ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 212.

An Act for incloſing Lands within the Pariſhes of *Trelleck*, *Penalt*, *Mitchel-Troy*, *Cwmcarvan*, *Landogo*, *Tintern*, and *Laniſhen*, in the County of *Monmouth*. [20th *June* 1810.]

WHEREAS there are within the Pariſhes of *Trelleck*, *Penalt*, *Mitchel-Troy*, *Cwmcarvan*, *Landogo*, *Tintern*, and *Laniſhen*, in the County of *Monmouth*, ſeveral Commons and Waſte Lands containing together by Eſtimation Four thouſand and two hundred Acres or thereabouts: And whereas the moſt noble *Henry Charles* Duke of *Beaufort* is Lord of the Manor of *Trelleck*, which extends over the whole of the ſaid ſeveral Pariſhes of *Trelleck*, *Penalt*, *Mitchel-Troy*, *Cwmcarvan*, ſuch Part of the Pariſh of *Landogo* as is not within the Manor of *Landogo*, *Tintern*, and Part of the Pariſh of *Laniſhen*: And whereas the Right Reverend the Biſhop of *Llandaff* claims to be Lord of the Manor of *Landogo*, which may extend into and over Part of the Pariſh of *Landogo* aforeſaid, and into or over ſome or other of the ſeveral Pariſhes hereinbefore mentioned: And whereas the King's moſt Excellent Majeſty in Right of his Crown is entitled to the Preſentation to the Conſolidated Vicarages of *Trelleck* and *Penalt*: And whereas the Reverend *William Seys*, Maſter of Arts, is Vicar of the ſaid Conſolidated Vicarages, and as ſuch is entitled as well to the Great as to the Small Tithes ariſing within the ſaid Pariſhes of *Trelleck* and *Penalt*: And whereas the Reverend *Richard Bohun Tomkyns* is Rector of the Conſoli-

dated Rectories of *Mitchel-Troy* and *Cwmcarvan*, and as such is entitled to all the Tithes arising within the said Parishes of *Mitchel-Troy* and *Cwmcarvan*: And whereas the Reverend *William Berkin Meackham Lisle*, Doctor of Laws, is one of the Prebendaries of *Caire*, founded in the Cathedral Church of *Llandaff*, and as such Prebendary is entitled to all the Great and Small Tithes arising within the said Parish of *Landogo*: and whereas the Reverend *Daniel Drape* is the Rector of *Tintern*, and as such entitled to all the Tithes arising within the said Parish of *Tintern*: And whereas the said *Henry Charles* Duke of *Beaufort* is entitled to the impropriate Rectory of *Lanishen*, and to all the Great and Small Tithes arising within the said Parish of *Lanishen*: And whereas an Act passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in one Act certain Provisions usually inserted in Acts of Inclosure, and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the said Commons and Waste Lands are in their present uncultivated State of little Value to the Persons interested therein, and it would be very advantageous to them if the same were divided, and specific Parts thereof respectively allotted to the several Proprietors in proportion to their respective Rights and Interests therein, in order that such Allotments may be inclosed and held in Severalty; but such Division and Inclosure cannot be effected without the Aid of Parliament: May it there-

Appointment of Commissioner.

fore please Your Majesty, That it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the Authority of the same, That *Thomas Fulljames*, of *Hasfield Court* in the County of *Gloucester*, Esquire, and his Successor to be appointed in Manner hereinafter mentioned, shall be and is hereby appointed the sole Commissioner for setting out, dividing and allotting the said Commons and Waste Lands within the said Manor of *Trelleck*, and for putting this Act into Execution, in such Manner and subject to such Rules, Orders and Regulations as are hereinafter mentioned; and with such of the Powers, and subject to such of the Rules, Orders, Directions, Authorities, Regulations, Restrictions, and Provisions contained in the said recited Act as are not controuled by or repugnant to any of the Clauses, Provisoes, or Regulations contained in this Act; and that he the said *Thomas Fulljames*, or such other Commissioner as shall be hereafter appointed in his Stead, shall have full Power and Authority to call to his Assistance and to employ such Person as he shall think proper as an Assistant or Clerk for executing the several Powers by this Act reposed in him the said Commissioner; and to allow to such Assistant or Clerk for his Trouble such Compensation as the said *Thomas Fulljames* or such other Commissioner shall deem reasonable.

Appointment of new Commissioner.

