



ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 64.

An Act for inclosing Lands in the Parishes of *Differtb*
and *Llanelweth*, in the County of *Radnor*.

[20th April 1812.]

WHEREAS there are within the Parishes of *Differtb* and *Llanelweth*, in the Manors of *Upper Elwell* and *Llechryd*, in the County of *Radnor*, several Commons or Wastes, containing by Estimation Nine hundred and twenty Acres, or thereabouts: And whereas the Trustees of the Charity of the late Reverend *Rice Powell* of *Boughbrood*, Clerk, deceased, are Lords of the Manor of *Upper Elwell* aforesaid, and *Thomas Thomas* Esquire, is Lord of the Manor of *Llechryd* aforesaid, and as such Lords are seized of and entitled to the Soil and Royalties of the said Commons or Wastes lying within their respective Manors: And whereas the said *Thomas Thomas*, *David Thomas* Esquire, *Marmaduke Howell*, *Thomas Gwynne* Esquire, and several other Persons are seized and possessed of divers Messuages, Tenements, ancient inclosed Grounds and Hereditaments within the said Parishes and Lordships, and in respect thereof, or as appendant, appurtenant, or belonging thereto, they or their Lessees, Farmers or Tenants are entitled to Right of Common, and of raising Stone in, upon or over the said Commons or Wastes: 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

[Loc. & Per.]

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whereas

Commissioners appointed.

whereas the said Commons or Wastes in their present State are of little Use or Advantage, but the Whole are capable of Cultivation and Improvement, and the several Persons entitled to such Right of Common, and raising Stone as aforesaid, are willing and desirous that the said Commons or Wastes should be divided and allotted by Commissioners, in that Behalf, to be appointed unto and amongst them proportionably, and according to the Value of their respective Estates, Rights, and Interests therein, and that such Allotments should be inclosed and held in Severalty; but the beneficial Purposes aforesaid cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John Cheese* of *Lyonshall*, in the County of *Hereford*, Gentleman, and *James Stephens* of *Presteigne*, in the County of *Radnor*, Gentleman, shall be, and they are hereby appointed Commissioners for setting out, dividing, allotting, and inclosing the said Commons or Wastes, and for putting in Execution this Act; and such of the Powers, Authorities, Directions, and Provisions contained in the said recited Act as are not altered, controlled, or otherwise provided for or affected by this Act.

For the Appointment of new Commissioners.

II. And be it further enacted, That in case either of the said Commissioners shall refuse to act or qualify himself as a Commissioner for the Execution of this Act, or if he shall, before the Powers and Trusts reposed in the said Commissioner shall have been fully executed, die, or become incapable of acting as a Commissioner, it shall be lawful for the major Part in Value of the Proprietors, for the Time being, of the Lands and Hereditaments entitled to such Right of Common as aforesaid, (according to the Assessment thereof to the Land Tax), who shall by themselves or their respective Agents, attend the Meeting or Meetings to be appointed for that Purpose as herein-after is mentioned, by Writing under their respective Hands, to appoint some other fit Person (not interested in the said intended Inclosure) to be a Commissioner in the Place of the Commissioner so refusing, dying, or becoming incapable; and so from Time to Time, as often as any Commissioner so to be appointed as last aforesaid, shall die, refuse, or become incapable of acting as aforesaid; and in case Default shall be made in appointing any such new Commissioner, within Two Calendar Months after the Death of any Commissioner, or his Refusal or becoming incapable to act, then the surviving or remaining Commissioner shall, and he is hereby required from Time to Time, by Writing under his Hand, within Two Calendar Months next after the Expiration of the said Two Calendar Months allowed to the Parties for appointing such new Commissioner or Commissioners, or so soon after as conveniently may be, to appoint one other Commissioner, not interested in the Premises, in the Room of any such Commissioner so dying, refusing, or becoming incapable to act as aforesaid; and every Commissioner, to be appointed in the Manner herein-before respectively directed, shall have the like Powers and Authorities as the Commissioners named and appointed by this Act: Provided always, that Two or more of the said Proprietors shall cause Notice to be given of the Time and Place of Meeting for every such Election, (which Place

Place shall be in one of the said Parishes of *Differtb* and *Llanekweth* aforesaid, or within the Space of Eight Miles therefrom), at least Fourteen Days before the Time of holding such Meeting, such Notice to be publickly read in the severall Parish Churches of *Differtb* and *Llanekweth* aforesaid on some *Sunday* immediately after Divine Service, and to be inserted in the Newspaper called *The Hereford Journal*, or some other Newspaper generally circulated in the County of *Radnor*.

III. And for the effectually obviating and preventing any Inconvenience or Delay which might otherwise happen, or be occasioned in the Proceedings of the said Commissioners, by reason of any Difference of Opinion between them, touching or concerning any Matter or Thing in Execution of the Powers of this Act, or any Points or Questions arising out of, or relating thereto; be it further enacted, That if any Difference of Opinion shall happen to arise between the Commissioners for the Time being, touching or concerning any Matter or Thing in the Execution of the Powers of this Act, or any Point or Points, Question or Questions arising out of or relating thereto, then and as often as the Case shall so happen, all and every such Matters or Things, or Points or Questions respectively, upon which there shall be any such Difference of Opinion between the said Commissioners as aforesaid, shall be referred by the said Commissioners by Writing under their Hands, to some disinterested and skilful Person as Umpire, (whom it shall be lawful for the said Commissioners to nominate and appoint by Writing under their Hands for that Purpose from Time to Time, and as often as they shall think necessary), to determine all and every such Matters or Things, and Points and Questions respectively as aforesaid; and the Determination of every such Umpire so to be appointed, to be expressed in Writing under his Hand, shall be deposited in the same Place where the Award of the said Commissioners is directed to be deposited, and shall be binding and conclusive to and upon the said Commissioners, and all Persons interested therein, in all such Cases, Matters, and Questions, in which the Determination of the said Commissioners is herein or by the said recited Act declared to be final and conclusive; and every such Person to be appointed for the Purpose aforesaid shall, after taking and subscribing the Oath herein-after directed to be taken, have and is hereby vested with the same Powers and Authorities as by the said Act and this present Act are given to the Commissioners hereby appointed, but so nevertheless as that any such Person shall not be empowered to act for any other Purpose than the determining of such Matters as may be so referred to him as aforesaid.

