



ANNO QUADRAGESIMO OCTAVO

GEORGI II. REGIS.

Cap. 16.

An Act for inclosing Lands in the Township of *Minera*, in the Parish of *Wrexham*, in the County of *Denbigh*. [28th March 1808.]

WHEREAS there are within the Township of *Minera*, in the Parish of *Wrexham*, in the County of *Denbigh*, divers Commons and Waste Lands, containing in the whole Four hundred and eighty Statute Acres, or thereabouts: And whereas the King's most Excellent Majesty, in Right of His Crown, is seised of or entitled to the Soil and Seigniority of the said Commons and Waste Lands, as Part of the Revenues of the Principality of *Wales*: And whereas *John Evans*, in Right of *Mary* his Wife, is entitled to Four-fifth Parts or Shares of all the Tythes or Tenths of Corn, Grain, and Hay, yearly arising, growing, and renewing within the said Township of *Minera*, for and during the natural Life of the said *Mary*; and *George Kenyon* Esquire, and *Jane Bennion* Widow, are entitled to the Reversion thereof as Tenants in Common, subject only to the Life Estate of the said *Mary*; the Wife of the said *John Evans*: And whereas *William Davies Shipley* Clerk, Master of Arts, Dean of *Saint Asaph*, and Vicar of the Parish and Parish Church of *Wrexham*, is in Right of such Vicarage entitled to the Remainder of the said Tythes: And whereas *James Topping* Esquire, *William Lloyd* Esquire, *John Jones* Esquire, *Hugh Meredith* Esquire, and several other Persons, are Owners and Proprietors of Messuages, Tenements, and Lands, within the said Township, and in respect thereof, claim Right of Common over and
[Loc. & Per.] 3 N upon

General
Inclosure Act.Utility of
Inclosure.

Commissioner.

Surveyor.

For appoint-
ing a new
Commissioner
and Surveyor
in case of
Death, &c.

upon the said Commons and Waste Lands in proportion to their several Estates within the said Township: And whereas an Act was passed in the Forty-first Year of His present Majesty's Reign, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons and Waste Lands are, in their present State, incapable of any considerable Improvement; but it would be advantageous to the several Persons interested therein if the same were divided, and specific Parts thereof allotted to the respective Proprietors thereof, and Persons interested therein according to their respective Rights and Interests, and such Allotments inclosed: But such Division, Allotment, and Inclosure, cannot be effected without the Aid and Authority of Parliament; May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the said Commons and Waste Lands shall be set out, divided, allotted, and inclosed, as soon as conveniently may be after the passing of this Act, by *Josiah Boydell*, of *Keelbender* in the County of *Salop*, Gentleman, who is hereby appointed Commissioner for setting out, dividing, allotting, and inclosing the same, and for carrying this Act into Execution; subject nevertheless to the Rules, Orders, and Directions, mentioned and contained in the said recited Act, except in such Cases where the same are hereby varied or altered.

II. And be it further enacted, That *Richard Jebb*, of *Oswestry* in the County of *Salop*, Land Surveyor, shall be and he is hereby appointed the Surveyor to act in the Execution of this Act.

III. And be it further enacted, That if the said *Josiah Boydell* and *Richard Jebb*, or either of them, or their or either of their respective Successors, shall die or become incapable of acting, or refuse to act as Commissioner or Surveyor as aforesaid, or shall, for the Space of One Calendar Month neglect to act in his respective Office before this and the said recited Act is completely executed, then and in such Case it shall and may be lawful for the major Part in Value (such Value to be ascertained by the Land Tax Assessment) of the Proprietors or Persons interested in the Lands and Grounds hereby directed to be set out, divided, allotted, and inclosed, or their known Agents or Attornies, who shall be present at a publick Meeting to be held for that Purpose in pursuance of Notice in Writing, signed by one or more Proprietor or Proprietors, to be affixed upon the principal outer Door of the Parish Church of *Wrexham* aforesaid at least Fourteen Days before such Meeting, to appoint a new Commissioner and Surveyor in the room of the said *Josiah Boydell* and *Richard Jebb*, or either of them, or their or either of their respective Successors, as shall die, refuse, neglect, or become incapable to act as aforesaid, and so from Time to Time as often as Occasion may require; and every Commissioner and Surveyor so to be appointed shall have the like Power and Authority, and shall be subject to the same Rules, Regulations, and Restrictions, as the Person in whose Place he shall be appointed was vested with, and subject to, by virtue of this Act.