II. And be it further enacted, That if the said *Thomas Fulljames* or any other Commissioner to be appointed in his Stead as hereinafter mentioned shall die, or refuse or neglect to qualify and take upon himself the Execution of the Powers hereby vested in him for the Space of Two Calendar Months next after the passing of this Act; or, after such his Appointment, having qualified himself, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, refuse to act, or become incapable of acting in such Powers and Authorities; then

and

and in every ſuch Caſe a new Commiſſioner ſhall be choſen and appointed by a Majority in Value to be aſcertained by the Land Tax Aſſeſſment of the Perſons who for the Time being ſhall be intereſted in the ſaid Diviſion and Incloſure, and who ſhall by themſelves or their Agents be preſent at a Meeting to be convened for that Purpoſe by any Two or more of ſuch Perſons intereſted as aforeſaid, within Two Calendar Months next after ſuch Death, Refuſal, Neglect or Incapacity, of which Meeting Ten Days' previous Notice at leaſt ſhall be given in Writing, fixed upon the principal outer Door of each of the Churches of *Trelleck* and *Penalt*, *Mitchel-Troy* and *Cwmcarvan*, *Landogo*, *Tintern*, and *Laniſhen*; and in caſe the Proprietors or Perſons intereſted as aforeſaid, ſhall make Default in appointing any ſuch Commiſſioner within Two Calendar Months next after ſuch Death or Neglect, or Refuſal to act, or Incapacity of any ſuch Commiſſioner as aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the Lord or Lords, Lady or Ladies for the Time being, of the ſaid Manor of *Trelleck*, and he, ſhe and they is and are hereby required within Fourteen Days next after the Expiration of the ſaid Two Calendar Months to appoint ſome Perſon not intereſted in the ſaid Incloſure, to be a Commiſſioner in the Place of the Commiſſioner ſo dying or neglecting, refuſing or becoming incapable to act as aforeſaid; and every ſuch new Commiſſioner ſo to be appointed ſhall have the like Powers and Authorities for putting this and the ſaid recited Act into Execution in all reſpects as the Commiſſioner to whoſe Place he ſhall ſucceed was inveſted with by virtue of this Act.

Appointment of Surveyor.

III. And be it further enacted, That *David Davies*, of *Langattock Crickhowell* in the County of *Brecon*, Land Surveyor, ſhall be Surveyor to act in the Execution of this and the ſaid recited Act, and ſhall be ſubject to the Controul and Direction of the ſaid Commiſſioner; and in caſe the ſaid *David Davies*, or any Surveyor to be appointed in his Stead ſhall die, refuſe, neglect or become incapable to act before the Powers and Proviſions of this Act ſhall be fully carried into Execution, then and in every ſuch Caſe a new Surveyor ſhall be appointed by the Majority in value of the Perſons who for the Time being ſhall be intereſted in the ſaid Diviſion, Incloſure, and Allotment; and in caſe of their making Default, then by the Lord or Lords, Lady or Ladies of the ſaid Manor within ſuch Time from the Death, Incapacity or declining to act of ſuch Surveyor and upon ſuch or like Notice, and in ſuch or the like Manner in all reſpects as is hereinbefore mentioned for chooſing and appointing a new Commiſſioner in the ſtead of the ſaid *Thomas Fulljames*, in caſe of his Death, Refuſal, Neglect or becoming incapacited to act as aforeſaid.

Appointment of new Surveyor.

Commiſſioner's Allowance.

IV. And be it further enacted, That out of the Monies that ſhall be raiſed for defraying the Expences of obtaining and carrying this Act into Execution, there ſhall be paid to the ſaid Commiſſioner and his Succeſſor to be appointed as aforeſaid, who ſhall act in the Execution of the Powers and Authorities hereby veſted in or given to him as a full Recompence for his Pains and Trouble, the Sum of Three Pounds and Three Shillings, and no more for each and every Day he ſhall be employed in travelling and attending for the Purpoſes of this Act and the ſaid recited Act; and that the ſaid Commiſſioner and his Succeſſor to be appointed as aforeſaid, and all Perſons claiming to be intereſted

interested in the said Inclosure, shall defray his and their own travelling Expences, and all other Expences of themselves, their Agents, Attornies and Witnesses, at all Meetings to be held in pursuance of this and the said recited Act.

Notice of Meetings.

V. And be it further enacted, That the said Commissioner shall and he is hereby required to cause public Notice to be given in each of the said Churches of *Trelleck* and *Penalt*, *Mitchel-Troy* and *Cwmcarvan*, *Landogo*, *Tintern*, and *Lanishen*, upon some *Sunday* immediately after Divine Service, or by Writing under his Hand to be affixed on the most public outer Door of the said respective Churches, and also by Advertisement to be inserted in the Newspaper called the *Gloucester* Journal, if then published, and if not, then in some other Newspaper published or circulated in the said County of *Monmouth*, of the Time and Place of the First and every other Attendance for the Execution of this Act, Eight Days at the least before any such Attendance shall be held (Attendance by Adjournment only excepted), and all and every the Attendances of the said Commissioner for the Execution of this Act shall be held at some convenient Place within the Distance of Eight Miles from either of the said Parishes.