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

‘ I *A. B.* do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the Trusts, Powers, and Authorities vested in me as Umpire, by virtue of an Act passed in the Fifty-second Year of the Reign of King *George* the Third, intituled [*here set forth the Title of this Act*] according

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

‘ So help me GOD.’

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

Surveyor.

V. And be it further enacted, That it be lawful for the said Commissioners by Writing under their Hands, to appoint One or more fit and proper Person or Persons, not interested in the Premises, to be Surveyor or Surveyors for the Purposes of this Act for and during the Will and Pleasure of the said Commissioners; and on his Death or Removal in like Manner to appoint some other Surveyor or Surveyors, and so from Time to Time as often as there shall be Occasion; and every such Surveyor shall, at the First Meeting of the Commissioners after his Appointment, take and subscribe an Oath in the Form herein-after set forth.

Oath to be taken by Surveyor.

VI. And be it further enacted, That no Person shall be capable of acting as a Surveyor in the Execution of this Act, until he shall have taken and subscribed an Oath in the Form following; *videlicet*,

‘ I Do sincerely promise and swear, That I will act in the Execution of
‘ the Powers, Authorities and Trusts reposed in me as Surveyor, by
‘ virtue of an Act passed in the Fifty-second Year of the Reign of King
‘ George the Third, intituled [*here set forth the Title of this Act*] truly,
‘ impartially, and honestly, according to the best of my Skill, Judgment
‘ and Ability, without Favour or Affection, Prejudice or Malice to any
‘ Person or Persons whomsoever. So help me GOD.’

And either of the said Commissioners is hereby authorized to administer the said Oath to the said Surveyor; and the Oath so taken and subscribed by each Surveyor shall be annexed to and enrolled with the Award of the said Commissioners.

Recompence of Commissioners and Umpire.

VII. And be it further enacted, That each of the said Commissioners and the said Umpire shall be allowed and paid the Sum of Two Pounds Twelve Shillings and Sixpence for each and every Day he shall actually attend, and be employed as a Commissioner or Umpire in the Execution of this Act, or shall necessarily travel from Home to attend the Meeting of the Commissioners, or when returning Home after such Meetings, in full Satisfaction for his Trouble and Expences in the Execution of this Act.

Charges to be paid Surveyor.

VIII. And be it further enacted, That the Survey or Admeasurement, including all necessary Re-surveys and all Plans (except the fair Plans upon Vellum herein-after particularly mentioned) shall be paid for at and after the Rate of Sixpence *per* Acre for each and every Acre of the Land which shall be surveyed, admeasured and planned in pursuance of this Act; and the said Surveyor shall at all Times bear and pay his own Expences; and in case of the Death of any such Surveyor, before such Surveys,

veys, Admeasurements and Plans as aforesaid shall be finished, then and in every such Case the Executors or Administrators of every such Surveyor so dying shall be paid after the like Rate of Sixpence *per* Acre for each and every Acre which shall have been so surveyed and admeasured in his Life-time.

IX. And be it further enacted, That the said Surveyor shall, after the said Division and Allotment of the Lands and Grounds intended to be hereby divided and inclosed shall be completed, make fair Plans upon Vellum of all the said Lands and Grounds intended to be hereby divided and allotted, whereon respectively shall be truly and distinctly delineated, set down, marked and expressed, the several Matters or Things necessary or proper to be inserted therein, for the better explaining the Award of the said Commissioners, and for which fair Plans upon Vellum the Sum of Thirty Pounds shall be paid.

Surveyor to make fair Plans upon Vellum of the Common, &c. and his Charge for the same.

X. And be it further enacted, That the said Commissioners shall and they are hereby directed to cause public Notice to be affixed on the principal outer Doors of each of the Parish Churches of *Differtb* and *Llanelweth* aforesaid, of the Time and Place of their First and every other Meeting for the Execution of this Act, at least Eight Days before any such Meeting shall be holden (Meetings by Adjournment excepted); and the said Commissioners may and they are hereby authorized to adjourn any such Meeting from Time to Time and Place to Place as they shall see Occasion; and in case both the said Commissioners shall not meet at the Time and Place appointed for any such Meeting, or to which any such Meeting shall be adjourned, it shall be lawful for the Commissioner present at such Time and Place, or if no Commissioner shall then attend, for the Clerk to the said Commissioners (which Clerk they are hereby authorized to appoint) to adjourn such Meeting to any future Day not exceeding Twenty-eight Days from the Day of Adjournment, to be holden at the same or any other convenient Place, and so from Time to Time until both the said Commissioners shall meet, and the Commissioner or Clerk making such Adjournment, is hereby required to give Notice to the absent Commissioner or Commissioners; provided that all the Meetings of the Commissioners shall be holden within one of the said Parishes of *Differtb* and *Llanelweth*, or within the Distance of Eight Miles therefrom.

Commissioners to give Notice of Meetings.

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

Other Notices how to be given.

XII. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties that now are or shall be before the making of the Award of the said Commissioners, be interested or claim to be interested in the said intended Division and Allotments, or any of them, touching and concerning the respective Shares and Proportions which they or any of them shall claim or ought to have in any of the said Lands and Grounds hereby directed to be divided and inclosed, or in the said intended Division and Inclosure, it shall be lawful for the said Commissioners, and they are hereby authorized and required to examine into, hear, and

Commissioners to determine Differences, except as to Titles.

Commissioners not to determine Rights contrary to Possession.

determine the same: Provided always, that nothing herein contained shall authorize the said Commissioners or Umpire to determine the Title to any Messuages, Cottages, Lands, or Hereditaments whatsoever: Provided also, that nothing in this Act contained shall extend to enable the said Commissioners or Umpire to determine any Right between any Parties contrary to the Possession of any such Parties (except in the Cases of Incroachments made within the Period of Twenty Years as herein mentioned); but in case the said Commissioners or Umpire shall be of Opinion against the Right of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon, until the Possession shall have been taken from such Person or Persons by Ejectment or other due Course of Law.

