



ANNO SEXTO & SEPTIMO

VICTORIÆ REGINÆ.

Cap. 14.

An Act for inclosing Lands in the several Parishes of *Eglwys-rhos*, *Llandudno*, and *Llangwstenin* in the County of *Carnarvon*, and in the Parish of *Llandrillo* in the Counties of *Denbigh* and *Carnarvon*, or either of them.

[12th July 1843.]

WHEREAS there are within the several Parishes of *Eglwys-rhos*, *Llandudno*, and *Llangwstenin* in the County of *Carnarvon*, and in the Parish of *Llandrillo* in the Counties of *Denbigh* and *Carnarvon*, or either of them, divers Commons, Commonable Lands, and Waste Grounds, Heaths, Open and Common and other Fields and Waste Lands, and other Common Lands and Waste Grounds, which lie intermixed in small Parcels, and are inconveniently situated for the Use and Enjoyment of the several Proprietors thereof and other Parties interested therein, and in their present State are incapable of any considerable Improvements: And whereas the Right Reverend *Christopher* Lord Bishop of *Bangor*, in right of his Bishopric, is or claims to be Lord of the Manor of *Gogarth* in the said Parish of *Llandudno* t And whereas the said *Christopher* Lord Bishop of *Bangor*, in right of his See aforesaid, the Honourable *Edward Mostyn Lloyd Mostyn*, Sir *Richard Bulkeley Williams Bulkeley* Baronet, Dame *Margaret Mostyn Champneys* Widow, Dame *Silence Erskine* Widow, *Thomas Peers Williams* Esquire, *Lloyd Hesketh*

[Private.]

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Bamford

Bamford Hesketh Esquire, the Trustees of Whitehall Dod Esquire, John Lloyd Wynne Esquire, Richard Butler Clough Esquire, Edward Lloyd Esquire, John Lloyd Jones Esquire, Thomas Penson Esquire, the Venerable Archdeacon Jones, the Reverend Hugh Hughes, Robert Williams Esquire, Hugh Rees Esquire, William Jones Esquire, and divers other Persons, are the Owners or Proprietors of or interested in the said Commonable and Waste Lands or Grounds, and of the said inclosed Lands and Homesteads, and of ancient Commonable Messuages or Tofts within the said several Parishes, and in respect thereof or otherwise are or claim to be entitled to certain Rights of Sheepwalk, Common of Pasture for their Cattle, and other Rights and Interests in and over the same or some Parts thereof, or are otherwise interested therein: And whereas it would be of great Advantage to the Persons entitled to or interested in the said Open and Common Fields, Common Meadows, Common Pastures, and other Commonable Lands and Waste Grounds if the same were divided and allotted unto and amongst them according to their respective Rights and Interests therein, and inclosed and held in Severalty, and all Rights of Common therein respectively extinguished; but the Purposes aforesaid cannot be effected without the Authority of Parliament: And whereas an Act was passed in the Forty-first Year of the Reign of King

41G.3.c.109. *George the Third, 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 another Act was passed in the Second Year of the Reign of His late Majesty King George the Fourth, intituled An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in England: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Two recited Acts passed respectively in the Forty-first Year of the Reign of King George the Third, and in the Second Year of the Reign of King George the Fourth, and the several Enactments and Provisions thereof, shall from the passing of this Act be deemed to be and shall be executed as Part of this Act, except in such Cases wherein the same are hereby respectively repealed or varied, or wherein the same shall be inapplicable to the Purposes of this Act.*

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c. 23.

Recited Acts
to form Part
of this Act.

Appointment
of Commis-
sioner.

Qualification
of Commis-
sioner.

II. And be it enacted, That *Richard Yates of Whittington* in the County of *Salop*, Gentleman, shall be and he is hereby appointed the Commissioner for carrying this Act and the said recited Acts into execution; and it shall be lawful for the said Commissioner and he is hereby required to divide, allot, and inclose the said Waste and Commonable Lands and Grounds in the said several Parishes, according to the Regulations and Provisions contained in the said recited Acts and this Act: Provided always, that neither the said *Richard Yates* nor any other Person shall be capable of acting as such Commissioner (except in signing and giving Notice of the First Meeting of the Commissioner, and in receiving the Declaration herein-after directed,) until he shall have made and subscribed a Declaration in
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the Words or to the Effect set forth in the Schedule (A.) to this Act, which Declaration it shall be lawful for any Justice of the Peace for either of the said Counties to administer and receive; and such Declaration shall be in lieu of the Oath or Affirmation required by the said Act of the Forty-first Year of the Reign of King George the Third to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands or Grounds.

III. And be it enacted, That if the said *Richard Yates*, and *Robert Piercy*, the Surveyor herein-after named, or either of them, or any other Person, not having so qualified himself as aforesaid, shall act as a Commissioner or Surveyor under this Act, he or they shall for every such Offence forfeit the Sum of Fifty Pounds, with full Costs of Suit, to any Person who shall sue for the same, by Action of Debt or on the Case, in any of Her Majesty's Courts of Record at *Westminster*.

Penalty on Persons acting not qualified.

IV. And be it enacted, That in case the said *Richard Yates*, or any Person to be appointed a Commissioner in his Room by virtue of this Act, shall, before the finishing of the said Division, Allotment, or Inclosure, die, or become incapacitated, or neglect or refuse for the Space of Two Calendar Months to act as such Commissioner, then and in every such Case it shall be lawful for the major Part in Value (such Value to be ascertained by the Poor Rate Assessment for the Time being) of the several Proprietors of Land within the said several Parishes, (exclusively of the Lord of the said Manor as such,) who shall attend, either personally or by their respective Agents, at any Meeting to be held for that Purpose, (of which Meeting Notice shall be given by some One or more of the Persons interested in the said Inclosure by Advertisement, and also on the Church Doors, as herein-after directed, at least Twenty-one Days before such Meeting, to appoint, by Writing under their Hands, some fit Person to be a Commissioner in the Room of the said *Richard Yates* or of the Commissioner appointed in his Place, and so from Time to Time as often as any such Commissioner shall die, neglect or refuse or become incapable to act.

Appointment of Commissioner on Vacancy.

V. And whereas the Queen's most Excellent Majesty, in right of Her Crown, is Owner of the Soil of so much of the Commons and Waste Lands in the several Parishes of *Eglwys-rhos*, *Llangwstenin*, and *Llandrillo* as are in the Hundred of *Creuddyn* or in the Lordship of *Denbigh*, except such Parts of the said several Parishes, or either of them, (if any,) as are within the Manor of *Gogarth*; be it enacted, That the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works and Buildings, for the Time being, may from Time to Time, by Writing under their Hands, nominate and appoint an Assistant Commissioner to carry this Act into execution, as far as relates to Her Majesty's Rights and Interests in and to the said Commons and Waste Lands; and such Assistant Commissioner, before he proceeds to the Execution thereof, shall make and subscribe to the Declaration set forth in Schedule (A.); and the Expences of the said Assistant Commissioner, and the Rewards for his Time, Trouble, and Services, shall be paid by and out of the Funds herein-

An Assistant Commissioner may be appointed.

after

after provided for carrying this Act into execution; and that no Allotment or Allotments to and for the Use of Her Majesty shall be made or be effectual without the Concurrence or Approbation in Writing of the Assistant Commissioner.

Appointment
of Surveyor.

VI. And be it enacted, That *Robert Piercy* of *Chirk* in the County of *Denbigh*, Gentleman, shall be and he is hereby appointed Surveyor for the Purposes of this Act: Provided always, that neither the said *Robert Piercy* nor any other Person shall act as such Surveyor until he shall have made and subscribed the Declaration in Schedule (A.) to this Act annexed, which Declaration it shall be lawful for the Commissioner for the Time being, or any Justice of the Peace for either of the said Counties, to administer and receive; and the said Declaration so made and subscribed shall be annexed to and deposited with the Award of the Commissioner.

Penalty on
making false
Declaration.

VII. And be it enacted, That if any Person shall falsely or corruptly make and subscribe a Declaration under the Authority of this Act, knowing the same to be untrue in any material Particular, he shall be guilty of a Misdemeanor.

Appointment
of Clerks.

VIII. And be it enacted, That *David Williams* of *Portmadoc* and *John Hughes* of *Bangor* in the County of *Carnarvon*, Gentlemen, shall be and they are hereby appointed the Clerks as well to the said Commissioner for carrying this Act into execution, for the Purpose of assisting him in the Execution of the Powers and Provisions thereof, as also to the Committee herein-after appointed; and that the said *David Williams* and *John Hughes* shall twice in every Year, if so required, produce to the said Commissioner and Committee the Particulars of their Demand for the preceding Half Year, in order that the same, when apportioned by the said Commissioner or Committee, or any Three of them, between each Parish, may be paid and discharged.

No Party
interested to
be appointed
a Commis-
sioner, &c.

IX. And be it enacted, That no Person shall be appointed or shall act as Commissioner or Surveyor in the Execution of this Act who shall be interested in the Lands to be inclosed, or who shall be the Agent ordinarily intrusted with the Care, Superintendence, or Management of the Estate of any Person so interested.

Allowances
to Commis-
sioner and
Clerks.

X. And be it enacted, That each of them the said Commissioner and Clerks shall be paid respectively out of the Inclosure Expences Fund, for their Time and Trouble in carrying this Act into execution, in the Sums and Proportions following; (that is to say,) the Commissioner shall be paid for his travelling to and from, and Attendance upon, and his Duties at, every public Meeting relating to the Execution of this Act, the Sum of Five Pounds and Five Shillings; but in case the Business of such Meeting should require its Adjournment beyond and occupy more than the Day on which it shall be held, then and in such Case the Commissioner shall be paid the further Sum of Two Pounds Twelve Shillings and Sixpence for every Day during which such Meeting may be further continued over and beyond such First Day thereof; also that such Commissioner be
allowed

allowed and paid the Sum of Two Pounds and Two Shillings *per* Day for every Day during which he may be occupied in valuing the ancient Inclosures, in preparing such Valuations for Exhibition, and in valuing and allotting the Commons hereby authorized to be divided, allotted, and inclosed; also that the Clerk to such Commissioner be paid for each Day he shall travel or be engaged in any Business relating to the Execution of this Act the Sum of Three Pounds and Three Shillings for each Day he shall be so engaged as aforesaid for the first Three Years after the passing of this Act, and Two Pounds and Two Shillings *per* Day afterwards; and such Payment shall be in full Satisfaction to the Commissioner and Clerks respectively for their Time and Trouble, and for the several Expences incurred by them during their several Journeys and Attendances in the Execution of this Act, except the Expence of the Rooms in which the Meetings of the Commissioner shall be held, and the Expence of Appeals or other legal Proceedings against the Commissioner, and the Expence of Notices and Advertisements, and of preparing, proclaiming, and enrolling the Award, and such other like necessary Expences: Provided always, that it shall not be lawful for the Commissioner to retain or pay himself or the said Clerks any Money on account of the before-mentioned Allowances respectively beyond One Third of the Allowance to which they shall be respectively entitled until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided.

XI. And be it enacted, That in computing the aforesaid Allowance to the Commissioner and Clerks a Day shall be deemed to consist of Eight Hours during the Period between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours during the Period between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and where the Time occupied in going to and attending at and returning from any Meeting to be holden, or on other Business to be transacted under the Provisions of this Act, shall be of less Duration than Eight Hours in the First of the Periods aforesaid, or of Six Hours in the Second Period, the same shall be charged as only Half a Day, and the Commissioner and Clerks shall be paid accordingly.

Length of Day for estimating Allowances.