IV. And

IV. And be it further enacted, That the said Commissioner shall and he is hereby required to cause publick Notice to be given in Writing to be affixed on the principal outer Door of the Parish Church of *Wrexham* aforesaid; and inserted in one of the *Chester* Newspapers, in case any such shall be then printed, or in any other Newspaper which may be circulated in the said County of *Denbigh*, of the Time and Place of the first and every other Sitting or Attendance of the said Commissioner, at least Ten Days before any such Sitting or Attendance (Sittings or Attendances by Adjournment only excepted) and all which Sittings or Attendances shall be held at *Wrexham* aforesaid, or within Eight Miles thereof; and in case the Commissioner shall not be present at the Time and Place appointed for such Sittings or Attendances, then and in such Case it shall be lawful for the Person who shall act as Clerk to the said Commissioner to adjourn the same to any future Day, not exceeding Fourteen Days from the Day of Adjournment; and such Clerk shall give Notice of such Adjournment to the said Commissioner.

Commissioner
to give Notice
of his Sitting
or Attendance
etc.

V. And be it further enacted, That the said Commissioner shall, and he is hereby authorized and empowered to appoint a Clerk, to assist him in the Execution of the Powers of this and the said recited Act.

Commissioner
may appoint a
Clerk.

VI. Provided always, and be it further enacted, That all other Notices necessary or requisite to be made and given by the said Commissioner, shall be so made and given by Advertisements to be inserted in one of the said *Chester* Newspapers, or, in case the same shall not be then published, then in some other Newspaper circulated in the said County of *Denbigh*.

Other Noti-
ces, how to be
given.

VII. And be it further enacted, That if any Dispute or Difference shall arise between the Parties interested in the said Division or Inclosure, or any of them, touching or concerning the respective Shares, Rights, or Interests which they or any of them now have, or claim to have, in or to the said Commons or Waste Lands in *Minera* aforesaid, touching the respective Shares or Allotments which they or any of them ought to have of or in the same respectively, it shall be lawful for the said Commissioner, and he is hereby empowered to hear and determine the same: Provided always, that nothing in this Act contained shall authorize the said Commissioner to determine the Title to any Messuages, Cortages, Lands, or Hereditaments whatsoever.

Commissioner
to settle Dif-
ferences.

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 recited Act, see Cause to award any Costs, it shall be lawful for the said Commissioner; and he is hereby authorized and 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 such Determination shall be made, by the Person or Persons whose Claim or Claims, Objection or Objections, shall be thereby disallowed or over-ruled; and in case the Person or Persons who shall be liable to pay any such Costs and Charges, shall refuse or neglect 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

Commissioner
to assess Costs.

Persons whomsoever, to cause such Costs and Charges to be levied and recovered 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.

Allowing Parties to try their Rights at Law.