Power to award Costs.

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

Parties may try their Rights by an Issue at Law.

XIV. Provided always, and be it further enacted, That in case any Person or Persons interested in the said intended Division and Inclosure shall be dissatisfied with any Determination of the said Commissioners or Umpire, touching or concerning any Claims, Objections, Rights, or Interests to, in, over, or upon the Lands and Hereditaments intended to be divided or affected by this Act, or any Part thereof, and shall, by Writing under his, her, or their Hand or Hands, or under the Hand or Hands of his, her, or their known Agent, signify the same to the said Commissioners within Two Calendar Months next after such Determination shall be made; in such Case, but not otherwise, it shall be lawful for the Person or Persons so dissatisfied with such Determination, to have the Subject of such Claim or Objection, in respect to which such Determination shall have been made, tried by an Action at Law to be brought by him, her, or them against the said Commissioners, or some one or more of the Parties in whose Favour such Determination shall have been made, upon a feigned Issue to be settled by the proper Officer of the Court in which such Action shall have been brought, in case the Parties shall differ about the same; such Action to be brought within Three Calendar Months next after such Determination shall have been made; and the Defendant or Defendants

Defendants in such Action or Actions shall and is, and are hereby required to appear to such Action, and accept a Declaration, and plead to Issue; and the Plaintiff or Plaintiffs shall thereupon proceed in such Action so as to have the same tried and determined at the First or Second Assizes to be holden for the County of *Hereford* next after the commencing of such Action, unless the Court shall direct further Time to be given; and if at the Trial of any such Issue or Issues it shall appear that the Party claiming is intitled to any qualified or less Right or Rights, Interest or Interests, than was or were claimed by such Party, then it shall and may be lawful for the Jury by whom such Issue or Issues shall be tried, to find and declare the same by their Verdict, which shall be indorsed on the *Postea* in Addition to the Verdict given upon the Issue or Issues joined; but nevertheless the Costs of such Action or Actions shall abide and be determined by the Verdict given upon the Issue or Issues joined, as if no such Special Finding had been made, and the Verdict of the Jury on such Trial, or the Judgment thereon, or the Judgment in such Action or Actions for the Want of a Plea or Pleas shall be final and conclusive between the Parties, unless the Court in which such Action shall be brought shall see Cause to direct a new Trial, which it shall be lawful for the Court to do, as is usual in other Cases; and after such Verdict shall be obtained and not set aside by the Court, or Judgment, for Want of a Plea, the said Commissioners shall and they are hereby required to act in Conformity thereto, and thereupon to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials, or Judgment, for Want of a Plea: Provided always, that all such Orders and Determinations of the said Commissioners or Umpire touching such Claim or Claims, Rights or Interests, in, over, or out of the Lands hereby directed to be divided and inclosed, or any Part thereof, which shall not be objected to by such Notice to be given to the said Commissioners as aforesaid, or being so objected to, and the dissatisfied Parties respectively not causing such Action at Law to be brought and proceeded in as aforesaid, shall be absolutely binding, final and conclusive upon all Persons whomsoever: Provided always, that if any of the Parties in any Action so to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but shall be proceeded in as if no such Event had happened; and that if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought, if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons who might have brought such Action or Actions against the Person or Person 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 of the said Commissioners with Notice of such Action or Actions, in the same Manner as the Party or Parties might have been served therewith if living, and it shall be thereupon incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead, and Proceedings shall be had therein in the same Manner as if such Person or Persons should have been actually living; and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Actions not
to abate by
Death of
Parties.

Commissioners to determine to what Townships Roads shall belong.

XV. And for preventing all Disputes and Differences which may arise touching the Repairs of the Public Highways and Roads which shall be set out and appointed in pursuance of this Act, or of the said Act of the Forty-first Year aforesaid, be it further enacted, That the said Commissioners shall, and they are hereby authorized and required to determine and adjudge what Part or Parts of the said Highways and Roads so to be set out and appointed, shall or do belong to any Townships or Divisions respectively within the said Parishes, and the said Commissioners shall, in and by their general Award, order and direct by what Townships or Divisions respectively such Highways and Roads shall be maintained, amended and kept in Repair; and the Owners or Occupiers for the Time being in each of such Townships or Divisions respectively shall, from and after the Execution of the general Award of the said Commissioners, maintain, amend, and keep such respective Public Highways and Roads in Repair, as shall be so determined and adjudged to belong to such Townships or Divisions respectively, in the same Manner as ancient and common Public Highways and Roads are by Law to be amended and kept in Repair.

Commissioners to make Drains, &c.

XVI. And be it further enacted, That the said Commissioners shall and may scour and widen all ancient Brooks, Ditches, Drains, Watercourses, Tunnels, and Bridges, and also shall and will set out and make such new Ditches, Drains, or Watercourses, Tunnels, Water-gates, Banks, and Bridges, in, through, and over the Commons or Wastes hereby directed to be divided and inclosed, or any inclosed Lands in the said Parishes, of such Breadth and Depth, and in such Directions as the said Commissioners shall think proper, (provided no such Works shall be made upon any inclosed Lands without the previous Consent of the Owners or Persons seised of such inclosed Lands, and that no Brooks, Drains, Watercourses, Tunnels, Water-gates, Banks or Bridges, shall be diverted or altered without the Consent of the Owner or Owners of the Lands from which and into which any Water shall be conveyed by the said Brooks, Drains, Watercourses or Tunnels respectively, such Consent to be testified by Writing under their respective Hands); and the said Commissioners shall and may, and they are hereby directed in and by their said Award to order and direct by whom, at whose Expence, at what Time and Times, and in what Manner the said Brooks, Ditches, Drains, Watercourses, Tunnels, Water-gates, Banks and Bridges, shall be made, and thereafter repaired, cleansed, scoured and maintained.

Power to stop Roads between or over old Inclosures.