XII. And be it enacted, That in case the said *Robert Piercy*, or any Person to be appointed Surveyor in his Room by virtue of this Act, shall, before the finishing of the Admeasurement, Allotment, Division, or Inclosure of the said Commons respectively, die, or become incapacitated or neglect or refuse for the Space of Two Calendar Months to act as such Surveyor, then and in every such Case it shall and may be lawful for the Committee herein-after named, or the major Part of them assembled at any Meeting to be specially called for that Purpose, of which Meeting Notice shall be given by One or more of such Committee by Advertisement, and also on the Church Doors, as herein-after directed, at least Twenty-one Days before such Meeting,) to appoint by Writing under their Hands some fit Person to be a Surveyor in the Room of the said *Robert Piercy*,

Appointment of new Surveyor.

[*Private.*]

Piercy, or of the Surveyor appointed in his Place, and so from Time to Time as often as any such Surveyor shall die, neglect or become incapable to act as aforesaid.

Removal of Clerks.

XIII. And be it enacted, That the Committee to be appointed as herein-after is mentioned, or the major Part of them, at any Special Meeting to be called (and of which Twenty-one Days Notice at least shall be given and published as aforesaid) for that Purpose, shall from Time to Time, if they shall see Cause, remove the said *David Williams* and *John Hughes*, or either of them, from being such Clerks or Clerk as aforesaid, and appoint others or other in their or his Place or Stead, and so *toties quoties*; and that immediately thereupon the said *David Williams* and *John Hughes*, or either of them so to be removed as aforesaid, shall deliver all Acts, Books, Maps, Admeasurements, Accounts, and other Documents and Papers in their or his Possession relative to the said Inclosure to their or his Successors or Successor, upon being, nevertheless, paid the Sum or Sums of Money, Costs, Charges, and Expences due and owing to them or him up to that Period.

Old Surveys of inclosed Lands may be used.

XIV. And be it enacted, That nothing in the said first-recited Act or in this Act contained shall require the Commissioner to make or cause to be made any Survey or Admeasurement of any of the Messuages, Cottages, Gardens, and Inclosures within the several Parishes aforesaid or either of them, but the Commissioner shall, for the Purposes of the said Inclosure, be at liberty to use and adopt the Plans and Surveys already or which may hereafter be made and used in effecting the Commutation of Tithes in the said several Parishes, or any other Plans or Surveys he may deem sufficient.

Old Surveys of Waste Lands may be used.

XV. And be it enacted, That it shall be lawful for the Commissioner to adopt and make use of any Survey, Admeasurement, or Plan already made of the Lands to be inclosed, or of any Part thereof respectively, without causing a new Survey, Admeasurement, or Plan to be made thereof.

Quality of the Land to be published.

XVI. And for the more just and regular Division, Allotment, and Distribution of the said Commons and Waste Lands by this Act directed to be divided, allotted, and inclosed, be it enacted, That the said Commissioner shall and he is hereby required, as soon as conveniently may be after the passing of this Act, to value all the Lands and Grounds by this Act directed to be divided, allotted, and inclosed, and also all the ancient inclosed Lands and Grounds having a general Right of Common over the same, which Valuation and the Particulars thereof shall be reduced into Writing, and signed by the said Commissioner, and shall be lodged with such Person resident in either of the said Parishes, as the said Commissioner shall appoint, for the Inspection of the several Proprietors or their Agents; and any Person or Persons interested shall be entitled to a Copy of such Valuation, on Demand, paying for such Copy a reasonable Price, to be ascertained by the said Commissioner; and the said Commissioner shall give or cause to be given Fourteen Days Notice by Advertisement in One of the Papers circulating in the Neighbourhood, and

also by a Notice to be affixed upon the principal outer Doors of the several Parish Churches aforesaid, on the Two *Sundays* (next preceding the Day of such Meeting) immediately before Divine Service, of the Time and Place by him appointed for receiving and hearing any Objections that may be made to such Valuation or Quality; and the said Commissioner shall then and there, or at some Adjournment of such Meeting, of which due Notice shall also be given, hear and finally determine all such Objections accordingly.

XVII. And be it enacted, That the Commissioner shall cause Notice to be given by Advertisement or on the Church Doors of the said several Parishes of the Time and Place when and where his first and every subsequent Meeting shall be held (Meetings by Adjournment only excepted), and he may from Time to Time adjourn any such Meetings; and if at the Time and Place appointed for any such Meeting the Commissioner shall not attend, it shall be lawful for his Clerk to adjourn such Meeting for not more than Twenty-one Days, to be held at the same Place, giving timely Notice thereof to the Commissioner: Provided always, that all Meetings of the Commissioner for executing this Act shall be held within either of the said Parishes, or within Eight Miles thereof. Meetings, and Notices thereof.

XVIII. And be it enacted, That all Notices by this Act directed to be given by Advertisement shall be given by Advertisement to be inserted in some Newspaper or Newspapers printed or usually circulated in the said Counties or either of them; and all Notices directed to be given on the Church Doors shall be by Writing under the Hand of the Party giving such Notice, to be affixed on the principal outer Door of the Parish Church of *Eglwys-rhos, Llandudno, Llangwstenin, and Llandrillo* aforesaid on *Sunday* before Divine Service; and all Notices necessary to be given by the Commissioner (the Mode of giving which is not hereby particularly directed) shall be by One of the Methods aforesaid; and all Notices so given shall be deemed sufficient Notices to all Persons concerning all Matters and Things to which such respective Notices shall relate, any thing in the said first-recited Act to the contrary notwithstanding. Notices how to be given.

XIX. And be it enacted, That if the Commissioner shall not attend the First or Second Meeting appointed to be held for putting this Act into execution, and to qualify himself by making the Declaration in that Behalf prescribed, or if he shall, at any Time after having qualified himself as aforesaid, wilfully absent himself from any Two successive Meetings, the Times of such Meetings being known to him by his having been present at the Appointment of the first thereof, or by a Notice thereof in Writing under the Hand of his Clerk having been given to him or left at his usual Place of Abode, (such Commissioner not being prevented by Sickness, or by other reasonable Cause, to be allowed by such of the Committee attending such Meetings,) or if any Commissioner to be hereafter elected or appointed as aforesaid shall not attend and qualify himself at the First or Second Meeting to be held after his Appointment, or shall, after having qualified himself as aforesaid, wilfully absent himself in manner aforesaid, after such Notice, and What shall be a Refusal to act.

and without Cause of Excuse as aforesaid, every such Absence or Non-attendance shall be deemed to be a Refusal to act.

Map and
Schedule of
Allotments
to be made.

XX. And be it enacted, That when and as soon as the said Commissioners shall have ascertained, jointly or severally, the respective Shares, Rights, and Interests of the said Proprietors and Persons interested in the said Commons and Waste Lands, and also the respective Shares and Proportions by them proposed to be allotted to such Proprietors and Persons interested respectively in lieu thereof, the said Commissioners shall, jointly or severally, give Notice 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 wherein the same shall be set out and delineated, and may have and receive a Copy of such Schedule as far as the same relates to such Proprietors and Persons respectively interested; and a Copy of such Schedule and Map or Plan, as far as relates to the Allotments to be made to Her Majesty, shall, by the said Commissioners, Ten Days at least previously to the Time of meeting for the Perusal of such Schedule, Map or Plan, be transmitted to the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, Works, and Buildings.

Allotment to
the Queen.

XXI. And be it enacted, That the said Commissioners shall (before any other Allotment shall be made or set out) allot and set out unto the Queen's most Excellent Majesty, Her Heirs and Successors, One full Twentieth Part or Share in Value of the said Commons and Waste Lands hereby intended to be divided, allotted, and inclosed as aforesaid in lieu of Her Right and Interest in the Soil of the said Commons and Waste Lands, except such Part or Parts thereof as lie within the said Manor of *Gogarth*.

Persons
summoned
by the Com-
missioner
and refusing
to give
Evidence
punished.

XXII. And be it enacted, That if any Person, having been summoned to testify the Truth upon Oath touching any Matter relating to the Execution of this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the Commissioner, to defray the Charges of his Attendance, shall not appear before such Commissioner pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or appearing shall refuse to be sworn or to give Evidence touching the Premises, it shall be lawful for the Commissioner, upon Proof of such Summons and Tender made before him upon Oath (which Oath he may administer), by Warrant directed to any Person whomsoever, to cause any Sum of Money not exceeding Ten Pounds to be levied by Distress upon the Person so neglecting or refusing to appear or give Evidence; and the Money so to be levied as aforesaid shall be considered as Part of the Inclosure Expences Fund, and shall be applied accordingly.

For regu-
lating Dis-
tresses.

XXIII. And be it enacted, That when in this Act any Sum of Money, whether in the Nature of Penalty or otherwise, shall be directed to be levied by Distress, such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same; and the surplus Monies arising from such Sale, after satisfying such Sum of Money, and the Costs and Expences attending

attending the Distress and Sale, shall, on Demand, be rendered to the Party whose Goods and Chattels shall have been distrained.

XXIV. And be it enacted, That all the Orders, Proceedings, and Determinations of the Commissioner and the Committee at any Meeting to be held in pursuance of this Act shall be entered in a Book to be provided for that Purpose, and shall be signed by the Commissioner or Chairman of the Committee, and being so signed shall be deemed to be Originals; and all such Books shall be deposited with and kept by the Clerk to the Commissioner, and may be read as Evidence in all Cases of Appeals, Suits, Actions, and other Proceedings touching any thing done in relation to this Act.

Proceedings
to be entered
in a Book.

XXV. Provided always, and be it enacted, That the several Persons interested in the said Inclosure, and their respective Agents, shall pay their own Expences whenever they shall attend any of the Meetings to be held in pursuance of this Act.

Proprietors
to pay their
own Ex-
pences at
Meetings.

XXVI. And be it enacted, That for the Purpose of shortening or rendering straight any Boundary Fences between the Lands to be inclosed and the old inclosed Lands in the said several Parishes, or either of them, or between such Allotments and inclosed Lands, or any of them, and any adjoining Lands, it shall be lawful for the Commissioner (with the Consent of the Lord of any Manor in which the Lands are situate, and of the Owners of any such adjoining Lands, testified by Writing under their respective Hands, or under the Common Seal of any of them, being a Corporation Aggregate,) to set out and determine the Boundaries between the Lands to be inclosed and any adjoining Lands lying in the same or in any adjoining Manor as they shall judge proper for the Purposes aforesaid; and after such Boundaries shall have been so set out and determined as aforesaid the same shall be made, fenced, ditched, or mounded by such Persons in such Manner and at such Times as the Commissioner shall direct, and shall for ever be deemed the Boundaries between the allotted and the old inclosed Lands respectively, or (as the Case may be) between the allotted or old inclosed Lands and such adjoining Lands.

For shorten-
ing Boun-
daries.

XXVII. And be it enacted, That it shall be lawful for the Commissioner to set out and make such Common Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, of such Extent and Form, and in such Situations, as he shall deem necessary, in the Lands to be inclosed, and also to enlarge, cleanse, or alter the Course of and improve any of the present Ditches or Watercourses, Banks or Bridges, as well in and over the same Lands, as also in any ancient Inclosures or other Lands within the said several Parishes, or either of them, as the Commissioner shall deem necessary (making such Satisfaction to the Proprietors of such ancient Inclosures or Lands for the Damage done thereby as the Commissioner shall think just); and the Expences of making and enlarging, altering and cleansing, such Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges, when the same shall be first done, in pursuance of this Act, if not otherwise provided for, shall be raised by the Commissioner in the

Commis-
sioner to set
out Drains,
and enlarge
and turn
Water-
courses.

[Private.]

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same

same Manner as the other Expences of carrying this Act into execution; but all such Ponds, Ditches, Watercourses, Tunnels, Banks, and Bridges shall at all Times afterwards be repaired, cleansed, and maintained by such Persons and in such Manner as the Commissioner shall by his Award direct; provided that no Watercourse be diverted or turned without the Consent in Writing of the Persons from whose Lands the same may be diverted, and of the Persons into whose Lands the same may be turned, or to the Prejudice of any Person interested in such Watercourse, except with his Consent in Writing.