IX. Provided nevertheless, and be it further enacted, That in case any Person or Persons 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, or of any Rights of Common, or other Rights or Interests in, over, or upon the Lands and Grounds hereby directed to be set out, divided, allotted, and inclosed, or any Part thereof, it shall be lawful for 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 Great Sessions for the County of *Denbigh*, in case the same shall not be holden within Three Calendar Months after such Determination, but if the next Great Sessions for the said County shall be holden within Three Calendar Months, then at the following Great Sessions to be holden for the same County; and for that Purpose, 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 shall also, within One Calendar Month after such Determination, give Notice in Writing to the said Commissioner of his or their being so dissatisfied; and the Defendant or Defendants in such Action or Actions shall, and he, she, and they is and are hereby required to name an Attorney or Attornies, who shall appear thereto, and except such Issue or Issues, whereby such Claim or Claims, and the Right or Rights thereby insisted upon may be tried and determined, (such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties shall differ about the same); 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 and Persons whomsoever, 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 the 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, which Allowances and Disallowances shall be final and conclusive on all Parties, and the Costs of such Action or Actions shall abide and follow the Event thereof, and be paid and recoverable by Execution, in the same Manner as other Costs are paid and recoverable in the said Court, unless the Judge or Judges before whom such Action or Actions shall be tried shall certify on the Record that the said Claim or Objection respectively, against which the Verdict or Verdicts shall be found, was a reasonable and probable Claim or Objection, and fit or proper to be tried at Law, in which Case the Costs of the Party so making such unsuccessful Claim or Objection, and of the other

other Party respectively, shall be deemed and taken as Part of the Expences of carrying this Act into Execution, and borne and defrayed as is herein provided in respect of such Expences: Provided always, that in case the Determination of the said Commissioner, touching such Claim or Claims of the Right to the Soil of the said Commons and Waste Lands, or other Rights or Interests in, over, and upon the said Commons and Waste Lands hereby directed to be set out, divided, allotted, and inclosed, or any Part thereof, shall not be objected to, or being objected to, the Party or Parties objecting shall not cause such Action at Law to be brought and proceeded in within the Time and in Manner herein for that Purpose appointed, such Determination shall be final and conclusive upon all Parties.

X. Provided always, and be it further enacted, That 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; and that no such Difference, Action, Suit, or Proceeding as aforesaid, nor any Difference, Suit, Action, or Proceeding, touching or concerning the Title to any Lands, Tenements, or Hereditaments, shall impede, delay, or hinder the said Commissioner from proceeding in the Execution of the Powers vested in him by the said recited Act and this Act, but the said Division and Allotment shall be proceeded in notwithstanding such Differences, Suits, Actions, or Proceedings; and the said Commissioner shall, and he is hereby required, by proper Marks and Bounds, to set out the Lands and Grounds which shall be allotted for or in respect of such litigated Property, so that the same may be distinguished from any other Lands or Grounds, and may be had and taken by the Person or Persons who, upon the Determination of such Difference, Suit, Action, or Proceeding shall be entitled to the same.

Actions not to impede Proceedings of Commissioner.

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

Power for the Crown to appoint an Assistant Commissioner.

XII. And be it further enacted, That the said Commissioner by this Act appointed shall and he is hereby required to set out and allot such Parts or Portions of the said Commons and Waste Lands in the said Township of *Minera*, not exceeding in the whole Twelve Statute Acres, in such Place or Places as he shall judge most convenient, to be used and enjoyed for ever thereafter by the respective Proprietors of Buildings, Lands, or Hereditaments, within the said Township, who shall be adjudged to be entitled to any Allotment or Allotments of the said Commons or Waste

Allotment for getting Materials.

[Loc. & Per.]

