commons and Waste Lands aforesaid, most convenient for that Purpose, such Parcel or Parcels thereof as shall in the Judgment of the said Commissioner be an Equivalent and Compensation for the Rights of Common to which the Proprietors making such Request shall be entitled to; and in case it shall appear to the said Commissioner (without any such Request to him made) that any of the Commons or Waste Lands within the said Parish of *Saint Asaph*, by reason of Situation, the Smallness of the Quantity, or Interfection by Roads or other Circumstances, cannot be divided and inclosed to the Advantage of the Persons interested therein, the said Commissioner is hereby authorized to set out and allot the Herbage of such Commons or Waste Lands as and for Common Pastures, to such of the Proprietors of or Persons having Common Rights or other Interests in the Lands and Grounds hereby directed to be divided and allotted, to whom the same shall in the Judgment of the said Commissioner be most convenient and valuable in Situation, in or towards Satisfaction for the Rights and Interests of such Proprietors respectively; and the Land so to be allotted for Common Pastures, whether the same shall be allotted at the Request of such Proprietors as aforesaid, or without such Request, shall be used and enjoyed by the respective Proprietors to whom the same shall be allotted, and by their Successors and Tenants respectively, in such Proportions, and shall be stocked with such Kinds and Number of Cattle, and at such Seasons and Times of the Year, and subject to such Regulations and Orders; as the said Commissioner, by the Award to be by him made, shall establish and direct, subject nevertheless to the getting of Building-Stones, Sand, and Gravel, and Materials for Building, for the Use of the Freeholders of the said Parish only; and also for making and repairing the Roads within the said Parish; and with full Liberty of Ingress, Egress and Regress, for the Agents or Persons employed by the Counties of *Flint* or *Denbigh*, to enter the same for the Purpose of making or repairing such Fences as may be necessary for repelling the Depredations made or hereafter to be made by the Rivers *Clwyd* and *Elwy*.

XIV. And be it further enacted, That the said Commissioner shall (after the Boundaries directed to be set out and ascertained by the said first recited Act, shall have been so ascertained and fully determined, and after the setting out of the Roads, and of the several Allotments herein-before directed) assign, set out, and allot unto and for the Use of the King's most Excellent Majesty, His Heirs and Successors, so much and such Part or Parts of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, lying within the Lordship of *Denbigh* aforesaid, as shall be equal to One full Twentieth Part or Share thereof in Value respectively, and also shall assign, set out, and allot unto and for the Use of the King's most Excellent Majesty, His Heirs and Successors, or unto and for the Use of

Allotment to
the King's
most Excellent
Majesty.

Allotment to
the Proprie-
tors.

Allotment to
the Bishop of
Saint Asaph.

of the said *Catherine Stapleton, Watkin Williams and Elizabeth his Wife, William Davies Shipley, and Barbara Tonge*, their Heirs and Assigns, such Part or Parts of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, lying within the said Township of *Cyrchynan*, as shall be equal to One full Twentieth Part or Share thereof in Value respectively as aforesaid; and also shall assign, set out, and allot unto and for the Use of the said Lord Bishop of *Saint Asaph*, and his Successors, such Part or Parts of the Residue of the said Commons and Waste Lands hereby directed to be inclosed, as shall be equal to One full Twentieth Part or Share thereof in Value respectively as aforesaid, for and in lieu, Satisfaction, and Extinction of the Rights and Interests of His said Majesty, His Heirs and Successors, and of the said *Catherine Stapleton, Watkin Williams and Elizabeth his Wife, William Davies Shipley, and Barbara Tonge*, their Heirs and Assigns respectively, and of the said Lord Bishop and his Successors respectively, in, over, and upon the Soil of the said Commons and Waste Lands so directed to be divided, allotted, and inclosed as aforesaid.

Allotments of
the Residue to
the several
Proprietors.