XVII. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and empowered to divert or stop up any old Public Carriage Road, Driftway, Bridleway or Footpath, leading between, through, and over any of the old Inclosures in the said Parishes of *Differtb* and *Llanelweth*, and the Soil of the Roads and Ways so to be stopped up shall be deemed and taken to be Part of the Lands and Grounds to be divided and allotted by virtue of this Act: Provided that no such Carriage Road, Driftway, Bridleway, or Footpath, passing or leading between, through, or over any of the old Inclosures in the said Parishes shall be stopped up without the Concurrence and Order of Two Justices of the Peace for the said County of *Radnor*, not interested in such Roads or Ways; and that every such Order shall be subject to an Appeal to the Quarter Sessions for the said County of *Radnor*, in like Manner,

Manner, and under the said Forms and Restrictions as Orders originally made by Justices for diverting and turning Roads and Ways.

XVIII. And be it further enacted, That when and as soon as any of the Public Carriage Roads, to be set out in pursuance of the said recited Act, shall be completed and put into good and sufficient Repair, it shall and may be lawful for the Justices of the Peace of and for the said County of Radnor, at their Special Sessions, to declare such Road or Roads to be fully and sufficiently formed, completed, and repaired; and from which Time and for ever thereafter such Road or Roads shall be supported and kept in Repair by such Persons, and in like Manner as the Public Roads within the said several Parishes or Townships respectively now are or ought by Law to be amended and kept in Repair.

Justices at Sessions to declare new Roads completed.

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

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

XX. And be it further enacted, That the said Commissioners shall, and they are hereby required to set out, appoint, and allot such and so many Stone and Slate Quarries in the said Common, Lands, or Grounds as they shall think necessary, for the Use and Benefit of the Proprietors and Occupiers of the several Allotments which shall be made of the said Common Lands or Grounds in pursuance of this Act, and also of all the Proprietors and Occupiers of ancient Messuages, Lands, Tenements, and Hereditaments in respect of which any such Allotments shall be made, to be used in or upon such Allotment or ancient Messuages, Lands, Tenements and Hereditaments respectively, but not for Sale or upon any other Buildings or Lands, or for any other Use or Purpose; and the said Commissioners shall in and by their said general Award order and direct how and in what Manner the same shall respectively be worked for the general Advantage of the respective Persons interested therein.

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

XXI. And be it further enacted, That the said Commissioners shall assign, set out, and appoint such Part or Parts, Parcel or Parcels of the said Common, Lands or Grounds as is or are conveniently situated, and fit and proper for the digging, cutting, and curing of Peats (if any such there be), for the Use and Benefit of the Proprietors and Occupiers for the Time being, of Messuages, or other Buildings, in respect whereof any Allotments of the said Common Lands or Grounds shall be made in pursuance of this Act, or which shall be erected and built upon any such Allotment or Allotments, to be used in all Times thereafter as Peat Mosses by the said Proprietors and Occupiers for the Time being, and their several Tenants and Lessees, all which Peats shall be used for Fuel in and upon the Messuages or other Buildings so to be erected upon the said respective

Part of the Common to be set out for Peat Mosses.

Allotments, or in or upon the several Messuages or other Buildings, in respect whereof such Allotment shall be made, but not for Sale or any other Purpose whatsoever.

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

XXII. And be it further enacted, That it shall and may be lawful for the said Commissioners in their said Award, if they shall think it proper so to do, to restrict the Use and Enjoyment of any particular Quarry or Quarries, Peat Moss or Peat Mosses, so by them to be set out and appointed respectively as aforesaid, to any particular Proprietor or Class of Proprietors, in Exclusion of the others or other of them, provided another Quarry or Quarries, or Peat Moss or Peat Mosses, are by them the said Commissioners set out, and appointed for the exclusive Use and Enjoyment of those so excluded: And provided also, that no Proprietor or Class of Proprietors of Lands or Tenements in one Parish, shall have any further or other Use or Enjoyment of any Quarry or Quarries, Peat Moss or Peat Mosses, in the other Parish, than hath been customary for the last Thirty Years.

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

XXIII. And be it further enacted, That (after such necessary Roads and Highways, Quarries and Peat Mosses as aforesaid, shall have been deducted) it shall and may be lawful to and for the said Commissioners and they are hereby authorized, empowered and required, as soon as conveniently may be, to appropriate, mark and set out by proper Stakes or Land Marks so much and such Part or Parts of the said Commons or Wastes as to them shall seem competent, necessary and sufficient to be sold as herein-after mentioned, which Part or Parts of the said Commons or Wastes to be appropriated, marked and set out to be sold, shall be inclosed at the Expence of the Purchaser or Purchasers thereof, by a Boundary Fence or Ditch, to be made round the Outside thereof according to the Order of the said Commissioners, and shall be disposed of in such Way and Manner as herein-after is directed.

Lands set apart to be sold to be disposed of by Public Auction.

XXIV. And as to so much and such Part or Parts of the said Commons or Wastes as shall be appropriated, marked and set out to be sold by the said Commissioners in pursuance of the Directions herein contained; be it further enacted, That the said Commissioners shall and they are hereby authorized and required, as soon as may be after the same shall be appropriated, marked and set out as aforesaid, and at such convenient Times and Places as to them shall seem meet, to cause all such Part or Parts of the said Commons or Wastes as shall be so appropriated, marked, and set out to be sold as aforesaid, to be put up to Public Sale or Auction in such Lots or Parcels as to them shall seem fit and expedient; and the same shall be accordingly sold and disposed of in such Way and Manner, and under and subject to such Directions as are contained in the said Act of the Forty-first Year of His present Majesty's Reign; and upon Payment to the said Commissioners of the Purchase Money for which the same shall be sold, the said Commissioners shall in and by their general Award allot and appoint the Part or Parts of the said Commons or Wastes which shall be so sold as aforesaid unto the respective Purchasers thereof, or to such Person or Persons as he, she, or they shall respectively direct; and all and every such Part and Parts of the said Commons or Wastes as shall be so sold, allotted and appointed as aforesaid, shall from and immediately after the Execution of the said general Award of the said Commissioners become and the same is and are hereby declared to be vested in the Person

or

or Persons to whom the same shall be so allotted and appointed, and his or their Heirs and Assigns for ever.