3 O.

Lands

Lands, and ultimately award the same by virtue of this Act in common for the Purpose of getting Limestone, Building Stone, Gravel, Sand, Earth, Marl and Clay to make Bricks, for the Use, Benefit, or Improvement of such Buildings, Lands, or Hereditaments, situated in the said Township, in Right of which any Allotment or Allotments hath or have been made, as well as for the Use, Benefit or Improvement of such Allotment or Allotments; and the getting of such Stone, Gravel, Sand, Earth, Marl, or Clay, to be got up for the Purposes aforesaid, and the Labourers to be employed in getting the same, shall be and are hereby declared to be subject to such Regulations and Restrictions as the said Commissioner, by this Act appointed, shall in and by his Award direct or appoint, and also in the Repairs of the Highways, private Roads and Paths, which now are or hereafter shall be made within the same Township: Provided always, that such Stone, Gravel, Sand, Earth, Marl, or Clay, or any of them, shall not, directly or indirectly, be sold or disposed of to any Person or Persons whomsoever, or conveyed out of the said Township under any Pretence whatsoever, under the Penalty of Twenty Shillings for every Ton Weight so sold or conveyed out of the said Township, and so proportionably for any greater or less Weight or Quantity, to be paid for such Person or Persons so selling or disposing of such Stone, Gravel, Sand, Earth, Marl, or Clay, to the Overseers of the Poor of the said Township of *Minera* for the Time being, and to be by them accounted for, and applied in Aid of the Pools Rate of the said Township; and the said Commissioner by this Act appointed may, where Occasion shall require, set out and appoint Springs and Pools, and other Watering Places for Cattle and Beasts, within the said Township, upon the said Commons and Waste Lands, and for the common Use and Benefit of all Owners or Occupiers of Messuages, Tenements, or Hereditaments, within the said Township.

Not to alter
Water-
courses.

XIII. 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 aforesaid, or for any other Purpose or Purposes whatsoever, without the Consent in Writing of the Proprietor or Proprietors of such Lands or Hereditaments, 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 hath hitherto usually been; any Thing in this Act contained to the contrary notwithstanding.

Power to sell
Land to
defray Ex-
pences.

XIV. And be it further enacted, That the said Commissioner by this Act appointed shall and he is hereby required to set out, ascertain, and allot, so much and such convenient Part and Parts of the said Commons and Waste Lands, as in his Judgment shall be sufficient to raise a competent Sum of Money for paying and defraying the Charges and Expences of obtaining and passing this Act, and all other incidental Charges and Expences whatsoever, for or by reason of or preparatory to the said intended Division and Inclosure, and of carrying this Act into Execution; and such Allotment or Allotments shall be sold and disposed of by public Auction, and not otherwise, in the Manner directed by the said recited Act, and the Purchase Money shall be applied for the Purposes aforesaid.

XV. And be it further enacted, That in case any Surplus shall remain after all such Charges and Expences shall have been fully paid and satisfied, such Surplus shall be divided and apportioned between the several Proprietors of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, according to their several and respective Interests therein, or otherwise such Surplus shall be paid into the Bank of *England*, in Manner directed by the said recited Act, with respect to Money thereby directed to be paid into the Bank, for the Purchase or Exchange of Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, and which Sum of Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Application
of Surplus
Money.

XVI. And be it further enacted, That in case it shall be found necessary, before such Sale can be effected, to raise any Sum or Sums of Money for defraying the Expences aforesaid, it shall be lawful for the said Commissioner by this Act appointed to borrow and take up at Interest such Sum or Sums of Money as he shall, from Time to Time, think necessary for the Purposes aforesaid; which Money, so to be borrowed, shall be repaid with Interest at the Rate of Five Pounds *per Centum per Annum*, out of the Monies to be raised by such Sale as aforesaid.

Commissioner
may borrow
Money to de-
fray Expences
till Sale of
Land.

XVII. Provided always, and be it further enacted, That in case the Money to be raised by such Sale as aforesaid shall not be sufficient to pay, and defray all the Costs, Charges, and Expences as aforesaid, and of repaying the Money so to be borrowed by any Sum not exceeding One thousand Pounds, then the Deficiency shall be made up by the several Persons interested in the said Commons and Waste Lands, and shall be paid in such Shares and Proportions, and within such Time, and to such Person or Persons as the said Commissioner by this Act appointed, shall direct, nominate, and appoint; or in case any Expences shall be incurred in the Execution of any of the Powers and Provisions of this and the said recited Act, which ought to be borne and defrayed by any particular Person or Persons, and not out of any Money to be raised for the General Purposes of this Act, then the same shall be paid in such Shares and Proportions, and by such Person or Persons, and within such Time, and to such Person or Persons as the said Commissioner by this Act appointed shall direct, nominate, and appoint; and in case any Person herein-before made subject to the Payment of any Money towards such Costs, Charges, and Expences as aforesaid, shall neglect or refuse to pay his or her Share or Proportion thereof within the Time to be appointed as aforesaid, or at any Time after upon Demand, the same shall and may be levied and recovered in Manner directed by the said recited Act.