XV. And be it further enacted, That after the said Roads, and the several other Allotments herein-before directed, shall have been set out as aforesaid, the said Commissioner shall assign, allot, and appoint in Severalty, the Residue and Remainder of the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed, unto and amongst the said Lord Bishop of *Saint Asaph*, the said Earl of *Plymouth*, Sir *Edward Pryce Lloyd*, Sir *John Williams*, *John Lloyd*, *Edward Lloyd*, *Pierce Wynne Yorke*, *Thomas Foulkes*, *Catherine Stapleton, Watkin Williams and Elizabeth his Wife, William Davies Shipley, Barbara Tonge, and Edward Hughes*, and the several other Persons, Bodies Politic and Corporate, entitled to Right of Common in and upon the said Commons and Waste Lands hereby directed to be divided, allotted, and inclosed as aforesaid (save and except such Person or Persons who may claim any Allotment or Allotments in Right or by virtue of such Lands and Hereditaments as have been acquired by Purchase under the Powers of an Act, passed in the Thirty-fourth Year of His present Majesty's Reign, intituled, *An Act for embanking and otherwise fencing from the Sea, the Lands on the Sea Coasts of the Parish of Abergele, in the County of Denbigh, and Rhuddlan Marsh, in the several Parishes of Abergele aforesaid, and of Saint Asaph and Rhuddlan, and the Franchise of Rhuddlan in the County of Flint, and sundry other Marshes, Commons, and Waste Lands, in the said Parish of Rhuddlan, and in the several Parishes of Diserth and Meliden, in the said County of Flint, and to cut and make in or through the same, or some Part thereof, one or more Aqueducts or other Water-courses and Drains, and to inclose, divide, and sell competent Parts of the said several Marshes, Commons, and Waste Lands, to defray the Expences of the said Works, and to raise a Fund for the future Repair and Preservation thereof*; and also, save and except such Person or Persons who may claim any Allotment or Allotments in Right or by virtue of any Inclosures or Incroachments which have been taken from and made upon the said Commons and Waste Lands at any Time within the Memory of Man as aforesaid), rateably, and in due Proportion 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

ference to any of the Parties interested in the said Division, Allotment, and Inclosure, in their or any of their Allotments or Shares of the said Commons and Waste Lands, 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 the Allotments near to the Lands and Hereditaments they shall belong to, within that Part of the said Parish of *Saint Asaph* which is not within the Franchise of *Rhuddlan*; and shall also set out, and allot the Share or Shares of every Person respectively, in One entire Parcel, where the same can conveniently be done, and as near to every Person's Lands and Tenements respectively as the same conveniently may be.

XVI. 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 Award as shall contain an accurate Description of the Allotment or Allotments to be made to His said Majesty as aforesaid, together with such Regulations or Provisions relative to such Allotment or Allotments, or to any other Rights or Interests of His Majesty, as may be contained in such Award, and also a Map or Plan of such Allotment or Allotments; and transmit the same to the Surveyor General of His Majesty's Land Revenue for the Time being, within Three Calendar Months next after the making and executing the said Award, to be by him filed and kept among the Muniments of his Office.

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

XVII. Provided always, and be it further enacted, That in case it shall happen that the same Person or Persons is or are seised of Messuages, Lands, or Hereditaments, for Life only, and of the Fee Simple and Inheritance of other Messuages, Lands, or Hereditaments, within the several Manors or Lordships and Township aforesaid, and any other Person or Persons having or claiming to have Rights and Interests in the Lands and Grounds hereby directed to be divided and inclosed, and shall be entitled or claim to be entitled to Right of Common in respect of both such Estates, then and in such Case the Commissioner, upon the Request in Writing of such Person or Persons, or of his, her, or their Agent or Attorney, shall set out and allot the Share or Proportion of such Person or Persons in respect of his, her, or their different Estate, in distinct and separate Parcels from each other, so that the Proportion of Common Land awarded in respect of the Messuages, Lands, or Hereditaments held for Life, or settled Estate, be no way intermixed with, but kept separate from, the Portion awarded in respect of the unsettled Estate.