XXV. Provided always, and be it further enacted, That the said Commissioners shall determine and adjudge to what Townships or Divisions respectively within the said Parishes such Part or Parts of the said Commons or Wastes as shall be so sold shall belong, (having a due Regard to the Proportion and Value of the several Messuages, Lands, Tenements and Hereditaments in each Township, Division, or Place respectively, having a Right of Common upon the said Commons or Wastes); and such Part or Parts as shall be so sold, shall be accordingly allotted and awarded to be in such Townships or Divisions respectively; and that from and immediately after the Execution of the general Award of the Commissioners, all and every the said Part or Parts of the said Commons or Wastes which shall be so sold as aforesaid, shall be and shall be deemed and taken as Part and Parcel of such several Townships or Divisions respectively, as the same shall be so appointed and awarded to be in as aforesaid, to and for all Intents and Purposes.

Commissioners to determine to what Townships Parts of Common which shall be sold shall belong.

XXVI. And be it further enacted, That the Monies which shall arise by or from such Sale or Sales as aforesaid, shall be appropriated and applied by the said Commissioners acting under this Act, (so far as the same will extend) in and towards the Payment of the Charges and Expences incident to and attending, or which may be occasioned by soliciting, obtaining and passing this Act, and the said intended Division of the said Commons or Wastes, and of setting out, making, forming, erecting, cutting, and opening the Highways, Roads, Bridges, Drains, and Watercourses which the said Commissioners shall direct to be made or set out, or in any wise relating thereto; and in case there shall be any Surplus of the Monies arising by or from such Sale or Sales as aforesaid, after Payment of all such Charges and Expences as aforesaid, such Surplus Monies shall be divided between the several Persons interested in the said Lands and Grounds in Proportion to their respective Interests and Property therein; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of such other Persons respectively shall be applied in the Manner directed by the said Act of the Forty-first Year of His present Majesty, with respect to Money to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchase of other Lands or Hereditaments to be settled to the same Uses: Provided always, that in all Cases where any of the Persons, Bodies Politic or Corporate, interested in any Allotment or Allotments of the said Commons or Wastes, shall be minded and desirous of paying their respective Shares of the said Expences in Money, instead of sustaining a Loss of Land in their respective Allotments, and shall and do at the First, Second, or Third Meeting of the said Commissioners give Notice in Writing to the said Commissioners of such their Mind and Desire, that then, and in every such Case, the Share or respective Shares of the Party or Parties so giving such Notice as aforesaid of and in all such Expences, shall be paid and defrayed in Money by such Party or Parties respectively, and in such Manner and at such Time or Times, and to such Person or Persons as the said Commissioners shall by Writing under their Hands, order, direct and appoint; and in all Cases where any such Payment or Payments in Money shall

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

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

shall be so made as aforesaid, the said Commissioners, in setting out the Allotment or Allotments of the Party or Parties making such Payment or Payments, shall have regard to the Amount of such Payment and Payments respectively in ascertaining the Share and Proportion of the said Commons or Wastes so to be set out and allotted to such Party or Parties respectively.

Allotment to the Lords of Manors.

XXVII. And be it further enacted, That the said Commissioners shall (after such Allotments as aforesaid shall have been made and set out) assign, set out and allot unto and for the Use of the Lords of the said several Manors of *Upper Elvel* and *Llechryd* respectively, so much and such Part or Parts of the Residue of the said Commons or Wastes hereby directed to be inclosed, as shall be equal in Value to One full Seventeenth Part or Share of such Residue remaining, after deducting such Allotments to be set out as aforesaid, for and in lieu, Satisfaction, and Extinction of the Rights and Interests of such Lords respectively in, over, or upon the Soil of the said Commons or Wastes so directed to be inclosed as aforesaid, and that such Part when so allotted as aforesaid, shall be deemed and taken to be Part and Parcels of the respective Manors, to the Lord or Lords of which the same shall be so allotted.

Allotment of the Residue.

XXVIII. And be it further enacted, That the said Commissioners shall, immediately after making such Allotments as herein-before are directed to be made, divide, set out, allot, and award all the Residue of the Lands and Grounds hereby directed to be divided and allotted unto and amongst the several Persons interested therein, in such Quantities, Shares, and Proportions, as by the said Commissioners shall be adjudged and determined to be a fair, just, and reasonable Compensation and Satisfaction for their several and respective Rights of Common, and other Rights and Interests therein, for which no Compensation is herein-before specially directed to be made.

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

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

For fencing Allotments.

XXX. And be it further enacted, That the several Allotments to be made by virtue of this Act shall be inclosed, hedged, ditched and fenced at the Expence of the respective Proprietors to whom such Fences shall be allotted.

or directed to belong, with Quicksets, or in such other Manner, and within such Times as the said Commissioners shall by their Award, or any other Writing under their Hands direct or appoint: Provided always, that convenient Gaps and Opening shall be left in the said Fences and Inclosures for such a Space of Time next ensuing the Execution of the Award of the said Commissioners, for the Passage of Carts, Carriages and Cattle, as the said Commissioners shall in and by their said Award direct and appoint.

XXXI. And be it further enacted, That no Goats shall be depastured in any of the said intended new Inclosures during the Space of Seven Years from the Execution of the Award of the said Commissioners, and that no Sheep or Lambs shall be depastured therein during the said Space of Seven Years, unless the Persons so respectively depasturing or keeping Sheep or Lambs do, at their own Expence, effectually guard and fence their Neighbour's Quicksets adjoining to such Inclosure respectively in which Sheep or Lambs shall be depastured or kept as aforesaid, so as to prevent any Damage or Injury from being done to such Fence or Fences and Quicksets by any such Sheep or Lambs.

To fence
against Goats,
Sheep, and
Lambs.