Deficiency (if
any) to be
made up by
the Pro-
prietors.

XVIII. And be it further enacted, That out of the first Monies to be raised or borrowed by virtue of this Act, the said Commissioner by this Act appointed shall and he is hereby required, in the first Place, to pay and defray all the Charges and Expences incident to and attending the obtaining and passing of this Act, together with lawful Interest for the same, from the Time such Monies respectively shall have been actually advanced.

For paying
Expences of
this Act.

XIX. And

Power to
make Ex-
changes.

XIX. And be it further enacted, That it shall be lawful for the said Commissioner by this Act appointed to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said Township of *Minera*, or in the said Parish of *Wrexham*, in lieu of and in Exchange for any other Lands, Tenements, or Hereditaments whatsoever within the said Township or Parish, or within any adjoining Township, Parish, Hamlet, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner appointed by this Act, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special; or by the Courtesy of *England*, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbards, Committees, or Attornies of or acting for any such Owners or Proprietors as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Females Covert, Lunatics, or under any legal Disability, or who shall be beyond the Seas, or otherwise disabled to act for themselves, himself, or herself (such Consent to be testified in Writing under the Common Seal of the Body Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively); and all and every such Exchange and Exchanges, so to be made, shall be good, valid, and effectual in Law, to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent, testified as aforesaid, of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments, so to be exchanged, shall lie and be situate.

For paying
the Expenses
of Sale, and
making Ex-
changes.

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

Accounts to
be settled and
audited by a
Committee

XXI. And be it further enacted, That the Accounts of the said Commissioner by this Act appointed, containing a true Statement of all Sums of Money by him received and expended, or due to him for his own Trouble and Expences in the Execution of this Act, together with the Vouchers relating thereto, shall, once in every Year during the Execution of this Act, at a Meeting to be held for that Purpose (until such Accounts shall be finally settled and allowed) be examined by any Three or more of the said Proprietors who shall be nominated by the major Part in Value (such Value to be ascertained by the Land-Tax Assessment) of the said Proprietors or their known Agents or Attornies present at such Meeting, of which Meeting Notice in Writing shall be given and affixed upon the principal outer Door of the said Parish Church of *Wrexham*, at least Ten Days before such Meeting, by the said Commissioner by this Act

Act appointed; and the Balance, by them or the major Part of them present at such Meeting, shall be stated in the Books of Accounts required to be kept in the Office of the Clerk to the said Commissioner; and no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by the said Proprietors who shall be so nominated, or the major Part of them present at such Meeting.

XXII. And be it further enacted, That the said Commissioner by this Act appointed shall be allowed the Sum of Two Pounds and Two Shillings for every Day that he shall be actually employed in the Execution of this Act, including Days of necessary travelling as well as others, in full Satisfaction for his Time, Trouble, and Expences respecting such Employment; and the said Surveyor shall be allowed the Sum of One Pound and One Shilling for every Day that he shall be actually employed in the Execution of this Act (Expences included) except such Days as he shall be employed in surveying, measuring, and mapping, for which he shall be allowed at the Rate of One Shilling for every Acre which he shall so survey, measure, and map.

Commissioner's and Surveyor's Allowance.