Allotments to Tenants for Life and in Fee Simple.

XVIII. And be it further enacted, That all Encroachments, exclusive of the Cottages and other Erections thereon, taken from the said Commons and Waste Lands herein-before described within the Space of Twenty Years next before the passing of this Act, or that have been laid open within the said Space of Twenty Years, shall be deemed Part and Parcel of the same Commons and Waste Lands hereby directed to be divided and inclosed, and the same shall be set out and allotted to the Person or Persons in Possession thereof, if such Person or Persons shall be entitled to any Share or Allotment upon the said intended Division and Inclosure, and shall have been in Possession of such Encroachment before the First Day of November One thousand eight hundred and seven, and shall request the same in

Encroachments.

[Loc & Per.]

28 E

Writing

Writing under his, her, or their Hand or Hands, or under the Hand of his, her, or their Attorney or Agent, at or before the Third Sitting or Attendance of the said Commissioner, so that such Encroachment or Encroachments, with the additional Road leading thereto from any general Road, which the said Commissioner is to value as Common or Waste Land, without considering the Erections and Improvements made thereon, do not exceed in Value the Allotment or Allotments to which such Person or Persons shall be entitled in lieu of his, her, or their Right of Common; and if the same shall so exceed such Allotment or Allotments, the Surplus shall be severed and fenced out at the Expence of the Person or Persons so having encroached, and shall be allotted to some other Person or Persons entitled to an Allotment or Allotments; and when it shall happen that such Encroachments or Erections have been made by Persons not entitled to any Right of Common, in such Case the said Commissioner shall set a Value on all such Erections, and the same shall pass with the Lands on which they shall happen to stand, to the Person or Persons to whom the said Commissioner shall allot such Land, he, she, or they paying to the Person or Persons at whose Expence such Erections were made, such Sum of Money as the said Commissioner shall have valued such Erections at; and if such Person to whom such Land shall be allotted shall refuse to pay such Valuation, then the Person at whose Expence such Erections shall have been made shall have and enjoy such Cottages and Erections for such Time, and at such Ground Rent or Acknowledgement, payable to the Person to whom the said Land shall be allotted, and in such Manner, as the said Commissioner shall direct and appoint.

Commissioner may make any Alterations in the Allotments before the Execution of the Award.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner, at any Time not exceeding Twelve Calendar Months next after the said Allotments shall be set out, to make such Alterations in the Allotments and Fences which he may have set out and ordered as he shall think right and expedient; and in case any Person or Persons shall happen to be injured by such Alterations, or on Account of any Expences he, she, or they may have been at, the said Commissioner shall ascertain and determine what Recompence shall be made to him, her, or them, and shall direct by whom, and in what Manner, such Recompence shall be made.

Notice for perusing Schedule and Map of intended Allotments to be given.

XX. And be it further enacted, That when and as soon as the said Commissioner shall have ascertained the respective Shares, Rights and Interests, of the said Proprietors in the said Commons and Waste Lands directed to be inclosed by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, the said Commissioner shall give Notice, in Manner aforesaid, of some convenient Time and Place when and where all Proprietors and Persons interested may peruse a Schedule of such intended Allotments, and a Map or Plan whereon the same shall be set out and delineated, and may have and receive a Copy of such Schedule, as far as the same relates to such Proprietors respectively.

Award to be deposited.

XXI. And be it further enacted, That the Award to be made by the said Commissioner, when inrolled in Manner directed by the said first recited Act, shall be deposited in a Tin Box, and kept in the Office of the Clerk of the Peace for the Courty of *Flint*, and a true Copy thereof shall be written

written on Parchment, and lodged in the Parish Church of *Saint Asaph* afore said among the Documents of the said Parish, for the Perusal of all Persons interested therein.