XXXII. And be it further enacted, That it shall and may be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments, by virtue of this Act, to give, grant, bargain, sell, limit, convey, and assure the same, or all or any Part of his, her, or their Estates or Interests therein, or Right thereto, at any Time before the Execution of the Award of the Commissioners, and every such Gift, Grant, Bargain, Sale, Limitation, Conveyance and Assurance shall be of the same Force and Validity as if made after the Execution of the said Award; and also that it shall and may be lawful for any of the Owners or Proprietors of any Common Right upon the Lands and Grounds hereby directed to be divided and inclosed, to sell and dispose of the same, or of the Allotment or Allotments to be made and set out in respect thereof by virtue of this Act, separate and distinct from the Estate in Right of which he or she is entitled to the same, in such Manner as he or she might have done at any Time after the Execution of the said Award.

Proprietors
may sell Allot-
ments before
Award and
Common
Rights separ-
ate.

XXXIII. And be it further enacted, That it shall be lawful for the Commissioners to set out, allot and award any Messuages, Buildings, Lands, Tenements, or Hereditaments within the said respective Parishes of *Differtb* and *Llanelweth*, in lieu of and in Exchange for any other Lands, Tenements or Hereditaments, within the said Parishes, or within any adjoining Parishes, Townships, Hamlets or Places respectively: Provided that all such Exchanges be ascertained, specified and declared or contained in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors shall be a Body Politic, Corporate or Collegiate, or a Tenant or Tenants in Fee Simple, Fee Tail, General or Special, or for Life or Lives, or for Years determinable on a Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for Charitable or other Uses, Husbands, Committees, or Attornies, of or acting for any such Owners or Proprietors as aforesaid, who, at the Time of making such Exchange or Exchanges, shall be respectively Infants, Feme Coverts, Lunatics, or under any legal Disability, or who shall be beyond the Seas, or otherwise disabled.

Exchanges.

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to act for themselves, himself, or herself, such Consents to be testified under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hand or Hands of the other consenting Parties respectively; and all and every such Exchange and Exchanges so to be made, shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church or Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements or Hereditaments, so to be exchanged, shall lie or be situate, nor of any Lands, Tenements or Hereditaments holden by Lease for Life or Lives, or for Years determinable on a Life or Lives, without the Consent testified as aforesaid of the Person or Persons seised of or entitled to such Lands, Tenements or Hereditaments in Remainder, expectant on the Determination of such Lease or Leases.

Expences of Exchanges.

XXXIV. And be it further enacted, That the Costs, Charges, and Expences attending the making of any Partition or Exchange, shall be borne and defrayed by the respective Parties making such Partition and Exchange, distinct and apart from the other Expences attending the Execution of this Act, in such Manner as the said Commissioners shall order and direct.

Allotments to be of same Tenure as the Estates in Right whereof they are made.

XXXV. And be it further enacted, That all Lands and Grounds which shall be allotted by virtue of this and the said recited Act to any Person or Persons for or in respect of any Leasehold Messuages, Cottages, Lands or Grounds, or for or in respect of any Right of Common, or any other Right or Interest appurtenant or appendant to any such Leasehold Messuages, Cottages, Lands or Grounds respectively, shall, from and after the Execution of the Award of the said Commissioners, be deemed and taken to be Leasehold, and shall be held as such by and under the same Tenures, Rents, Payments, Fines, Customs and Services, as the Leasehold Messuages, Cottages, Lands, or Grounds respectively, for or in respect whereof they shall or may be allotted are now held, and the said Commissioners shall, by their Award, determine and describe the Lands and Grounds respectively which are to be and remain Leasehold; and all other Lands or Grounds to be allotted by virtue of this Act, save and except such as shall be ascertained by the said Commissioners to be Leasehold, shall be from thenceforth deemed, taken and enjoyed as Freehold Messuages, Cottages, Lands and Grounds.

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

XXXVI. And be it further enacted, That nothing herein contained shall revoke, make void, alter, or annul any Will or Settlement of or concerning any of the Lands, Tenements, or Hereditaments which shall be allotted or exchanged by virtue of this Act, or prejudice any Person having any Claim or Interests to or out of the same, but the same Lands, Tenements or Hereditaments shall upon the Allotment and Exchange thereof, respectively go and remain to the same Uses, upon the same Trusts, and to and for the same Intents and Purposes, and be under and subject to the same Powers, Provisoos, Limitations, Conditions, Covenants, Agreements, Debts, Charges, Incumbrances and Provisions of every Kind, and in the same Manner as the Lands and Hereditaments in respect whereof the same shall be respectively allotted and exchanged would stand or be limited to or upon, or be subject to, if such Allotment or Exchange had not been made, or this Act not passed, except as to such Leases or Agreements for Leases at Rack Rent, or from

from Year to Year, as shall be determined by virtue of this Act, or where any of the Provisions of the said recited Act or of this Act, shall be to the contrary, and also except such Charges and Incumbrances as shall be made thereon by virtue of this Act.

XXXVII. And be it further enacted, That where the Proprietor or Proprietors of any of the Common Lands or Grounds hereby directed to be divided or inclosed, shall hold his or their respective Estates under separate Titles, the said Commissioners shall, upon the Request of such respective Proprietors in Writing under their Hands, set out and distinguish in their said Award distinct and several Allotments for the Lands or other Hereditaments held under such Title; and where from the Want of the necessary Information before the said Commissioners, or from any other Cause, their Award shall omit discriminating as aforesaid such different Titles, Request shall, within Twelve Calendar Months after the Execution of the Award of the said Commissioners be made to the said Commissioners by any Person or Persons interested, by Writing under his or their Hand or Hands, to have such Omission supplied by a separate Instrument; then and in every such Case the said Commissioners are hereby authorized to do every Thing necessary for supplying such Omission, and so far as that Purpose shall require to examine Witnesses, and in every other respect to proceed and act as if the Award had not been made; and when they shall have obtained what they shall think sufficient Information, are hereby also authorized by any Deed or Instrument under their Hands and Seals, to ascertain and distinguish the various Titles, and accordingly to make distinct and several Allotments in the same Manner as are hereby required, where such Discrimination shall be contained in the said Award; and every such separate Instrument, after having been duly executed by the said Commissioners, shall have the same Effect as if it was contained in the said Award, and shall be delivered to the Person or Persons to whom the Custody of the Deeds and Writings concerning the Title to the Premises in question shall, in the Opinion of the said Commissioners, most properly belong for the Time being; and all Expences which shall be reasonably incurred in or about any such supplemental Instrument as aforesaid, shall be payable by the Person or Persons who shall have so requested the said Commissioners as aforesaid, or by his or their Heirs, Executors or Administrators.