XXIII. And be it further enacted, That the said Commissioner by this Act appointed shall (after the Boundaries directed to be set out and ascertained by the said recited Act shall have been ascertained and fully determined, and the Roads, and the several Allotments for getting Materials, and for Sale, as herein-before mentioned, shall have been set out and assigned, and before any other Allotment shall be made or set out) allot or set out to the King's most Excellent Majesty, His Heirs and Successors, with the Concurrence and Approbation in Writing of the said Assistant Commissioner, and not otherwise, so much and such Part or Parts of the said Commons and Waste Lands as shall be equal to One twentieth Part in Value of the same.

Allotment to the King's most Excellent Majesty.

XXIV. And be it further enacted, That the said Commissioner by this Act appointed shall divide, set out, and allot the Residue and Remainder of the said Commons and Waste Lands to and amongst the said *James Topping, William Lloyd, John Jones, Hugh Meredith*, and all other Persons entitled to Right of Common upon the said Commons and Waste Lands within the said Township of *Minera*, rateably and in Proportion according to the Value of their respective Messuages, Lands, Tenements, or Hereditaments, in respect whereof they shall be adjudged to be severally entitled to such Right of Common, and which Value shall be ascertained and fixed by the said Commissioner by this Act appointed; but 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 or Inheritance of other Messuages, Lands, or Hereditaments within the said Township, and shall be entitled to Right of Common in respect of both such Estates, then and in such Case the said Commissioner by this Act appointed, 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 Estates, in distinct and separate Parcels from each other, so that the Portion of Common awarded in respect of the Messuages, Lands, or Hereditaments held for Life, or settled Estate, be no Way intermixed with, but

Allotment of the Residue.

kept separate from the Portion awarded in respect of the unsettled or other Estate.

Commissioner,
in his Award,
to direct by
whom Fences
are to be
made.

XXV. And be it further enacted, That the said Commissioner by this Act appointed shall, and he is hereby required in and by his Award, to direct and declare how and in what Manner, and by whom, the fences between the several Allotments to be made and set out under and by virtue of this Act, shall be made, and by whom the same shall for ever thereafter be kept in Repair.

Encroach-
ments.

XXVI. And be it further enacted, That all Encroachments, exclusive of the Cottages and other Erections thereon, taken from the said Commons and Waste Lands within the Space of Twenty Years before the passing of this Act, or that have been laid open within the Space of Twenty Years, shall be deemed Part and Parcel of the said Commons and Waste Lands hereby directed to be divided and inclosed, and the same may 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 Encroachments before the First Day of *June* One thousand eight hundred and seven, and shall request the same by 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 by this Act appointed, so that such Encroachment or Encroachments (which the said Commissioner is to value as Common or Waste Lands, 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 not 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 may be allotted to some other Person or Persons entitled to an Allotment or Allotments, unless the Person or Persons in Possession of such Encroachment or Encroachments shall be desirous of purchasing such Surplus, and shall pay to the said Commissioner by this Act appointed such Price for the same as such Commissioner shall fix, the Money to be applied towards the general Purposes of this Act, in which Case such Surplus shall be awarded to the Person or Persons in Possession thereof, and having purchased the same as aforesaid; and in case it shall happen that such Encroachments or Erections have been made by Persons not entitled to any Right of Common, the said Commissioner by this Act appointed 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 by this Act appointed 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 by this Act appointed shall direct and appoint.

XXVII. Provided

XXVII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioner by this Act appointed, at any Time before the Execution of his Award, 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.

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

XXVIII. And be it further enacted, That when and so soon as the said Commissioner by this Act appointed shall have ascertained the respective Shares, Rights, and Interests of the said Proprietors in the Common and Waste Lands 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 by this Act appointed 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, so far as the same relates to such Proprietors respectively.

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

XXIX. And be it further enacted, That the Award to be made by the said Commissioner, when enrolled in Manner directed by the said recited Act, shall be deposited in a Tin Box, and shall be kept in the Parish Church of *Wrexham* aforesaid.

Award to be deposited.

XXX. And be it further enacted, That the said Commissioner by this Act appointed 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 which shall be made to His said Majesty, in respect of the said Township of *Minera*, 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 Six Calendar Months after the making and executing the said Award, to be by him filed and kept among the Muniments of his Office.