XXII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Commons and Waste Lands hereby directed to be inclosed as afore said, at any Time before the Execution of the Award of the said Commissioner to sell and dispose of all such Estate, Right, and Interest, as he, she, or they hath or have into or upon the same Commons and Waste Lands, or in or to any Allotment or Allotments to be made in respect thereof, by virtue of this Act, separate from such Estate in Right whereof he, she, or they is, are, or shall be so entitled; and in case of any such Sale, it shall be lawful for the said Commissioner, and he is hereby authorized and required to allot the same to the Purchaser or Purchasers thereof respectively, who shall, immediately after the Execution of such Award as afore said, have, hold, use, and enjoy such Allotment or Allotments, and shall have, use, and exercise any Act of Ownership in and upon the same, in as full, large, ample and beneficial a Manner, to all Intents and Purposes, as the former Proprietor or Vendor thereof could or might have done in case any such Sale or Sales had not been made.

Proprietors
may sell their
Allotments
before the
Execution of
the Award.

XXIII. And be it further enacted, That nothing in this or the said first recited Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will, Deed, or Settlement; or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Portion, Debts, Rents, or Incumbrances out of, upon, or affecting any of the Lands, Grounds, and Hereditaments to be divided and allotted, or which shall be exchanged or assigned in Compensation for any other Estate or Right by virtue of this or the said first recited Act, or any Part or Parts thereof respectively; but as well the Lands allotted, as the Tenements and other Hereditaments which shall be assigned in Exchange or in Compensation for any other Estate or Right, shall, immediately after such Allotment, Exchange, or Assignment shall be made, be vested, remain, and enure, and the several Persons to whom the same shall be allotted, assigned, or given in Exchange as afore said, shall thenceforth stand and be seized and possessed thereof respectively, and subject and liable to such and the same Wills, Deeds, Settlements, Dowers, Jointures, Portions, Debts, Rents or Incumbrances, as the Messuages, Tenements, Lands, Grounds, and Hereditaments, in respect whereof such Allotments, Assignments, and Exchanges shall be made, would have been subject to be charged with or affected by in case this Act had not been passed.

Wills and
Settlements
not to be
affected.

XXIV. Provided nevertheless, and be it further enacted, That it shall not be lawful for the said Commissioner to alter or change the Course of any ancient Watercourse or Land Drain for the Purposes afore said, or for any other Purpose or Purposes whatsoever, without the Consent in Writing of the Proprietor or Proprietors of such Lands and Hereditaments into whose Lands such Water shall be conveyed, or who shall or may be deprived of, or prejudiced in, the Use or Benefit to be derived from the Water or Drainage which might otherwise have passed through his, her, or their Lands, if the Direction of such Watercourse or Land Drain had not been changed or altered, but that the same shall be and remain as the same

Not to alter
Water-
courses, &c.

same hath heretofore usually been; any Thing in this Act contained to the contrary notwithstanding.

Payment of
Expences.

XXV. 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 hereby directed to be divided, allotted, and inclosed, and of setting out and appointing the Roads and Highways in the said first recited Act mentioned, and of making, executing, and depositing the Award and Plan of the said Commissioner, and making a Copy thereof, 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, by the several Persons to and amongst whom the said Commons and Waste Lands hereby directed to be inclosed, shall be allotted in the said Parish, (except the King's Most Excellent Majesty, His Heirs and Successors) by Rates or Taxes to be from Time to Time and at any Time or Times hereafter, as Occasion may require, assessed, laid, and charged by the said Commissioner (wherein shall be expressed the Purpose to which every Rate shall be applied) equally upon and according to the Value, as near 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 or Persons for such Purposes, Uses, or Services, at such Times not exceeding One Calendar Month 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 such Money; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Proportion of such Costs, Charges, and Expences, according to such Order, Appointment, and Direction as aforesaid, then and in such Case the same shall and may be recovered in the Manner directed by the said first recited Act.

Commissioner
may raise the
Arrears of
Rates after
the Execution
of the Award.