Power to
widen Roads.

XXVIII. And be it enacted, That it shall be lawful for the Commissioner to widen any of the public Roads or Highways which may pass through or over the Lands to be inclosed to any Extent he shall think fit, not exceeding Forty Feet in the whole, and for that Purpose to take a sufficient Quantity of the Common or Waste Lands adjoining such Roads.

Power to
stop up or
divert exist-
ing Roads.

XXIX. And be it enacted, That in setting out the several public Carriage Roads, Highways, Bridle Roads, and Footpaths, in pursuance of this Act or of the first-recited Act, the Commissioner may, if he shall think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace of the County or Counties in which the same public Carriage Roads, Highways, Bridle Roads, and Footpaths shall be situated, discontinue, stop up, divert, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footpaths passing through any of the Lands to be inclosed, or any of the old Inclosures within the said several Parishes; and the Soil of such of the Roads and Ways so to be discontinued and stopped up as pass through allottable Lands shall be deemed Part of the Lands to be inclosed: Provided always, that nothing herein contained shall authorize the altering or diverting of any Turnpike Road, unless the Consent of the Majority of the Trustees of such Turnpike Road, assembled at a public Meeting called for that Purpose on Ten Days Notice, be first obtained.

Proceedings
previously to
stopping up
and diverting
Roads.

XXX. Provided always, and be it enacted, That before any public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, diverted, stopped up, or altered by the Commissioner, or any such Order of Two Justices shall be made, the Commissioner shall cause to be affixed at each End of such public Carriage Road, Highway, Bridle Road, or Footpath a Notice to the Effect that the same is intended to be discontinued, stopped up, diverted, or altered, as the Case may be, by the Commissioner; and the Commissioner shall also cause the same Notice to be given by Advertisement for Four successive Weeks, and also on the Church Doors of the said several Churches respectively on the Four *Sundays* of the said Four successive Weeks; and after the said several Notices shall have been so given, and after such Order as herein-before mentioned shall have been made, such public Carriage Road, Highway, Bridle Road, or Footpath shall be and be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject, however, to such Appeal as is herein-after mentioned.

XXXI. Pro.

XXXI. Provided also, and be it enacted, That it shall be lawful for any Person who may think that he would be injured or aggrieved if any such Carriage Road, Highway, Bridle Road, or Footpath should be discontinued, stopped up, diverted, or altered, as the Case may be, within Four Months after the making of the said Order, to make his Complaint thereof by Appeal to the Justices of the Peace at the Quarter Sessions for the County or Counties in which such Carriage Road, Highway, Bridle Road, or Footpath shall be situated, upon giving to the Commissioner or his Clerk Ten Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof; but it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been given as aforesaid, nor on any Hearing of Appeal to go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Appeal to
Quarter Ses-
sions.

XXXII. And be it enacted, That in case of such Appeal the Justices at such Quarter Sessions shall, for the Purpose of determining whether such public Carriage Road, Highway, Bridle Road, or Footpath shall be discontinued, stopped up, diverted, or altered, or whether the Party appealing would be thereby injured or aggrieved, impanel a Jury of Twelve disinterested Men out of the Persons returned to serve as Jurymen at such Quarter Sessions; and if after hearing the Evidence produced before them the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath is unnecessary, or may beneficially to the Public be discontinued, stopped up, diverted, or altered, and that the Party appealing would not be injured or aggrieved thereby, then the said Court shall dismiss such Appeal, and shall award the Costs of resisting the said Appeal to be paid by the Appellant to the Commissioner; and the same shall be recoverable in the same Manner as any Penalties and Forfeitures are recoverable under the said first-recited Act; but if the said Jury shall return a Verdict that such public Carriage Road, Highway, Bridle Road, or Footpath is not unnecessary, or that the same could not beneficially to the Public be so discontinued, stopped up, diverted, or altered, or that the Party appealing would be injured or aggrieved thereby, the said Court shall allow such Appeal, and such public Carriage Road, Highway, Bridle Road, or Footpath shall not be discontinued, stopped up, diverted, or altered, or in case the same shall have been discontinued, stopped up, diverted, or altered, the said Court shall make an Order for restoring the same to its original State, and shall award to the Appellant the Costs of prosecuting such Appeal; and such Costs shall be paid by the Commissioner out of the Inclosure Expences Fund.

In case of
Appeal, Jury
at Sessions to
determine
whether
any Roads
shall be dis-
continued.

XXXIII. And be it enacted, That the Expences attending the purchasing of the Soil of such Roads, or the stopping up, discontinuing, diverting, and altering of such Roads, and the Money Compensation in respect thereof, shall be paid out of the Inclosure Expences Fund.

Expences of
discontinuing
or widening
Roads.

XXXIV. And

Justices may declare any of the Carriage Roads completed.

XXXIV. And be it enacted, That when and so soon as Two or more of Her Majesty's Justices of the Peace for the County or Counties in which such public Carriage Road shall be situated shall certify any of the public Carriage Roads to be set out in pursuance of this Act to be sufficiently formed and completed, such Roads shall thenceforth be kept in repair by such Persons and in such Manner as the public Roads within the Parish or Parishes within which such Roads or Road are or is situate are or ought by Law to be kept in repair; and every such Certificate shall, at the Quarter Sessions of the Peace to be holden for the County or Counties in which such Roads or Road are or is situate, next after the Date thereof, be filed of Record by the Clerk of the Peace for the said County or Counties.

Commissioner to appoint private Roads.

XXXV. And be it enacted, That the Commissioner shall set out such private Roads, Bridleways, and Footpaths through the Lands to be inclosed as he shall think requisite, giving such Notice and subject to such Examination as is required by the said first-recited Act in the case of public Roads; and any Expences which the Commissioner may think fit to incur prior to the Time of making his Award relative to the setting out or the Formation or Completion of such private Roads, Bridleways, and Footpaths, or any of them, shall be paid out of the Inclosure Expences Fund; and the said private Roads, Bridleways, and Footpaths shall thereafter be maintained and kept in repair by and at the Expence of the Owners and Proprietors for the Time being of any of the Lands within the said Parishes respectively, in such Shares and Proportions and in such Manner as the Commissioner shall by his Award direct.

Commissioner empowered to suspend or extinguish Rights of Common,

XXXVI. And be it enacted, That it shall be lawful for the Commissioner, at such Time as he shall think proper, and before the Execution of his Award, by Notice on the said several Church Doors, to order all or any Part of the Rights of Sheepwalk, Common or other Rights, in or over the Lands to be inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended during such Time as shall be expressed in such Notice, and from the Time mentioned in such Notice such Rights shall be extinguished or suspended accordingly.

Cattle depasturing in breach of the Commissioner's Order to be distrained.

XXXVII. And be it enacted, That if, during the Suspension or after the Extinguishment of any such Rights of Sheepwalk, Common or other Rights as aforesaid, any Owner or Occupier of Land, or of any Commonable Messuage or Cottage, or the Site of any Commonable Messuage or Cottage, within the said several Parishes or either of them, or any other Person, shall permit his Cattle or Sheep to go or depasture upon any of the Lands over which such Rights shall be suspended or extinguished, it shall be lawful for the Commissioner, or any other Person by his Order (testified in Writing under his Hand), and also for any other of the said Owners or Occupiers, to distrain such Cattle or Sheep being upon such Lands or Grounds contrary to such Order, and to impound the same until the Person so offending shall pay to the Person so distraining such Sum of Money as the Commissioner shall by Writing under his

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Hand,

Hand, to be delivered to or left at the Place of Abode of the Person whose Cattle or Sheep shall be so distrained, have previously ordered, not exceeding Ten Shillings for each Head of Cattle and Five Shillings for each Sheep so distrained; and in case the same shall not be paid within Seven Days after the Delivery of such Writing, the Commissioner is hereby authorized, upon Proof of such Offence having been committed, and of Nonpayment of the Penalty hereby imposed, to cause the Cattle or Sheep so distrained or impounded, or such of them as he shall think necessary, or any other Goods or Chattels of the Persons so offending, to be sold for raising and paying the Penalty aforesaid, together with the Costs and Charges attending such Distress, rendering the Overplus (if any) to the Owner of such Cattle or Sheep.

XXXVIII. And be it enacted, That it shall be lawful for the Commissioner, from Time to Time as he shall think fit, by Notice on the Church Door to direct the Course of Husbandry and the Stint or Rule of Stocking that shall be observed upon the Lands to be inclosed until the Time when he shall have completed the Division, Allotment, and Inclosure thereof, as well with respect to the laying down, ploughing, sowing, fallowing, manuring, and tilling thereof, as to the stocking and feeding of the Commonable Lands and Fallows or Stubbles upon the same, and to make such Recompence as he shall think right to any Person injured by such Directions, all which Directions shall be binding upon all Parties interested, their Farmers and Tenants; and the Commissioner shall impose such pecuniary Penalties on every Person not conforming to such Directions as he shall think necessary, not exceeding the Sum of Five Pounds *per* Acre in case of cross-cropping or withholding from the Land its due Proportion of Manure, or Ten Pounds in any other Case, for any One Offence, and shall also determine, in all Cases where the Tenant is entitled by Agreement to the Manure arising from the Lands in his Occupation, by whom and in what Sum of Money such Tenant shall be compensated for any such Manure left or given up by him; and such Penalties and other Sums of Money shall be recovered in the Manner directed by the said first-recited Act with respect to the levying and recovering of Penalties.

Commis-
sioner to
direct the
Course of
Husbandry.

XXXIX. And be it enacted, That the Commissioner shall, by Writing under his Hand, order what Recompence in Money shall be made to the Owner of any Crops growing, according to the customary Mode of Cultivation within the said Parishes, upon the Lands to be inclosed, at the Time such Division, Allotment, and Inclosure shall be made, for the said Crops, by the Person to whom the Lands upon which such Crops are growing shall be allotted, and also what Recompence in Money shall be paid, and by whom, to any Tenant or Occupier of any Land, as well for ploughing, tilling, cultivating, manuring, or folding any of the Lands to be inclosed, for the Benefit accruing thereby to the Person to whom such Lands shall be allotted, as for any Loss or Disadvantage which any such Tenant or Occupier may sustain by the Loss of his fallowing or way-going Crops upon the Lands to be inclosed; and if in any of the said Cases the Money to be paid for such Recompence be

Satisfaction
to be made
for growing
Crops.

[*Private.*]

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not

not paid at the Time and in the Manner ordered by the Commissioner, he shall raise and levy the same on the Party liable, for the Use of the Person entitled thereto, in the same Manner as the Inclosure Expences are herein directed to be raised and levied.

Claims to be delivered to the Commissioner.

XL. And be it enacted, That all Persons claiming any Interest in any of the Lands to be inclosed shall deliver their respective Claims, in Writing under their Hands or the Hands of their Agents, unto the Commissioner, at the Meetings to be held for that Purpose, stating the several Particulars in respect whereof such Claims are made, and distinguishing Freehold and Leasehold Property from each other, and the Manors in which they are situate; and no such Claim shall be received by the Commissioner after the last Meeting to be held for that Purpose, of which due Notice shall have been given, and so expressed therein (except for some special Cause to be allowed by the Commissioner).

Adjudication upon Claims.