An Extract of so much of the Commissioner's Award, as describes the King's Allotment, to be made and transmitted to the Surveyor General of the Land Revenue.

XXXI. And be it further enacted, That for the Encouragement of Agriculture, the First Two Crops of Corn, or other Produce, obtained by Tillage in all and every the said Allotments (except such Parts thereof as have already paid Tythe, or have been actually tilled before the passing of this Act) shall be exempt from the Payment of Tythes; 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 Township; and such Encroachments as have already yielded Tythes, or have been actually tilled before the passing of this Act, shall continue to do so, notwithstanding the aforesaid Exemption.

The first Crops to be exempt from Tythe.

XXXII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Commons or Waste Lands, at any

Proprietors may sell their Allotments before the Execution of Award.

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 in, to, or upon the said 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 by this Act appointed, 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 aforesaid, 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 Vendor or Proprietor thereof could or might have done in case any such Sale or Sales had not been made.

Persons ag-
grieved may
appeal to the
Quarter
Sessions.

XXXIII. 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 recited Act (except in such Cases where the Determination of the said Commissioner is herein directed to be final and conclusive, or where an Issue at Law shall be tried as herein-before directed) 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 *Denbigh* next after the Cause of Complaint shall have arisen, giving Fifteen Days Notice of such Appeal, and of the Matter thereof, in Writing to the said Commissioner by this Act appointed; and the Justices at their 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 directed 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 and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any other Writ or Process whatsoever.

This or the
said recited
Act not to
affect Wills,
&c.

XXXIV. And be it further enacted, That nothing in this or the said recited Act contained shall extend or be construed to extend to revoke, make void, alter, or annul any Will 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 the Lands or Grounds to be divided, allotted, inclosed, or exchanged, in pursuance of this or the said recited Act, or any Part or Parts thereof respectively; but that the respective Persons to whom any Lands or Hereditaments shall be allotted or given in Exchange by virtue of this or the said recited Act, shall be seised thereof to such and the same Uses, and for such and the same Estates, and subject to such and the same Wills, Jointures, Charges, Rents, and Incumbrances, and no other, as the Lands, Grounds, and Hereditaments whereof such Person was seised or possessed at or immediately before the Execution of the Award of the said Commissioner by this Act appointed, or for which or in respect whereof such Allotments or Exchanges shall be made,

made, would have been subject to, charged with or affected by, in case this Act had not been made.

XXXV. And be it further enacted, That no Lease or Leases affecting any of the Lands and Hereditaments, in respect of which any Allotment or Allotments of the said Lands or Grounds hereby directed to be divided and inclosed, shall be awarded by virtue of this Act, shall be made void, but that the same shall remain and continue in full Force and Effect, and that the Lessee or Lessees therein respectively shall have, hold, and enjoy, all and every such Allotment and Allotments so to be made by virtue of this Act in respect of the several Lands and Hereditaments in their respective Occupations, for the Residue of their respective Terms or Interests then to come and unexpired in such respective Leases, such Lessee and Lessees paying a just and fair Proportion, in respect of such Lease or Leases, of the Charges and Expences of obtaining and executing this Act, to be settled and adjusted by the said Commissioner by this Act appointed, in proportion to their respective Interests therein.

Commissioner
or not to
make void
Leases, &c.