XXVI. Provided always, and be it further enacted and declared, That if at the Time of the Execution of the Award of the said Commissioner there shall remain due from any Person or Persons, Body or Bodies Politic or Corporate, any Sum or Sums of Money which shall have been ordered, directed, or appointed to be paid by virtue of this Act, it shall and may be lawful to and for the said Commissioner, and he is hereby authorized and required to levy and raise the same in like Manner as he might and could have done before the Execution of his Award.

For paying the
Expences of
this Act.

XXVII. Provided always, and be it further enacted, That out of the first Monies which shall be raised or borrowed 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 attending the soliciting, obtaining, and passing this Act, together with lawful Interest for the same from the Time such Monies respectively shall have been actually advanced; and after the Payment thereof, the said Commissioner shall and he is hereby required to apply the Residue of such Monies in Manner herein-mentioned and directed.

XXVIII. And be it further enacted, That all Costs, Charges, and Expences, attending the making of any Exchanges or Partitions to be made by virtue of the said first recited Act or this Act, shall be paid, borne, and defrayed by the several Persons making such Exchanges and Partitions, in such Manner, and in such Proportions, as the said Commissioner shall by his said Award order or direct.

For paying the
Expences of
Exchanges and
Partitions.

XXIX. And be it further enacted, That once at least in each and every Year during the Execution of this Act (such Year to be computed from the Day of the passing thereof) the said Commissioner shall and he is hereby required to make a true and just Statement or Account of all and every Sum and Sums of Money by him received and expended, or due to him for his own Trouble and Expences, in the Execution of this and the said first recited Act; and such Statement or Account, when so made, together with the Vouchers relating thereto, shall be by him laid before any Two of His Majesty's Justices of the Peace for the Time being for the said County of *Flint*, or the County of *Denbigh* (not interested in the said intended Division and Inclosure) to be by them examined and balanced, and such Balance shall be by such Justices stated in the Book of Accounts to be kept in the Office of the Clerk of the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or valid in Law, unless the same shall have been duly allowed by such Justices.

Commissioner
to account.

XXX. And be it further enacted, That the said Commissioner shall be allowed the Sum of Two Pounds and Two Shillings for every Day that he shall be actually employed in any Business required of him as Commissioner by the said first recited Act or this Act, including Days of necessary travelling as well as others, in full Satisfaction for his Time, Trouble, and Expence respecting such Business.

Commissioner's Allow-
ance.

XXXI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of this or the said first recited Act (except in such Cases where the Orders or Determinations of the said Commissioner are hereby, or by the said first recited Act, directed to be final and conclusive, or where an Issue at Law shall be tried, as herein-before directed, or any other Mode of Relief is herein-before appointed) then and in every such Case he, she, or they, may appeal to the General Quarter Sessions of the Peace to be held in and for the said County of *Flint*, or County of *Denbigh*, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Fourteen Days previous Notice of such Appeal, and of the Matter thereof, in Writing, to the said Commissioner; and the Justices at their said General Quarter Sessions, not being interested in the Matter of such Appeal, are hereby authorized and required to hear and determine the same, and to make such Order therein, and award such Damages and Costs, as to them in their Discretion shall seem meet and reasonable, and by their Order or Warrant to levy such Damages and Costs, by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any) upon Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale; which Determination of the said Justices shall be final

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions.

and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever.

Saving the
Right of the
Rhuddlan
Marth Em-
bankment
Commission-
ers.

XXXII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend to defeat, lessen or abridge the Powers vested in the Commissioners appointed in and by the said herein-before recited Act of the Thirty-fourth Year of the Reign of His present Majesty.

For saving
His Majesty's
Rights as to
Mines, Mine-
rals, &c.