XLI. And be it enacted, That after the said Claims shall be so received the Commissioner shall cause Notice on the said several Church Doors to be given of a Time (at least Ten Days distant) and a Place for all Parties concerned to appear before him and show Cause for or against the Allowance or Disallowance of the said Claims, and at such Meeting the Commissioner shall proceed to examine into and determine the same, and shall make such Order therein as to him shall appear just; and in case any Doubts or Difficulties shall arise respecting such Claims, or any Difference shall happen between any of the said Proprietors touching their respective Rights or Claims, or touching the respective Shares which they ought to have in the Allotments, it shall be lawful for the said Commissioner and he is hereby required, by proper and sufficient Evidence, with the Assistance of an Assessor as herein-after provided for, to examine into, hear, and determine the same, which Order or Determination shall be final and conclusive unless any Party be dissatisfied therewith, and shall proceed to try his Rights by an Issue at Law as herein-after provided for.

Commissioner to have an Assessor.

XLII. And be it enacted, That the said Commissioner, upon the hearing and determining of any contested Claim or Objection, or upon awarding any such Costs as aforesaid, shall be assisted by an Assessor, who shall be a practising Barrister of Five Years Standing at the least; and the Determinations of the said Commissioner as to all such contested Claims, Objections, and Costs shall be made pursuant to and in conformity with the Decisions of such Assessor: Provided nevertheless, that such Assessor shall not interfere further in the Execution of this Act than in settling what contested Claims shall be allowed or disallowed, and what Costs (if any) shall be allowed to or paid by any Parties making or objecting to such Claims.

First and succeeding Assessors.

XLIII. And be it enacted, That *Robert Griffith Temple* of the *Inner Temple, London*, Esquire, Barrister at Law, shall and he is hereby appointed the First Assessor to the Commissioner for the Time being; and if the said *Robert Griffith Temple*, or any Person elected in his Stead as herein-after provided, shall die, or at any

Time before the Execution of the Powers hereby vested in him decline to act, or for the Space of Two Months after Notice in Writing given to him by the said Commissioner be incapable or neglect to proceed in the Execution of such Powers, a Meeting of the Committee herein-after mentioned shall be called, of which due Notice shall be given; and any Three or more of such Committee at such Meeting assembled (or their respective Agents, duly authorized, as by this Act directed,) shall and may elect a practising Barrister at Law of at least Five Years Standing, to supply such Vacancy.

XLIV. And be it enacted, That this Act shall not authorize the Commissioner to determine the Title to any Lands, or to determine any Right between any Parties contrary to the actual Possession of such Parties (except in respect of Encroachments), but in case the Commissioner shall be of opinion against the Rights of the Party in Possession he shall forbear to make any Determination thereon until the Possession shall have been given up by such Party, or recovered from him by due Course of Law.

Commis-
sioner not to
determine
Titles con-
trary to Pos-
session.

XLV. And be it enacted, That if any Person claiming to be interested in the said Inclosure shall be dissatisfied with any Determination of the said Commissioner concerning any Claim or any Right or Interest in or to the Lands to be inclosed, or concerning any Objection to such Claim, it shall be lawful for such Person to bring an Action upon a feigned Issue against the Person in whose Favour such Determination shall have been made, within Three Calendar Months next after such Determination shall have been notified in Writing to the Person against whom such Determination shall have been made, or to his known Agent, and thereupon the Person so dissatisfied may proceed to a Trial at Law at the then next Assizes, or at the Assizes immediately following such next Assizes, which may be holden for the said Counties, or either of them, after such Action shall have been commenced; and the Defendant in such Action shall, upon being served with the usual Process therein, appear and plead thereto, or file Common Bail, and accept One or more Issue or Issues, whereby such Claim, and the Right and Interest thereby insisted on, may be tried and determined (such Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties differ); and the Verdict given upon the Trial of such Action shall be binding and conclusive upon all the Parties thereto, unless the Court shall set aside such Verdict, and order a new Trial to be had; and after such Verdict shall be given, and final Judgment obtained thereon, the Commissioner shall act in conformity thereto, and allow or disallow the Claim thereby determined according to the Event of such Trial; and the Costs attending any such Action shall abide the Event of the Trial.

Parties dis-
satisfied
authorized to
try their
Rights at
Law.

XLVI. Provided always, and be it enacted, That if no such Action shall be commenced, or if the Plaintiff therein shall not proceed to Trial, within the Time herein-before limited for that Purpose, (unless the Court for sufficient Cause put off such Trial,) the Determination of the Commissioner shall be final.

If no Action
brought, De-
termination
of Commis-
sioner to be
final.

XLVII. And

Deaths of Parties not to abate Proceedings;

in case Parties die before Action brought, Suits to be carried on and defended in their Names.

XLVII. And be it enacted, That if any Person, Plaintiff or Defendant in any Action to be brought as aforesaid, shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened (the Heir or Devisee, or other Person entitled to the Interest of the deceased Party in the Matters in question, being served with Process in the Action); and if any Person in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action might have been brought if living, shall die before Action brought, it shall be lawful for the Person who might have brought such Action to bring the same, within the Time so limited as aforesaid, against such Person as if actually living, and to serve the Commissioner or his Clerk with the usual Process for commencing such Action, in the same Manner as the deceased Person might have been served therewith if living, and it shall thereupon be incumbent on such Clerk to serve with such Process the Heir or Devisee or personal Representative of the deceased Person or other the Person who shall claim the Benefit of such Determination as aforesaid, and on such Process being served such Heir or Devisee or personal Representative or other Person shall appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had thereon in the same Manner as if such Person had been living; and the Rights, Interests, and Claims of all Parties shall be equally bound by the Event of any Action so brought or continued as aforesaid as if the Death of any of the Persons interested therein had not occurred.

If Parties die before Inclosure, &c. is completed, Allotments to be made to their Representatives.

XLVIII. And be it enacted, That if any Person interested in the said Inclosure shall die before the same shall have been completed, the Powers and Authorities hereby vested in the Commissioner shall not be thereby determined or suspended, but he shall proceed in the Execution of such Powers and Authorities in such Manner as he might have done in case such Person had not died, and the Share of the Person so dying shall be allotted to such Person as by Law shall become entitled to the same, and shall be accepted and fenced by such Party according to the Directions of this Act, and he shall be liable to the Charges and Expences and other Conditions of this Act.

Commissioner to award Costs.

XLIX. And be it enacted, That in case the Commissioner, upon the Determination of any Claim or Objection to be delivered to him in pursuance of this Act, shall see Cause to award any Costs, it shall be lawful for him, upon Application made to him for that Purpose, and with the Assistance of the Assessor as herein-before mentioned, to settle, assess, and award such Costs as he shall think reasonable to be paid by the Person whose Claim or Objection shall have been disallowed to the Person in whose Favour any Determination shall have been made; and in case any Person liable to pay such Costs shall refuse or neglect to pay the same upon Demand, the Commissioner shall, by Warrant directed to any Person whomsoever, cause the same to be levied by Distress; and if there be no Goods or Chattels whereon to levy such Costs it shall be lawful for the Person in whose Favour such Costs shall be awarded to recover the same by Action of Debt or on the Case, in which Action it shall be sufficient for the Plaintiff to declare that

that the Defendant is indebted to him in the Sum specified in the Order of Adjudication made by the Commissioner, and in consequence of such Order, without setting forth any other Proceedings under this Act.

L. And be it enacted, That all Tofts, Foundations, or Sites of ancient Commonable Messuages or Cottages in the said Parishes shall, upon Proof being made to the Satisfaction of the Commissioner that Commonable Messuages or Cottages formerly stood thereon, be deemed Commonable Messuages or Cottages, and the respective Proprietors thereof shall be entitled to the same Compensation for the Rights of Common originally belonging thereto as if such Messuages or Cottages were still standing.

Tofts to be deemed Commonable Messuages.

LI. And be it enacted, That immediately after the Allotments herein directed to be made shall have been marked and staked out, and the Commissioner shall have directed the same to be entered upon by the Persons respectively for whom the same shall be intended, every Lease and other Agreement at Rack Rent subsisting of all or any Part of the Lands to be inclosed, or of any Common Rights thereon, for any Term of Years not exceeding Twenty-one Years, (except such Leases and Agreements as by the express Terms thereof are not to be void in case of an Allotment in Severalty or Inclosure,) shall determine and be void as to all such Lands or Common Rights, but not as to any other Lands comprised therein, such Compensation as between Lessor and Lessee being paid to or allowed by the respective Landlords whose Leases or Agreements shall be so vacated as the Commissioner shall by Writing under his Hand order in that Behalf; and if any such Compensation shall not be paid to the Party entitled to receive the same within One Month after Demand made in Writing under the Hand or Common Seal (as the Case may require) of the Party to whom the same shall be payable, the Commissioner shall raise and levy the same, for the Use of the Party entitled thereto, by such Ways and Means as the Rates to be levied for defraying the Inclosure Expences are directed to be raised and recovered; and it shall be lawful for the Commissioner by Writing under his Hand to ascertain and direct what Rent or Proportion of Rent shall be paid by the several Tenants of the Lands to be inclosed or Common Rights in their respective Holdings, to their respective Landlords, from the Time of the passing of this Act until such Lands shall be marked and staked out and be directed to be entered upon as aforesaid.

Leases at Rack Rent to be void.

LII. Provided always, and be it enacted, That nothing in this Act contained shall extend to set aside or make void any beneficial Lease of any Lands, Hereditaments, or Premises within the said several Parishes or either of them, but the Party entitled to such beneficial Lease shall be entitled to hold and enjoy his Term under the Rents and Covenants specified in his Lease.

Beneficial Leases not to be vacated.

LIII. Provided also, and be it enacted, That nothing in this Act contained shall extend to revoke, make void, or alter any Will or Settlement, or to prejudice any Person having any Right or Claim of

Wills and Settlements not to be affected.

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Dower,

Dower, Jointure, Annuity, Portion, Debt, Charge, Rent, or Incumbrance out of or affecting any of the Lands to be inclosed, or any of the Lands which may be exchanged or parted with in pursuance of this Act, but that as well the Lands allotted and exchanged as the Lands which shall be assigned in Partition, or in compensation for any other Estate or Right, by virtue of this Act, shall, immediately after such Allotment, Exchange, or Partition, be and enure, and the several Persons to whom the same shall be so allotted or given in Exchange or Partition as aforesaid shall be seised and possessed thereof respectively, to, for, and upon the same Estates, Uses, Trusts, Intents, and Purposes, and subject to the same Conditions, Charges, and Incumbrances, as the several Lands in respect whereof such Allotments, Exchanges, and Partitions shall have been made would have stood limited for or been subject to in case the same respectively had not been allotted, exchanged, or parted with as aforesaid, or as if this Act had not been passed; subject, nevertheless, to all such Mortgages and Sales as shall be made by virtue of this Act.

Persons may sell their Common Rights, and Persons entitled to have Allotments may mortgage, &c., before Execution of the Award.

LIV. And be it enacted, That if at any Time before the Execution of the Award of the Commissioner any Person shall sell his Right or Interest in the Lands to be inclosed, or any Part thereof, to any Person, the Commissioner shall, upon any such Sale being made, make an Allotment of Land to the Purchaser, or to his Heirs or Assigns, in respect of the Right or Interest so sold; and every such Purchaser, or his Heirs or Assigns, shall, from the Execution of the said Award, hold and enjoy the Land so to be allotted to him, in the same Manner as the Vendor might or ought to have done in case such Sale had not been made; and it shall be lawful for any Person who shall be entitled to any Allotment under this Act to devise, grant, surrender, mortgage, or otherwise convey and assure the same Allotment, or all or any Part of his Interest therein, at any Time before the Execution of the said Award; and every such Demise, Grant, Surrender, and other Assurance shall be of the same Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person entitled to any Allotment to sell, dispose of, and convey the Estate in right of which he may be entitled to such Allotment separate from and retaining to himself such Allotment, Common Right and Interest, and the Commissioner is hereby required to award such Allotment accordingly.

Encroachments.