Separate Allotments for separate Titles.

XXXVIII. Provided always, and be it further enacted, That the said Commissioners shall and they are hereby required, in all Cases where the same can be done without Injury or Inconvenience to the Occupation of the adjoining Lands, to assign and allot unto such Person or Persons, Body or Bodies Politic or Corporate, entitled to and having Right of Common upon the said Commons or Wastes as are in the Possession of any such Encroachment or Encroachments, as is or are herein-before directed to be deemed Part and Parcel of the said Common Lands and Grounds, all and every of the Lands and Grounds comprised therein, and all Edifices and Buildings erected thereon, for or in Part of the Allotment or Allotments which shall be made to them respectively by virtue of this Act; and unless it shall happen that such respective Encroachments shall be greater or more (Quantity and Quality considered) than the Allotment or Allotments would amount unto, which such Person or Persons, Body or Bodies Politic or Corporate, in the Possession of such Encroachment or Encroachments respectively, would be entitled to for and in respect of their antient Estate, in which Case

Encroachments to be allotted to Persons in Possession thereof.

a proper

a proportionable Part of such Encroachment or Encroachments shall be deducted from the same respectively; and the said Commissioners are hereby directed and required in their Valuation of such Encroachments for the Purposes aforesaid, to estimate the same according to the original Value in their open State, without any regard to the Improvements made therein, or to the Value of the Edifices and Buildings which are erected and built thereupon.

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

XXXIX. Provided always, and be it further enacted, That all the Allotments to be set out and made by virtue of this Act in respect of any Property granted or demised, or held by any Leases or Agreements for any Term or Number of Years not exceeding Twenty-one Years at Rack Rent, shall be allotted to the respective Lessors or Owners of such Property, and shall be held and enjoyed by them respectively free from all Right, Title and Interest of their respective Lessees or Tenants by virtue or under such Leases or Agreements, and such respective Lessors or Owners shall make such Abatement of the Rents reserved or made payable by such Leases or Agreements respectively, for and on account of their taking such Allotments as the said Commissioners shall adjudge and determine to be just and reasonable, and shall in and by their general Award, or any Writing under their Hands, ascertain, direct and appoint.

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

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

Commissioners to direct the Course of Husbandry.

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

Award.

XLII. And be it further enacted, That the general Award to be made by the said Commissioners, pursuant to the Directions of the said Act of the Forty-first Year of His present Majesty's Reign, and this Act, shall be enrolled with the Clerk of the Peace for the County of Radnor, within Three Calendar Months after the Execution thereof by the said Commissioners, or so soon after as conveniently may be; and the said original Award, and such Plans or Surveys as may be annexed thereto, shall be lodged and deposited in one of the Parish Churches of *Differtb* and *Llanelweth* aforesaid, to the End that Recourse may be had thereto by any Person or Persons interested in the said Division and Inclosure; which said Award and Plans, and every other Writing and Instrument to be lodged with the said Award,

shall

shall and may be inspected at all seasonable Times, upon reasonable Notice given by the Party requiring such Inspection.

XLIII. And be it further enacted, That any Money which shall be advanced or lent for the Purpose of obtaining and passing this Act, shall be repaid with lawful Interest to the Person or Persons who shall advance or lend the same, his Executors, Administrators, or Assigns, out of the first Monies which shall be raised for defraying the Expences of passing and executing this Act.

Money advanced for the passing this Act to be repaid with Interest.

XLIV. And be it further enacted, That so much of the Charges and Expences of soliciting, obtaining, and passing this Act, and of surveying, planning and measuring, dividing, and allotting the said Common Lands or Grounds, and of making Highways or Roads, and of all other the Charges and Expences incident to or attending the Execution of this Act, as are not herein otherwise directed to be paid, shall be borne, paid, and defrayed by the several and respective Persons, Body and Bodies Politic and Corporate, to whom any Allotment or Allotments of the said Common Lands or Grounds shall respectively be made, his, her, or their Heirs, Successors, Executors, Administrators and Assigns, other than and except the respective Purchasers of such Part or Parts of the said Common or Waste as shall be sold by the said Commissioners in pursuance of this Act, in Proportion to the real Value of their respective Allotments, to be settled and ascertained by the said Commissioners; and the several and respective Shares and Proportions of all such Costs, Charges, and Expences as aforesaid, shall be payable and paid by such Owners and Proprietors respectively, to such Person or Persons, and at such Time or Times as shall by the said Commissioners either before or after the Execution of their general Award as aforesaid, be ordered, directed, and appointed in Writing under their Hands respectively Twenty-one Days before the Time appointed for such Payment.

Expences of the Divisions to be paid by the Parties, if the Land to be sold is not sufficient.

XLV. And be it further enacted, That the said Commissioners shall, and they are required to keep or cause to be kept a just and true Statement and Account of all Sums of Money which shall be raised or received, and laid out or expended by them, or their Order, or for their Use, under or by virtue or in the Execution of this Act, and of what shall be due and owing to them for their Trouble and Expences, and shall truly and regularly enter all the Particulars of such Statements and Accounts in a Book to be provided for that Purpose; and such Accounts shall at least once in every Year from the passing of this Act, till such Accounts shall be finally allowed, together with the Vouchers relating to the same, be examined and settled by such fit and proper Person as shall be appointed Auditor by the Majority in Value of the said Proprietors, at a Meeting to be holden in like Manner as is herein-before directed with respect to the Meeting of the said Proprietors for the Purpose of appointing a Commissioner in the Place of any Commissioner dying or declining to act, or become incapable of acting; and such Auditor for the Time being, shall, from Time to Time state in Writing under his Hand the Balance of the said Accounts in such Book as aforesaid; and that no Charge or Item in such Accounts shall be binding on the Parties concerned, or be valid in Law, unless the same shall be duly allowed by such Auditor; and also that such Book of Accounts shall be kept at the Office of the Clerk of the said Commissioners, and shall be open to the Inspection of any of the said Proprietors or their Agents at all seasonable Times during the Progress of the said Division and Inclosure, and until the said Accounts shall have been finally settled and allowed; and in case the said Commissioners or their Clerk shall refuse or neglect so to do, the Commissioner or Commissioners and

Commissioners to account.