XXXVI. Provided always, and be it enacted and declared, That nothing in this Act contained shall prejudice or defeat the Right or Interest of His Majesty, His Heirs or Successors, or of the Right Honourable *Robert 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 *Robert Earl Grosvenor*, in and to all Mines, Ores, Minerals, and Coals, of what Nature or Kind soever, in and under the said Commons and Waste Lands; but that His said Majesty, His Heirs and Successors, and the said *Robert Earl Grosvenor*, his Heirs and Assigns, and such other Person or 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 Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, and Coals whatsoever, 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, 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 *Robert Earl Grosvenor*, his Heirs and Assigns, and all other Persons who shall hereafter for the Time being be entitled to the Mines and Minerals therein, and 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, and Coals whatsoever, in or under the said Commons and Waste Lands, and to dig and raise Clay for making and burning of Bricks, Tiles, Gutters, and Ridges, in and upon any Part of the said Commons and Waste Lands, as well before as after the same shall have been inclosed, for the Use of any Colliery or Collieries 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 whatsoever, and also to erect any Number of Steam or other Engines, Machine

Saving the
Rights of
Earl Gros-
venor, his
Heirs or As-
signs, to the
Minerals
under the
Lands to be
inclosed.

[Loc. & Per.]

3 Q

or

or Machines, of what Nature or Kind soever, which they shall think necessary for the Use, Convenience, and Advantage of any Mine or Mines, whatsoever, in or upon the said Premises, or any Part thereof, and to place, stack up, and lay all Lead, Copper, Iron, and other Ores, Coals, and other Minerals and Matters, which shall be gotten and raised, and all Rubbish, Earth, and Soil upon the said Commons and Waste Lands, and to make, burn, or convert Coal and Culm into Charcoal or Cokes; and also to have, make, and use all convenient Ways, Roads, and Railways, in, upon, and over the said Commons and Waste Lands, when inclosed, for the Use of any Colliery or Mines sunk or made, or which may be sunk or made in any Part or Parts thereof, and for working and carrying on the same, and with Carts, Waggon, and other Carriages, to fetch, take, and carry away the Lead, Copper, and Iron Ores, and Coal, and other Mines and Minerals whatsoever there to be found and raised as aforesaid, and to do all other necessary and reasonable Acts and Things in and upon the same Commons and Waste Lands, when inclosed, for the discovering, getting, working, converting, removing, carrying away, selling, and disposing of all Mines, Coals, and other Minerals whatsoever, without any Molestation or Interruption, in such and the same Manner as if this Act had not been made, and making Satisfaction for the Damage or Injury thereby done, to the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, sustaining such Damage or Injury.

Saving to His
Majesty His
Rights of
Jurisdiction.

XXXVII. 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, for the Time being, of and for the said Township of *Minera*, of, in, or to the Seigniories and Royalties incident and belonging to the said Township, but that His said Majesty, His Heirs and Successors, and His or their Lessee or Lessees, Steward or Stewards 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 other Royalties, Privileges, Pre-eminences, Manerial Jurisdiction, and Appurtenances whatsoever, to the said Township or to the Steward thereof incident or appendant, belonging or appertaining, (other than and except any Right to the Soil upon and in the said Commons and Waste Lands intended to be inclosed by virtue of this Act, and other than and except all Quarries, Springs, and other Matters, besides Mines and Minerals now belonging or which may hereafter belong to His Majesty, His Heirs or Successors) under the same, which Quarries, Springs, or other Matters, (except Mines and Minerals as aforesaid) are to belong to the several Persons, Bodies Politic or Corporate, to whom Allotment shall be made by virtue of this Act, in as full, ample, and beneficial Manner, to all Intents and Purposes, as they could or might have held or enjoyed the same before the passing of this Act, or in case the same had not been made.

General
Saving.

XXXVIII. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all and every other Person and Persons, Body or Bodies Politic, Corporate, or Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators (except the several Persons to whom

whom any Allotment or Allotments shall be made in pursuance of this Act, for and in respect of such Rights and Interests as are hereby meant and intended to be barred, destroyed, and extinguished, and all Persons respectively claiming under them, or in Remainder after them) all such Estate, Right, Title, and Interest, as they, every or any of them, could or ought to have had and enjoyed in, to, or out of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, before the passing of this Act, or in case this Act had not been made.

XXXIX. 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.

Act to be taken in Evidence when printed by the King's Printer.

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