LV. And be it enacted, That all Encroachments and Inclosures which shall have been made by any Person from or upon any Part of the Lands to be inclosed within Twenty Years next before the passing of this Act, whether any Amerciament, annual Rent, or any Money Payment or Acknowledgment hath or hath not been paid in respect of the same to or for the Use of the Lord of the Soil or any other Person, unless the same shall have been authorized by Grant of the Lord of the said Manor, with Consent of the Homage, according to the Custom of the said Manor, shall be deemed Parcel of the Lands to be inclosed, and shall be divided, allotted, and inclosed accordingly: Provided always, that it shall be lawful for the several Persons who shall be in Possession of any such Encroachment or Inclosure, or in the Receipt of the Rent thereof, at the Time

of the passing of this Act, to take down and remove all such Buildings, Fences, and other Erections as shall then be thereon, and to convert the Materials thereof to their own Use.

LVI. And be it enacted, That all small Parcels of Waste or Common Land (the Soil whereof shall belong to the Lords of any Manor in right thereof) lying by the Side of any Turnpike Road or other public Road or Lane within the said Parishes, or any of them, and which in the Judgment of the Commissioner may be conveniently inclosed without incommoding the public Intercourse on such Road or Lane, or rendering such Turnpike Road of less Breadth than Forty-five Feet, and such other public Road or Lane of less Breadth than Forty Feet respectively, shall be deemed Part of the Lands to be inclosed.

Pieces of Land by the Side of the Road may be allotted.

LVII. And be it enacted, That the Commissioner shall, if he shall see fit, allot to the Surveyors or Surveyor for the Time being of all or either of the said Parishes, and to their or his Successors or Successor for ever, such Parcels of the Lands to be inclosed as he shall think necessary and most convenient for supplying Stone and other Materials for the Repairs of the several Roads and Ways by this Act authorized to be made, and of the several other Roads and Ways within the said Parishes or either of them; and such Allotments shall be inclosed and fenced as the Commissioner shall direct, and shall, from the Execution of his Award, be vested in the Surveyors or Surveyor of the Highways, within all or either of the said Parishes for the Time being, in Trust for the Purposes aforesaid; and the Grass and Herbage of such Allotments shall belong to such Persons as the Commissioner shall by his Award direct; and if he shall make no such Direction, then such Surveyors or Surveyor shall from Time to Time let the Herbage for the most Money that can be obtained for the same, and shall apply the Rents and Profits towards the Repairs of the public Roads or Highways within such of the said Parishes as the said Allotment shall be situated, and the Surveyors or Surveyor shall account for such Rents and Profits in the same Manner as he is by Law accountable for other Monies that shall come to their or his Hands in the Capacity of Surveyor of the Highways, and shall be subject to the like Penalties for the Neglect thereof.

Allotment to be set out for Repair of Highways.

LVIII. And be it enacted, That the Commissioner shall allot and award unto the Churchwardens and Overseers for the Time being of the said respective Parishes, out of any Part of the said Lands to be inclosed, One or more Piece or Pieces of Land, not less than Three nor more than Five Acres in the whole, in the most appropriate Situation, as a Place of Exercise and Recreation for the Inhabitants of the said Parishes and Neighbourhood; and such Allotment shall be held by the Churchwardens and Overseers for the Time being of the said several Parishes for the Purposes aforesaid, and shall be in the first instance fenced at the general Expence, and the Fences of such Allotment shall for ever afterwards be repaired and maintained by the said Churchwardens and Overseers, in such Proportion and Manner as shall be directed by the Award of the Commissioner, out of the Rents to be received for the Herbage of the said Allotment,

Allotment to be set out for Recreation of the Inhabitants.

or

or out of the Poor Rates of the said Parishes, or otherwise; and the Grass and Herbage growing upon such Allotment may be from Time to Time let by such Churchwardens and Overseers, and the Rent which shall be received by them for the same shall be by them from Time to Time applied, in the first place, in maintaining and repairing the Fences of the said Allotment, and, subject thereto, in aid of the Rates for the Repair of the public Highways in the said respective Parishes, in such Proportions as shall be fixed by the said Commissioner.

Allotment to the Lord of the Manor.

LIX. And be it enacted, That the Commissioner shall, after making the Allotments herein-before directed, allot and award unto the Lord for the Time being of the Manor of *Gogarth* so much and such Part of the Lands to be inclosed within the said Manor as shall in the Judgment of the Commissioner be equal in Value to One Twentieth Part of the Residue of such Commons and Waste Lands, Quality and Value considered, in lieu of his Right and Interest in the Soil of the said Commons and Waste Lands, exclusive of any other Allotment which may be made to such Lord in lieu of or in satisfaction for any other Rights or Interests in such Commons or Waste Grounds.

Allotments to the appropriate Rector, the Vicar, and Perpetual Curates in lieu of Glebe and Common Rights.

LX. And be it enacted, That the Commissioner shall allot and award unto the appropriate Rector of the Rectory of *Llandudno* aforesaid, or his Lessee for the Time being, also to the Vicar of *Llandrillo*, and to the Perpetual Curates of the Perpetual Curacies of *Llandudno*, *Eglwys-rhos*, and *Llangwstenin* aforesaid, or unto such other Person or Persons as may be entitled to the same as aforesaid, such Parcels of the Land to be inclosed as in his Judgment shall be a full Equivalent and Compensation for the Glebe Lands and Rights of Common respectively, if any, belonging to the said appropriate Rector, Vicar, and Perpetual Curates respectively, or either of them, in and over the said Commons and Waste Lands.

Allotment of the Residue.

LXI. And be it enacted, That after the several Allotments herein-before directed shall have been set out and made the said Commissioner shall divide, allot, and award the Remainder of the Lands to be inclosed in the several Parishes of *Llandudno* and *Eglwy-rhos* unto and amongst the several Owners and Proprietors thereof, and Persons who shall be entitled to any Estate, Right, or Interest therein, in such Shares and Proportions as the Commissioner shall adjudge and determine to be proportionate to the Value of their respective Rights and Interests therein; and in the said Parishes of *Llandrillo* and *Llangwstenin* such Rights and Interests shall be deemed and taken to be in proportion to the Value of their ancient Inclosures therein respectively.

Applications for Situations of Allotments.

LXII. And be it enacted, That the Commissioner shall appoint a Meeting for receiving Applications from the several Proprietors of the Lands to be inclosed touching the Situations in which they would respectively choose to have their Allotments set out, and shall give Ten Days Notice of the Time and Place of such Meeting by Advertisement or on the Church Door, and that the Wishes of such Pro-

Proprietors therein shall be attended so far as the Nature of the Cases respectively will admit.

LXIII. And be it enacted, That the several Allotments to be made in pursuance of this Act (except the Allotment to the Vicar, Perpetual Curates, Surveyor, and Churchwarden and Overseers respectively,) shall be inclosed, ditched, and fenced at the Expence of the respective Persons to whom the same shall be allotted, in such Manner and within such Times as the Commissioner shall by his Award, or any Writing under his Hand, direct; and the Fences so to be made shall for ever afterwards be repaired and maintained by such Persons as the Commissioner shall by his Award direct.

Allotments
to be fenced.

LXIV. And be it enacted, That the Allotments to be made (if any) to the said Vicar and Perpetual Curates respectively, in respect of Glebe Lands belonging to their said Vicarage and Perpetual Curacies respectively, shall be well and sufficiently inclosed and fenced on all such Parts and Sides as shall not be directed to be fenced by any other Proprietor, or as shall not adjoin any inclosed Land, or be bounded by any sufficient Watercourse or other sufficient Fence in the Judgment of the Commissioner; and the Expence attending the inclosing and fencing the same shall be discharged out of the Inclosure Expences Fund; and all such Inclosures and Fences, when made, shall for ever thereafter be kept in repair by the said Vicar and Perpetual Curates respectively, or by the Persons for the Time being entitled in Possession to the said Allotments.

Vicar and
Perpetual
Curates
Allotments to
be fenced at
the general
Expence.

LXV. And be it enacted, That if, from Situation or from any other Circumstance, it shall happen that either of the Proprietors of the Lands to be inclosed, or any Person to whom any Allotments shall be made, shall not have a fair Proportion of the Boundary Hedges, Ditches, Mounds, or Fences assigned to him to make by virtue of this Act, it shall be lawful for the Commissioner to ascertain and appoint what Sum of Money shall be contributed by such Proprietor or Person towards making the Boundary Hedges, Ditches, Mounds, and Fences of the Allotments of such other of the said Proprietors and Persons as shall have too great a Proportion thereof to make; and such Money shall be paid to such Person or Persons and in such Manner as the Commissioner shall by any Writing under his Hand direct; and the same may be recovered by any of the Means which by the said first-recited Act are provided for raising and recovering the Expences of obtaining and executing Acts of Inclosure in Cases where such Expences are directed to be paid in proportion by the Proprietors of Lands to whom any Allotments shall be made; and every such Order of the Commissioner shall be final.

Equalizing
the Share of
Fencing.

LXVI. And be it enacted, That no Person shall graze or keep any Beast or Cattle upon any of the Roads or Ways which the Commissioner shall order to be set out, and which shall be fenced on both Sides, for the Space of Seven Years next after the Execution of the Award of the Commissioner; and every Owner of Lands within the said several Parishes, his Servants and Labourers, and also every Peace Officer and Parish Officer of the said Parishes respectively

Cattle not to
bedepastured
in the High-
ways for
Seven Years.

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for the Time being, is hereby empowered to take and impound any such Beast or Cattle which shall be found so grazing as aforesaid as Cattle Damage feasant: Provided always, that nothing herein contained shall prevent the Proprietors of the Lands which shall next adjoin the said Roads and Ways from depasturing their Cattle thereon so far as the Frontage of their respective Lands extends.

Power to Rector, Vicar, and Perpetual Curates to lease their Allotments.

LXVII. And be it enacted, That it shall be lawful for the respective Rector, Vicar, and Perpetual Curates for the Time being of the several Parishes aforesaid, by Indenture under his Hand and Seal, with the Consent and Approbation of the Patron of the said Rectory, Vicarage, and Perpetual Curacies for the Time being, such Consent to be had previous to the Execution of such Indenture by the other Parties thereto, and with the Consent of the Bishop of the Diocese, to lease or demise all or any Part of the Allotment to be made to such Rector, Vicar, and Perpetual Curate in right of his Rectory, Vicarage, and Perpetual Curacy, to any Person whomsoever, for any Term not exceeding Twenty-one Years, to commence within Twelve Months next after the passing of this Act, so that the Rent for the same shall be thereby reserved to the Rector, Vicar, and Perpetual Curate for the Time being by quarterly Payments in every Year; and so that there be thereby also reserved and made payable to such Rector, Vicar, and Perpetual Curate the best and most improved Rent that can be reasonably gotten for the same, without taking any Fine, Foregift, or other Consideration for granting such Lease; and so that no such Lessee be made punishable for Waste by any express Words to be contained in such Lease; and so that there be inserted in every such Lease Power of Re-entry on Nonpayment of the Rent within a reasonable Time, to be therein limited, after the same shall become due; and so that a Counterpart of each such Lease be duly executed by the Lessee: Provided always, that whenever any such Lease shall by any Means become forfeited or void, or be surrendered before the Expiration by Effluxion of Time of the Term thereby granted, then and so often as the same shall happen it shall be lawful for such Rector, Vicar, and Perpetual Curate for the Time being, with the previous Consent and Approbation of the Bishop of the Diocese, and of the Patron of the Rectory, Vicarage, and Perpetual Curacy, to grant a new Lease of the Land so demised for such Term of Years as shall at the Time of such Avoidance be unexpired of the original Term, subject nevertheless to the Provisoes and Conditions contained in the original Lease, and then remaining unperformed and capable of taking effect; and every such Lease shall be valid and effectual, any thing in the said first-recited Act, or any Law or Usage, to the contrary notwithstanding.

The Allotments to be of the same Tenure as the Lands in lieu of which they were made.