Clerk so refusing or neglecting, shall, for every such Refusal or Neglect, forfeit and pay to any Person who shall sue for the same the Sum of Ten Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case.

Appeal.

XLVI. And be it further enacted, That if any Person or Persons shall think himself, herself, or themselves aggrieved by any Thing done in pursuance of the said Act of the Forty first Year of His present Majesty or of this Act, other than and except such Claims, Matters, and Things as are by the said Act or this Act directed, or authorized to be ascertained, settled, tried or determined, by the Verdict of a Jury, or where, by any of the Provisions of the said Act or this Act, the Determination, Acts or Proceedings of the said Commissioners are directed to be final and conclusive, he, she, or they may appeal to any General or Quarter Sessions of the Peace which shall be holden for the County of *Radnor*, within Four Calendar Months next after the Cause of Complaint shall have arisen, giving Notice in Writing of every such Appeal, by affixing such Notice, expressing the Cause of Complaint, upon the principal Door of each of the said Parish Churches of *Differtb* and *Llanelweth* aforesaid, Ten Days at least before such General or Quarter Sessions; and the Justices of the Peace assembled at such General or Quarter Sessions, or at any subsequent General or Quarter Sessions to which the said Justices shall adjourn any such Appeal, either for the Want of such Notice having been given as aforesaid, or for any other Cause which to the same Justices shall seem a sufficient Cause to adjourn such Appeals, are hereby authorized to hear and determine the same, and to make such Order therein and award such Damages and Costs as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Damages and Costs which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties awarded to pay the same, rendering the Overplus (if any), upon Demand, to the Owner or Owners of such Goods or Chattels, after deducting the reasonable Charges of every such Distress and Sale; and the Order and Determination of the said Justices upon such Appeal shall be final and conclusive to all Parties concerned, and shall not be removed or removeable by *Certiorari*, or any Process or Writ whatsoever into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

Possessors of Livings or Benefices augmented by Queen Anne's Bounty, may lease their Allotments.

XLVII. And whereas certain Lands, Tenements, and Hereditaments, having Right of Common upon the said Commons or Wastes, have been purchased by the Aid of Queen *Anne's* Bounty for the Augmentations of Ecclesiastical Livings or Benefices, and it would tend to the Advantage of the several Possessors of such Livings or Benefices, by the better enabling them to improve their several Allotments to be set out in respect of such last-mentioned Premises, if they were respectively empowered to grant Leases thereof; be it therefore further enacted, That it shall be lawful for the several Possessors or Incumbents of such Livings or Benefices for the Time being respectively, by Indenture or Indentures under their respective Hands and Seals, with the Consent and Approbation of the Bishop of the Diocese and of the respective Patrons of such Livings or Benefices, to lease or demise all or any Part or Parts of the Allotment or Allotments to be set out and allotted to such several Possessors or Incumbents in respect of such Benefices or Livings by virtue of this Act, to any Person or Persons whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Calendar Months next after the Execution of the said Award, so that the Rent or Rents for the same shall be thereby reserved to the Possessors or Incumbents of such Livings

Livings or Benefices respectively for the Time being, by Four Quarterly Payments in every Year, and so that there be thereby also reserved and made payable to such Possessors or Incumbents respectively, the best and most improved Rent or Rents that can be reasonably had or gotten for the same, without taking any Fine, Premium, Foregift, Sum of Money, or other Consideration for the making or granting any such Lease or Demise, and so that no such Lessee by any such Lease or Demise be made punishable for Waste by any express Words to be therein contained; and so that there be inserted in every such Lease Power of Re-entry on Non-payment of the Rent or Rents to be thereby reserved, within a reasonable Time, to be therein limited after the same shall become due, so that a Counterpart of such Lease be duly executed by the Lessee or Lessees to whom such Lease shall be so made as aforesaid, and every such Lease shall be valid and effectual, any Law or Usage to the contrary notwithstanding.

XLVIII. 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 the said Trustees of the said Charity, their Successors, or of their Lessee or Lessees, Steward or Stewards, or other Officers for the Time being, of and for the Manors of *Upper Elvel* and *Llechryd* aforesaid, or any Parcel or Member thereof, or in or to the Seignories and Royalties incident and belonging to the same, but that the Lords of the said Manor for the Time being, their Lessee or Lessees, Steward or Stewards, or other Officers thereof for the Time being, shall and may from Time to Time and at all Times hereafter hold and enjoy all the Rents, Services, Courts, Perquisites and Profits of Courts, Deodands, Waifs, Estrays, Escheats, Forfeitures, and all other Royalties, Privileges, Rights, Pre-eminences, Jurisdictions and Appurtenances whatsoever to the same, or to the Stewards or other Officers thereof, incident or appending, belonging or appertaining, in the same Manner as if this Act had not been passed.

Saving to the
Lords of the
Manor.

XLIX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and every Person or Persons, Bodies Politic or Corporate, his, her, or their Heirs, Successors, Administrators and Assigns, (other than and except the respective Persons to whom any Allotment or Allotments of Land or other Compensation shall be made, or provided by virtue of this Act, in respect of the Interest or Property for which such Allotment or Compensation shall be made, and except such other Rights and Interests as the Intents and Purposes of the Inclosure hereby authorized to be made, shall absolutely require to be barred, destroyed or extinguished by this Act), all such Estates, Rights and Interests, as they or any of them had or enjoyed of, in and to, or in respect of the Commons and Wastes hereby directed to be divided and inclosed before the passing of this Act, or could or might have enjoyed, if this Act had not been made.

General
Saving.

L. And be it further enacted, That this Act shall be printed by the several Printers to the King's most Excellent Majesty, duly authorized to print the Statutes of the United Kingdom; and a Copy thereof, so printed by any of them, shall be admitted as Evidence thereof, by all Judges, Justices, and others.

Public Act.