XXXIII. Provided also, and be it further enacted, That this Act shall not defeat or prejudice the Right or Interest of the King's most Excellent Majesty in or to any Mines, Ores, Minerals, or Coals, in or under so much of the said Commons and Waste Lands as lies within that Part of the Lordship of *Denbigh* aforesaid which is situate in the said Parish of *Saint Asaph*, or any Part thereof, but that His Majesty, His Heirs and Successors, and his, her, or their Heirs, Lessees, and Grantees, Agents, Servants, and Workmen, may search for, work, dig, raise, and carry away all Mines, Ores, Minerals, and Coals therein and therefrom, as freely and effectually as if this Act had not been passed, save only that they shall, respectively, do as little Damage as possible in the Lands to be inclosed as aforesaid, and shall make reasonable Satisfaction and Recompence from Time to Time to the Person or Persons possessed thereof, for all Trespass and Damage that shall be done thereto, or to any Part thereof, by searching for, working, digging, raising, and carrying away the said Mines, Ores, Minerals, and Coals, or any of them.

Saving to
His Majesty
His Rights of
Jurisdiction.

XXXIV. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of His Majesty, His Heirs or Successors, or of his or their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of and for the said Manor or Lordship of *Denbigh* and *Denbigh* Land, or of and for the County and Manor of *Flint*, or either of them, or any Parcel or Member thereof, of, in, or to the Seigniories and Royalties incident and belonging to the same, but that His Majesty, His Heirs and Successors, and his or their Lessee or Lessees, Steward or Stewards, or other Officers thereof for the Time being, shall and may, from Time to Time, and at all Times hereafter, hold and enjoy all the Rents, Services, Courts, Perquisites and Profits of Courts, Deodands, Waifs, Estrays, Forfeitures, and all other Royalties, Privileges, Preeminences, Manerial Jurisdiction and Appurtenances whatsoever to the same, or to the Stewards or other Officers thereof, incident or appendant, belonging or appertaining.

Saving Ma-
norial Rights.

XXXV. Provided likewise, and be it further enacted and declared, That nothing herein contained shall lessen, prejudice, or defeat the Right, Title, or Interest of the said *Catherine Stapleton*, *Watkin Williams*, and *Elizabeth* his Wife, *William Davies Shipley*, and *Barbara Tonge*, as Lords and Ladies of the Manor or Lordship of *Rhuddlan* aforesaid, or of the said Lord Bishop of *Saint Asaph*, as Lord of the several Manors or Lordships of *Uwchtersfyn* and *Isterfyn* aforesaid, within the Jurisdiction or Limits of which said several Manors or Lordships respectively the Lands and Grounds hereby directed to be divided, allotted, and inclosed, are situate, lying, and being, of, in, or to the Seigniories, Rights, and Royalties incident or belonging to the same

same Manors or Lordships, or to the said *Catherine Stapleton, Watkin Williams*, and *Elizabeth* his Wife, *William Davies Shipley*, and *Barbara Yonge*, or to the said Lord Bishop in respect thereof, or to any Person or Persons claiming under them or him; but the same Right, Title, and Interest (other than and except the Interest, and other Property, as is or are meant or intended to be barred by this Act) shall remain in as full, ample, and beneficial Manner, to all Intents and Purposes, as they the said *Catherine Stapleton, Watkin Williams* and *Elizabeth* his Wife, *William Davies Shipley*, and *Barbara Yonge*, and the said Lord Bishop, might, could, or ought to have held or enjoyed the same before the passing of this Act, or in case this Act had never been made.

XXXVI. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every Person and Persons, Bodies Corporate and Politic, his, her, or their Heirs, Successors, Executors, and Administrators, all such Right, Title, Estate, and Interest (other than those meant and intended to be barred and destroyed by this Act) as they, every or any of them, had and enjoyed of, in, to, or out of the Commons and Waste Lands hereby intended to be inclosed as afore said, or any Part thereof, before the passing of this Act, or could or might have had or enjoyed before the passing thereof, or in case this Act had not been made.

General
Saving of
all other
Rights.

XXXVII. And be it further enacted, That this Act shall be printed by the Printer to the King's most Excellent Majesty, and a Copy thereof, so printed, shall be admitted as Evidence thereof by all Judges, Justices, and others.

This Act may
be given in
Evidence.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.

1012