LXVIII. And be it enacted, That all such Lands as shall be given in Exchange or on Partition or be allotted by virtue of this Act shall be held by the Person to whom they are given in Exchange or on Partition or allotted, under the same Tenures and Rents as the Lands in respect of which such Lands are given in Exchange or on Partition or allotted would have been held in case this Act had not been passed; and the Lands given in Exchange or

or on Partition or allotted in respect of Freeholds shall be deemed Freehold; and the Lands given in Exchange or on Partition or allotted in respect of Leasehold Lands shall in like Manner be deemed Leasehold, and shall be held under the same Rents and Covenants as the Lands in respect of which they may be allotted were held, and the Remainder or Reversion thereof shall be vested in the same Lessors respectively as the Remainder or Reversion of such other Lands was vested before the passing of this Act, except when otherwise particularly directed by this Act, any Law or Usage to the contrary notwithstanding.

LXIX. And be it enacted, That it shall be lawful for the Commissioner, at any Time before the Execution of his Award, to make any Alterations which he may think right and expedient in the Allotments or in the Fences which he may have set out and ordered, or in the private Roads over such Allotments, or in any of the Orders or Directions relating thereto which he may have made in pursuance of this Act; and in case any Person shall be injured by any such Alteration, on account of any Expences he may have incurred or otherwise, the Commissioner shall ascertain and determine what Recompence shall be made to him for such Injury, and shall either pay the Amount thereof out of the Inclosure Expences Fund, or shall direct by whom and, in case of Nonpayment thereof the same shall be recovered in manner by the said first-recited Act directed with respect to the Recovery of Penalties or Forfeitures.

Power for Commissioner to make Alterations in Allotments, &c.

LXX. And be it enacted, That when any Person to whom any Allotment shall be made or Lands assigned in Exchange by virtue of this Act shall hold such Lands, or the Lands in respect of which such Allotment or Exchange is made, under different Titles and for different Estates, the Commissioner shall ascertain and distinguish the Lands held for each of such Estates, and under each of such Titles respectively, and shall accordingly in his Award set out distinct and several Allotments for such respective Lands.

Separate Allotments for Land held by different Titles.

LXXI. And be it enacted, That where the Commissioner shall have omitted to distinguish in his Award the several Tenures under which any of the said Lands shall be holden, or the different Estates or Titles for or under which the same shall be held, or to set out and award several and distinct Allotments, as by this Act directed, it shall be lawful for him, at any Time within Twelve Months after the Execution of his Award, and he is hereby required, upon Request in Writing to him made by any Proprietor of any such Allotment or Lands, or other Person interested therein, or his Agent, to do all such Acts as may be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and proceed as if his Award had not been made; and by any Deed or Instrument under his Hand and Seal to distinguish and set out the Allotments and Lands held by different Tenures, and also the Allotments and Lands held by, for, or under different Estates or Titles respectively, in the same Manner as he is by this Act authorized and required to do in Cases where such Allotments and Lands are directed to be ascertained, distinguished, and set out by his Award; and every such

Where Allotments are omitted to be distinguished by the Award, the Defect may be remedied by a separate Instrument.

such separate Instrument shall have the same Force and Effect as if it were contained in the said Award; and such Instrument shall be enrolled and deposited with the Award of the Commissioner, and shall thenceforth be deemed to be Part thereof to all Intents and Purposes; and all the Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Party who shall have requested the Commissioner to make and execute the same, or by his Heirs, Executors, or Administrators.

Partitions
may be made
in certain
Cases.

LXXII. And whereas it may happen that some of the Proprietors of Lands in the said several Parishes, and Persons entitled to Allotments to be made by virtue of this Act, may be seised or possessed thereof or entitled thereto in undivided Moieties, Joint Tenancy, or as Coparceners or Tenants in Common, and cannot, by reason of Infancy, Settlement, Absence beyond the Seas, or other Disability or Incapacity, make an effectual Division thereof; be it therefore enacted, That it shall be lawful for the Commissioner, upon the Request in Writing of any such Proprietors, being seised or possessed or entitled in undivided Moieties, or as Coparceners, Joint Tenants, or Tenants in Common, or of the Husbands, Guardians, Trustees, Committees, or Attornies, duly authorized, of such of them as may be under Coverture, Minors, Lunatics, or beyond the Seas, or under any other legal Disability or Incapacity, to make Partition and Division of the said Lands or Allotments coming to such of the said Proprietors as shall be so seised or possessed or entitled, and to allot the same to such Owners and Proprietors in Severalty; and immediately after the said Allotments shall be so made and declared the same shall be holden and enjoyed by the Persons to whom the same shall be allotted in Severalty, in the same Manner, and subject to the same Uses and Trusts, as the undivided Parts or Shares of such Estates would have been in case such Partition and Division had not been made; and every such Partition shall be specified in the Award of the Commissioner or some other Instrument under his Hand and Seal; and every such Partition shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Expences of
Partitions.

LXXIII. And be it enacted, That all Costs and Expences attending any Partition to be made by virtue of this Act shall be borne and defrayed by the several Proprietors of or Persons interested in the Estates which shall be so parted in such Manner and Proportions as the Commissioner shall order; and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures,

Power of
Exchange.

LXXIV. And be it enacted, That it shall be lawful for the Commissioner to allot and award any Lands within the said Parishes respectively in Exchange for other Lands within the said several Parishes, or any adjoining Parish, Township, or Place; provided that all such Exchanges be specified and declared in the Award of the Commissioner, and be made with the Consent in Writing of the Owner of the Lands so exchanged, whether such Owner shall be a Corporation, or a Tenant in Fee Simple, or for Life, or in Fee Tail,

Tail, General or Special, or by the Courtesy of *England*, or for Years determinable on any Lives, (with the Consent of the Lessor thereof, but not otherwise,) 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 as aforesaid, who at the Time of making such Exchange shall be an Infant, Feme Covert, Lunatic, or under any other Disability, or who shall be beyond the Seas, or otherwise disabled to act for himself, 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 every such Exchange so to be made shall be good, valid, and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchanges shall be made of any Lands 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 Bishop of the Diocese in which such Lands shall be situate: Provided also, that all Costs and Expences attending the making and completing of any Exchanges shall be borne by the several Parties making such Exchanges in such Manner and in such Proportions as the Commissioner shall by his Award direct, and in case of Nonpayment thereof shall be recovered in the Manner by the said first-recited Act directed with respect to the Recovery of Penalties and Forfeitures.

LXXV. And be it enacted, That when any Money is, under the Provisions of the said first-recited Act or of this Act, directed to be paid for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon, which shall belong to any Corporation, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor or Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands to be settled to the same Uses, it shall be lawful for the Commissioner, out of such Money, to defray the Proportion (if any) of the Inclosure Expences which shall be charged upon any of the Lands of the respective Parties in Possession of the Lands, or of the Timber or Wood growing thereon, which shall be so purchased or exchanged, or on which such Timber or Wood actually grew, and also to defray the Expence of any permanent Improvement, such as building, subdividing, dividing, draining, or planting, and the like, which shall in the Judgment of the Commissioner be proper to be made, and shall be made, under his Direction, upon any Lands to be by virtue of this Act allotted to such Parties.

Power to apply Compensation Money coming to Parties under Disability towards Inclosure Expences and substantial Improvements.

LXXVI. And be it enacted, That if the Surplus of any such Monies shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the

Investment of the Surplus when amounting to 200*l*.

[*Private.*]

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Method

Method prescribed by an Act passed in the Twelfth Year of the
 12 G. 1. c. 32. Reign of His late Majesty King George the First, intituled *An Act for the better securing the Monies and Effects of the Suitors of the Court of Chancery, and to prevent the counterfeiting of East India Bonds and the Endorsements thereon, as likewise the Endorsements on South Sea Bonds*, and pursuant to the general Rules and Orders of the said Court, and without Fee or Reward, according to an Act
 12 G. 2. c. 24. passed in the Twelfth Year of the Reign of His late Majesty King George the Second, intituled *An Act to empower the High Court of Chancery to lay out upon proper Securities any Monies, not exceeding a Sum therein limited, out of the common or general Cash in the Bank of England belonging to the Suitors of the said Court, for the Ease of the said Suitors, by applying the Interests arising therefrom for answering the Charges of the Office of the Accountant General of the said Court*; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Parties who would have been entitled to the Rents and Profits of the said Lands, be applied to either of the following Purposes; (that is to say,)

The Redemption or Discharge of the Land Tax, or of any Debt or other Incumbrance affecting the same Lands, or affecting other Lands standing settled therewith to the same or the like Uses or Trusts:

The Purchase of other Lands to be conveyed or settled upon the like Uses or Trusts, or such of them as shall be then existing undetermined or capable of taking effect.

Payment of
Dividends
meanwhile.

LXXVII. And be it enacted, That in the meantime and until such Application shall be made the said Money may, by Order of the said Court, to be made upon the like Petition, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or of other Government or Real Securities; and the Dividends or Interest of such Annuities or Securities shall from Time to Time be paid, by Order of the said Court, to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so to be purchased, conveyed, and settled.

When less
than 200l.
and amount-
ing to 20l.

LXXVIII. And be it enacted, That in case the Surplus of such Monies shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, the same shall, at the Option of the Parties for the Time being entitled to the Rents and Profits of the Lands so purchased or exchanged, or their Guardians or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Parties who for the Time being would be entitled to the Rents and Profits of the said Lands, such Nomination to be approved by the Commissioner,
 and

and such Nomination and Approbation to be signified in Writing under the Hands (or Common Seal, as the Case may be,) of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising therefrom, shall be by them applied in like Manner as is herein-before directed with respect to Money so to be paid into the Bank of *England*, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

LXXIX. And be it enacted, That in case the Surplus of such Monies shall be less than Twenty Pounds the same shall be paid to the Parties who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased or exchanged, for their own Use and Benefit; or in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to their Guardians, Committees, or Trustees, for the Use and Benefit of the Parties respectively entitled thereto. When under 20l.

LXXX. And be it enacted, That all general Costs and Expences incident to and attending the passing of this Act, and of carrying the Provisions thereof into execution, shall be mutually borne by the several Parties interested in the said Inclosure, according to the Value of the Allotment or Allotments of Common awarded to them respectively; but that all Costs and Expences arising from or incurred in respect of any particular Parish shall be borne by the Parties interested in the Commons in such Parish in proportion to the Value of their respective Allotments therein; and that the Committee aforesaid shall and they are hereby required to determine what may be general and what particular Expences, and to apportion the same amongst the several Parties liable thereto accordingly, which Costs and Expences shall be paid at such Time and Place and to such Person as the said Commissioner shall, by Notice on the Church Doors of the said several Parishes, or delivered to the respective Persons liable to the Payment thereof, at least Fourteen Days before the Time appointed for such Payment, order or direct: Provided nevertheless, and it is hereby declared, that no such Costs or Expences, either general or particular, shall be borne by the said Rector, Vicar, and Perpetual Curates, or either of them, or by the Lord of the said Manor, the Surveyors of the Highways, or the Churchwardens or Overseers of either of the said Parishes, in respect of the Allotments hereby authorized or directed to be made to them respectively. Payment of Expences of Inclosure to be borne rateably.

LXXXI. And be it enacted, That if any Person shall refuse or neglect to pay his Proportion of such Expences within the Time and to such Person as the Commissioner shall appoint, it shall be lawful for the Commissioner to recover the same, together with lawful Interest, to be computed from the Day on which the same ought to have been paid, by Action at Law in his own Name in any of Her Majesty's Courts of Record at *Westminster*, or it shall be lawful for him, by Warrant directed to any Person whomsoever, to cause the same, with such Interest thereon as aforesaid, to be levied by Distress; or it shall be lawful for the Commissioner, or any Person autho- Remedies in case of Non-payment.

authorized by him, immediately after such Neglect or Refusal, to enter into and upon the Premises so to be allotted to such Person, and demise the same, and receive the Rents and Profits thereof, until thereby or otherwise such Share or Proportion, with lawful Interest as aforesaid, and also all the Costs and Expences attending such Entry upon and Receipt of the Rents and Profits of the said Premises, shall be fully paid and satisfied.

Power for
Commissioner to
borrow
Money.

LXXXII. And be it enacted, That if before the said Monies herein-before authorized to be raised by the Commissioner can be raised he shall find it necessary or expedient to obtain by Loan any Money for or towards the defraying the said Expences, it shall be lawful for him to borrow and take up at Interest such Sums of Money as he, with the Approbation of the Committee, shall from Time to Time think necessary for the Purposes aforesaid, which Money so to be borrowed shall be repaid, with Interest for the same, out of the Monies to be raised and received by any of the Means aforesaid.

Power to
make addi-
tional Rate in
case of Defi-
ciency.

LXXXIII. Provided always, and be it enacted, That if at any Time after the Allotment shall have been staked out it shall appear to the Commissioner, either before or after the Execution of his Award, that the Money to arise by any previous Rates shall not be sufficient to defray the Expences aforesaid, the Deficiency shall be made up and raised from Time to Time by a Rate to be made and levied upon the several Persons interested in the Lands to be inclosed (except as aforesaid), in such Shares and Proportions, within such Time, and to be paid to such Persons as the Commissioner shall from Time to Time direct as aforesaid; and in case any Person herein-before made subject to the Payment of any Money towards such Expences shall neglect or refuse to pay his Share or Proportion of any such Rate within the Time appointed for that Purpose, or at any Time after such Demand, the same shall be levied and recovered in the Manner directed by this Act with respect to the previous Rate.

Monies may
be recovered
after Ex-
ecution of
Award.

LXXXIV. Provided always, and be it enacted and declared, That if at the Time of the Execution of the said Award there shall remain due from any Person any Sum of Money which shall have been ordered to be paid by virtue of this Act, it shall be lawful for the Commissioner and he is hereby required to levy and raise the same in like Manner as he might have done before the Execution of his Award.

Persons
having limit-
ed Interests
may raise
Money by
Mortgage for
Expences.

LXXXV. And be it enacted, That it shall be lawful for the respective Proprietors of Allotments to be made by virtue of this Act, being Tenants for Life or in Tail, or for any other Estate of Freehold or Inheritance, and also for the Husbands, Guardians, Trustees, Committees, or Attornies of any of the Proprietors being under Coverture, Infants, Lunatics, Idiots, or beyond the Seas, or otherwise incapacitated, and for the Trustees or Feoffees for charitable, parochial, or other Uses, or a competent Number of them, in respect of any Lands held by them in Trust for any charitable, parochial, or other Uses (with the Consent of the Commissioner, testified in Writing under

under his Hand and Seal), from Time to Time to charge their Allotments with any Money not exceeding Five Pounds *per* Acre, towards their respective Proportions of the Inclosure Expences, and for securing the Repayment of such Money, with Interest, to mortgage or demise the said Allotments unto or in Trust for any Person who shall advance such Money for any Term of Years, but so that every such Mortgage or Demise be made with a Condition to cease and be void, or with an express Trust to be surrendered or re-assigned when the Money thereby to be secured, with all Interest thereon, shall have been fully paid and satisfied, and so that in every such Mortgage or Demise which shall be made by or on behalf of any Person entitled to any such Allotment for the Term of his natural Life there be contained a Covenant to pay and keep down the Interest of the Money to be secured during his Life, in such Manner that no Person afterwards becoming possessed of such Lands shall be subject or liable to pay any larger Arrear of Interest than for Six Months previous to the Time when the Title of such Person shall accrue or commence; and every such Mortgage or Demise shall be valid in the Law for the Purposes thereby intended; and every such Mortgagee and his Assigns shall have the like Remedies in case of Nonpayment of the Monies thereby secured as in the Case of other Mortgages of the like Nature.

LXXXVI. And be it enacted, That it shall be lawful for the Commissioner, on Application made to him in Writing by any of the Proprietors of Allotments to be made by virtue of this Act, or by any of the Husbands, Guardians, Trustees, Committees, Attornies of or for any of such Proprietors being under Coverture, Minors, Idiots, Lunatics, or beyond the Seas, or under any other Disability or Incapacity, or by the Persons acting as such Guardians, Trustees, Committees, or Attornies respectively, or by any of the said Proprietors, being Tenants in Tail, or for Life or Lives, or on any other Contingency, or by any Trustees or Feoffees for charitable, parochial, or other Uses, to sell any Part of any such Allotment for raising a Sum of Money sufficient to defray the proportionable Part of the Expences which shall in such Rates be charged upon such Parties, and of the Expences of making and completing such Sale: Provided always, that it shall not be lawful for any Proprietor of an Allotment to raise by any such Sale, or by Mortgage and Sale, any greater Sum of Money for the Purposes aforesaid than such Proprietor might have borrowed or charged upon his Allotment for such Purposes by virtue of the said first-recited Act, reckoning Five Pounds for each Acre thereof; provided further, that in all Cases in which the Money so raised by any such Sale shall not be equal to the Money which might be borrowed or charged on such Allotment as aforesaid, it shall be lawful for the Proprietor, Part of whose Allotment shall be sold as aforesaid, to charge his Allotment with any Sum not exceeding the Difference.

Empowering
Commissioner upon
Application
to sell Part
of Allotments,
to defray Ex-
pences.

LXXXVII. And be it enacted, That such Sales shall be made by the Commissioner in the same Manner and subject to the same Regulations as are prescribed by the said first-recited Act in respect of the Sale of Land towards defraying the Expences of obtaining and carrying

Sales to be
made accord-
ing to the
general In-
closure Act.

[Private.]

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ing

ing into execution any Act for dividing, allotting, and inclosing any Lands or Grounds; and every such Allotment for which the full Purchase Money shall be paid shall be vested in the Commissioner, and be conveyed by Lease and Release, executed by him, at the Expence of the Purchaser, unto and to the Use of or in Trust for such Purchaser and his Heirs, or as he shall appoint, and shall be inclosed and held by such Purchaser in Severalty.

Application
of Purchase
Monies.

LXXXVIII. And be it enacted, That the Receipt of the Commissioner shall be a sufficient Discharge to the Purchaser for the said Purchase Money; and such Purchase Money shall be applied by the Commissioner in or towards defraying the Costs and Expences for raising which such Sale shall have been made, and the Surplus, if any, shall be paid to the Parties from whose Allotments such Sale shall have been so made respectively; and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of the other Proprietors of such surplus Money shall be applied and disposed of in manner by this Act directed with respect to Money to be paid into the Bank of *England* for the Purchase or Exchange of any Lands, or of any Timber or Wood growing thereon.

Commis-
sioner to
sign Receipts
for Purchase
Monies, and
make Con-
veyances to
Purchasers.

LXXXIX. And be it enacted, That upon every Sale to be made by the Commissioner under the Provisions of this Act the Commissioner shall sign and deliver to each Purchaser a Receipt for his Purchase Money, which shall be a sufficient Discharge for the same; and upon Receipt of the whole Purchase Money for any of the Lands which shall be sold as aforesaid the Commissioner shall convey such Lands, and the Fee Simple and Inheritance thereof in Possession, by Deed under his Hand and Seal, and for such Uses, Trusts, and Purposes as such Purchaser shall direct, and after such Conveyance the Premises conveyed shall become vested as Freehold of Inheritance, upon and for such Uses, Trusts, and Purposes as shall be expressed by such Deed; and any such Conveyance may be to the Effect set forth in the Schedule (B.) to this Act.

Separate
Awards to be
made for
each Parish,
and de-
posited in
the Hands of
the Clerk of
the Peace,
with a re-
duced Plan.

XC. And be it enacted, That as soon as conveniently may be after the Inclosure of the Common Lands in One of the said Parishes the Commissioner shall draw up and execute an Award thereof, and so from Time to Time in like Manner as to the Commons of the Three remaining Parishes, when and as the Inclosure of either of them shall be so completed, it being required that a distinct and separate Award as to the Commons of each of the said Four Parishes shall be drawn up and executed; and that the Non-completion of the Inclosure of the Commons in One or more Parish or Parishes shall not prevent or retard the Completion of the Award affecting the Commons of the other Parishes; and that the Execution of every such Award shall be proclaimed upon the next or some subsequent *Sunday* by affixing a Proclamation on or near the outer Door of the Church of the Parish to which the same relates previously to Divine Service, from the Time of which Proclamation only, and not before, such Award shall be considered as complete; and within Three Calendar Months after the Commissioner shall have

so made and executed the said Award he shall cause the same, together with One of the reduced Plans herein-after directed to be made annexed thereto, to be delivered to the Clerk of the Peace of the said County of *Carnarvon* or *Denbigh*, as the Case may be, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings, and no more, shall be paid; and the said Award shall, from the Delivery thereof to the said Clerk of the Peace, be deemed to be enrolled according to the Directions and within the Meaning of the said first-recited Act.

XCI. And be it enacted, That a Copy of each such Award fairly transcribed in a Book on plain or unstamped Paper or Parchment, with the other of the reduced Plans herein-after directed to be made, shall, within the Time aforesaid, be deposited in the Parish Church to which the same may relate, and there kept in a Box to be provided for that Purpose by the Commissioner; and the said Award, and the said Copy thereof, and any other Copy of the said Award, or of any Part thereof, attested by the Clerk of the Peace for the Time being of the said County, or his Deputy, (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid,) shall thereafter be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Copy of the Award, and a reduced Plan, to be deposited in the Parish Church to which the same relate.

XCII. And be it enacted, That the Commissioner shall cause Two reduced Plans of the said Parishes respectively to be drawn upon Parchment or Vellum, on which public and private Roads, Paths, and Drains, with the Boundary Fences of the several Allotments mentioned and described in the said Awards respectively, and such other Matters and Things as the Commissioner shall think fit, shall be fairly and distinctly delineated and expressed; and the Commissioner shall sign the said Plans, one of which shall be annexed to the Award having reference thereto, and the other shall be annexed to or shall go and be kept with the Copy of the said Award to be deposited in such Parish Church aforesaid; and the Commissioner shall make and annex to each Award a Schedule describing and setting forth the Quantities of all the Homesteads, Gardens, Orchards, and ancient Inclosures in such Parish; which said Plans, or either of them, shall be admitted as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Two reduced Plans of the Parishes to be drawn and annexed to the Awards and Copies, with Schedules of the old Inclosures.

XCIII. And be it enacted, That all Bills and Demands for defraying the Charges and Expences incident to or attending the Execution of this Act shall fully state each particular Parish on account of which the same Bills are due and owing; and all such Bills shall be approved of and signed by the said Commissioner before any Application is made to the Committee for an Order for Payment; and the said Commissioner shall open and keep with each particular Parish an Account of the Rates so to be raised as aforesaid, and also of all such Bills and Demands so allowed by them as aforesaid; and the same Accounts shall be produced, and Copies (if required)

All Bills, &c. to be examined by the Committee.

required) delivered to the said Committee, or any Three of them, twice in each Year, to be by them audited and examined.

Power of
Appeal.

XCIV. And be it enacted, That if any Person shall think himself aggrieved by any thing done in pursuance of this Act, (except as to the Allotments, and except as to such other Determinations as are by this Act directed to be final, and except such Cases wherein an Issue at Law shall be tried, as herein-before is mentioned,) he may appeal to the General or Quarter Sessions of the Peace which shall be held for either of the said Counties in which the Matters of such Appeal would be cognizable within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Commissioner and to the Party concerned Ten Days previous Notice in Writing of such Appeal, and of the Matter thereof (except with respect to the Accounts of the Commissioner, which may be appealed against at any Time within One Month after the Enrolment of the Award, on giving to the Commissioner such Notice as last aforesaid); and the Justices (not interested in the Premises) in such Sessions assembled are hereby required to hear and determine the Matter of every such Appeal, and to make such Order therein, and to award such Costs and Damages, as to them shall seem reasonable; and in case any such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, they shall award such Costs to be paid by the Appellant as to them shall seem reasonable, and such Costs shall be levied in manner aforesaid; and the Costs and Damages which shall be so awarded shall be levied by Distress, and the said Justices shall issue their Warrant accordingly.

Order on
Appeal to be
final.

XCV. And be it enacted, That every Order and Determination of the said Justices upon every such Appeal shall be final, and shall not be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Westminster* or elsewhere.

Appointment
of a Com-
mittee.

XCVI. And be it enacted, That the Honourable *Edward Mostyn Lloyd Mostyn*, Sir *Richard Bulkeley Williams Bulkeley* Baronet, *Thomas Peers Williams*, *Lloyd Hesketh Bamford Hesketh*, *John Whitehall Dodd*, *John Lloyd Wynne*, *Richard Butler Clough*, *Edward Lloyd*, *John Lloyd Jones*, the Venerable Archdeacon *Jones*, *Thomas Penson*, the Reverend *Hugh Hughes*, *Hugh Rees*, *Robert Williams*, and *William Jones*, or their respective Agents, duly authorized, or any Three of them, shall be a Committee for the Purposes of this Act, and that such Committee shall from Time to Time add such other Person or Persons interested in the said Commons and Waste Lands hereby directed to be inclosed as aforesaid to be new Members, and act with them, as they shall think proper; and such new Member shall have the same Powers and Authorities as are hereby vested in the Members of the said Committee hereby appointed.

Committee
to enter their
Proceedings
in a Book.

XCVII. And be it enacted, That the said Committee shall from Time to Time hold their Meetings at such Times and at such Place, and be subject to such Regulations respecting their Attendance and
Mode

Mode of conducting Business, as they shall direct and appoint; and shall from Time to Time enter in a Book, to be kept by their Clerk, an Account of all their Meetings, and the Business and Matters transacted at the same, which Account shall be signed by the Person presiding at the same as Chairman at every Meeting; and all Acts, Matters, and Things by this Act authorized to be done by such Committee shall and may be done by any Three of them, being a Majority of the Members present at any Meeting of such Committee, and shall be as valid and effectual as if such Acts, Matters, and Things had been done by all the Members of such Committee.

XCVIII. And be it enacted, That such Committee shall appoint a Treasurer, to whom the Monies to be raised or borrowed for the Purposes of this Act shall be paid, and shall take a sufficient Security from such Treasurer before he shall enter upon his Office, and shall enter into such Agreements with the Commissioner and Surveyor, to be appointed as herein-before is mentioned, and with all other Persons appointed for the Purposes of this Act, as to Compensation for their Trouble and Expence, and the due Execution of their several Duties, as the said Committee shall, but subject to the Provisions of this Act, think proper; and the said Committee shall examine all Accounts and Disbursements relating to the obtaining and passing of this Act, and the Execution thereof; and no such Account or Disbursements shall be paid or allowed until the same shall have been settled and admitted by the said Committee; and no Money shall be paid by the said Treasurer but by an Order or Draft of the said Committee signed by Three Members thereof.

Committee to appoint a Treasurer, and to examine and pay Accounts.

XCIX. And be it enacted, That the Accounts of the said Commissioner, 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 at least twice in each and every Year from the Day of the passing of this Act be laid by the said Commissioner before the said Committee, to be by them examined and balanced; and such Balance shall be stated by such Committee in a Book of Accounts to be kept in the Office of the Clerk of the said Commissioner; and an Abstract of such Account, so examined and balanced, shall, within Fourteen Days after the same shall have been so examined and balanced, be inserted in some Newspaper printed or usually circulated within the said Counties for Two successive Weeks; and no Charge or Item in any such Account shall be binding on the Parties concerned, or be valid in Law, unless the same shall have been duly allowed by such Committee, subject, nevertheless, to the Power of Appeal herein-after contained.

Accounts to be published.

C. And be it enacted, That nothing herein contained shall extend or be construed to extend to defeat, lessen, or prejudice the Right, Title, or Interest of Her said Majesty, Her Heirs or Successors, or of Her or their Steward or Stewards, or Her or their Deputy or Deputies, Bailiff or Bailiffs, or other Officers for the Time being of or for Her Majesty's Hundred of *Creuddyn* or Lordship of *Denbigh*, but that Her said Majesty, Her Heirs and Successors, and

Saving of Her Majesty's Royalties, &c.

[Private.]

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Her

Her and their Steward or Stewards, Bailiff or Bailiffs, and other Officers, shall and may from Time to Time, and at all Times hereafter, hold and enjoy all Courts, Perquisites and Profits of Courts, Rents, Services, Deodands, Waifs, Estreats, Escheats, Forfeitures, and all other Rights, Royalties, Privileges, Pre-eminences, Manorial Jurisdictions, and Appurtenances whatsoever to the said Hundred and Lordship incident and appendant, belonging or appertaining, 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 this Act had not passed: Provided always, that nothing in this Act contained shall defeat or lessen any Claim, Right, or Title Her Majesty may have to any Encroachments above Twenty Years standing in the said Parishes of *Eglwys-rhos*, *Llangwstenin*, and *Llandrillo* in the Hundred of *Creuddyn* or Lordship of *Denbigh*, or to the Marsh or Mud Lands on the Sea Shore or on the River *Conway* lying between High and Low Water Mark.

Saving Her Majesty's Rights to Mines, &c.

CI. Provided always, and be it enacted, That nothing in this Act contained shall in anywise prejudice or defeat the Right or Interest of Her Majesty, Her Heirs or Successors, in and to all Mines, Ores, Minerals, Coals, Quarries of Lime and Stone, and other Mineral or Fossil Matters whatsoever, in or under the Commons or Waste Lands, except in the Manor of *Gogarth* aforesaid, but Her said Majesty, Her Heirs and Successors, and Her and their respective Lessee or Lessees, Grantee or Grantees, 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 for, work, and take all Mines and Mine Works, Pits, Holes, Beds, Veins, and other Bearings of Mines, Ores, Minerals, and Coal, Limestone and other Stone, and Mineral or Fossil Matters whatsoever, as fully and effectually, to all Intents and Purposes whatsoever, as She or they have or might have done before the passing of this Act.

Saving the Rights of the Lords of the Manors.

CII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Lords of the said Manors respectively, and their or his Lessee or Lessees, respecting his and their Rights of and in to all and every Stone Quarry and Quarries now open in or upon, and all Mines and Minerals, of what Nature and Kind soever, lying and being within or under, the said Commons, Heaths, Downs, Commonable Places or Waste Lands inclosed by virtue of this Act; and that the Lord or Lords of the said Manors respectively for the Time being, and his or their Lessee or Lessees, shall and may from Time to Time, and at all Times for ever hereafter, have, hold, and enjoy all Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, and Emoluments whatsoever to the said Manors, or to the Lord or Lords thereof for the Time being, incident, belonging, or appertaining (other than and except such as are intended to be barred and extinguished by this Act), in as full, ample, and beneficial a Manner, to all Intents and Purposes, as the said Lord or Lords respectively could or might have held or enjoyed the same if this Act had not been passed.

CIII. And

CIII. And be it enacted, That the said Lord or Lords for the Time being of the said Manors or either of them, and his or their respective Heirs, Successors, and Assigns, and his and their Lessee and Lessees for the Time being, shall from Time to Time, and at all Times hereafter, have, hold, work, and enjoy exclusively the said Quarry and Quarries, and also all Mines and Minerals, of what Nature and Kind soever, within and under the said Commons, Heaths, Downs, and Commonable Places, and Waste Lands, and every Part thereof, and the several Allotments thereof to be made in pursuance of this Act, together with all convenient Liberty for working the said Quarries, Mines, and Minerals, and loading and carrying away the Stone, Ore, and other Things to be gotten thereout, and of making Quarries, Pits, Shafts, Drifts, Levels, and Watercourses, and of repairing, amending, and upholding the same, and of doing, executing, and performing all such other Works, Acts, Deeds, Matters, and Things, either now in use or hereafter to be invented, as shall or may be necessary or convenient for the full and complete working, Use, and Enjoyment of such Quarries, Mines, and Minerals hereby reserved, in as full, ample, and beneficial a Manner, to all Intents and Purposes, as he or they respectively might or could have done in case this Act had not been passed: Provided always, that the Lessee of the Crown, the Lord of the said Manor, or his Lessee, shall be obliged to pay, and shall from Time to Time pay, to the respective Owners and Occupiers of such Allotments respectively such Sum or Sums of Money as shall be a reasonable and adequate Recompence and Satisfaction for all such Damages as shall from Time to Time be done to the Herbage or Soil of such Allotments in the working of any such Quarries and Mines, or either of them.

Lords of Manors to have the complete use and Enjoyment of their Mines, &c.

CIV. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, to the Corporation of *Conway*, and to all other Persons, Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, Executors, and Administrators, all such Estate, Right, Title, and Interest, Claim and Demand, (other than and except such as are expressly barred and compensated for, or intended to be barred and compensated for and extinguished by this Act,) which they or any of them could or might have had in, to, or in respect of the Lands hereby authorized to be divided, allotted, and inclosed in case this Act had not been passed.

General Saving.

CV. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Interpretation of Act.

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender only shall extend to Females as well as Males:

The Word "Month" shall mean Calendar Month:

The Word "Lands" shall include Tenements and Hereditaments:

The Expression "Lands to be inclosed" shall be understood to mean

mean the Lands by this Act authorized to be divided, allotted, and inclosed :

The Expression "the Inclosure Expences Fund" shall be understood to mean the Monies by this Act authorized to be raised for defraying the Expences of obtaining this Act, and carrying the same into execution :

The Expression "the Commissioner" shall mean the Commissioner appointed and for the Time being acting by virtue of this Act.

Act as printed
by Queen's
Printers to
be Evidence.

CVI. And be it enacted, That this Act shall be printed by the several Printers to the Queen'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.

SCHEDULES referred to in the foregoing Act.

SCHEDULE (A.)

Form of Declaration by Commissioner or Surveyor.

I *A. B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Powers and Authorities vested and reposed in me as a Commissioner [*or Surveyor, as the Case may be,*] by virtue of an Act passed in the _____ Year of the Reign of Her Majesty Queen Victoria, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour or Affection, Prejudice or Malice, to any Person whomsoever.

SCHEDULE (B.)

Form of Conveyance by Commissioner.

I _____ the Commissioner acting in execution of an Act of Parliament passed in the _____ Year of the Reign of Queen Victoria, intituled [*here insert the Title of this Act*], by virtue of the Power and Authority to me given by the said Act, and in consideration of the Sum of _____ paid into my Hand by _____ which Sum is the whole Purchase Money agreed to be paid by him to me for the Purchase of the Lands and Hereditaments herein-after described, being Part and Parcel of the Lands by the said Act authorized to be sold and disposed of by me, and the Receipt of which said Sum I do hereby acknowledge, do by this Deed under my Hand and Seal, by the Direction of the said _____ testified by his Execution of these Presents, grant and convey unto _____ his Heirs and Assigns, all that [*here describe the Premises*], together with the Appurtenances to the said Premises belonging, and the Fee Simple and Inheritance thereof in Possession, to have and to hold the same unto the said _____

[*Private.*]

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his

his Heirs and Assigns [*here state the Uses, Trusts, or Purposes of the Conveyance, as the Case may require*]. In witness whereof I have hereunto set my Hand and Seal this
Day of

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