Other Notices, how to be given.

VI. And be it further enacted, That all other Notices necessary to be given by the said Commissioner in pursuance of this Act, or the said recited Act, for any Purpose whatever (except such Notices as are in and by this Act, or the said recited Act, authorized or particularly directed to be given in any other Manner) shall be published and given in and by Advertisement to be inserted in the said Newspaper called the *Gloucester* Journal, if then published, and if not, then in some one or more of the public Newspapers then published or circulated in the said County of *Monmouth*; and all such Notices so given shall be deemed to be well and sufficiently published and given, and full and sufficient Notice to all Parties concerned respecting all the Matters and Things to which such Notice shall relate.

Disputed Claims to be heard and determined by the Commissioner.

VII. And be it further enacted, That if any Claim of Right of Common or other Right or Interest in or to the said Commons and Waste Lands intended to be divided, allotted, and inclosed by virtue of this Act, delivered to the said Commissioner in pursuance of the said herein-before recited Act, shall be objected to by any Person or Persons claiming to be interested in the said Commons and Waste Lands, and the Party or Parties making such Claim shall persist therein, then the said Commissioner shall and he is hereby required, at a Meeting to be by him held for that Purpose, of which he shall give public Notice at least Ten days before the Time of holding the same, by Examination of Witnesses upon Oath, and by such other Evidence, Ways and Means, as he shall think proper, to hear and determine the Matter of every such Claim so made and objected to, and persisted in as aforesaid; and the said Commissioner shall, and he is hereby authorized and required to assess such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any such Determination shall be made by the Party or Parties against whom the same shall be made, and the same Costs and Charges shall be paid within such Time as the

And to assess Costs.

said

ſaid Commiſſioners ſhall appoint; and if the Perſon or Perſons who ſhall be ordered or required to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame within Ten Days next after Demand made thereof, the ſame ſhall and may be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing, by Warrant under the Hand and Seal of the ſaid Commiſſioner, which Warrant the ſaid Commiſſioner is hereby empowered and required to grant, upon Proof on Oath of ſuch Neglect or Refuſal, and of ſuch Demand as aforeſaid, and the Overplus (if any), after the Charges of levying the ſame ſhall have been deducted, ſhall be returned on Demand to the Owner of ſuch Goods and Chattels: Provided always, that nothing in this Act contained ſhall extend or be conſtrued to extend, ſo as to enable the ſaid Commiſſioner to determine the Title to any Meſſuages, Lands, Tenements or Hereditaments whatſoever.

Perſons diſſatisfied may try Claims at Law.

VIII. Provided always, and be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Incloſure, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioner, touching or concerning any Claim or Claims of Common or other Rights or Intereſts into, over, or upon the ſaid Commons or Waſte Lands hereby directed to be divided and incloſed, or any Part thereof; then and in every ſuch Caſe it ſhall and may be lawful to and for ſuch Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, to try ſuch Claims at Law at the next or at the following Aſſizes to be holden in and for the ſaid County of *Monmouth*, next after ſuch Determination, firſt giving Fourteen Days' Notice in Writing to the ſaid Commiſſioner, or his Clerk or Aſſiſtant for the Time being, of his, her or their Intention to bring ſuch Action; and for that Purpoſe the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioner, ſhall cauſe an Action to be brought upon a feigned Iſſue againſt the Perſon or Perſons in whoſe Favour ſuch Determination ſhall have been made, within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioner, and the Defendant or Defendants in ſuch Action or Actions, is and are hereby required forthwith to appoint an Attorney or Attornies who ſhall appear to ſuch Action, or file common Bail, and accept one or more Iſſue or Iſſues, whereby ſuch Claim or Claims, and the Right or Rights thereby inſiſted on may be tried and determined (ſuch Iſſue to be ſettled by the proper Officer of the Court in which the ſaid Action ſhall be commenced, in caſe the Parties or their Attornies ſhall differ about the ſame); and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be final, binding and concluſive upon all and every Perſon and Perſons whomſoever, Body and Bodies Politick, Corporate and Collegiate, unleſs the Court wherein ſuch Action or Actions ſhall be brought, ſhall ſet aſide ſuch Verdict or Verdicts, and order a new Trial to be had therein, which it ſhall be lawful for the Court to do as is uſual in other Caſes, and that after ſuch Verdict or Verdicts ſhall have been obtained, and not ſet aſide by the Court, the ſaid Commiſſioner ſhall, and he is hereby required to act in conformity thereto, and to allow or diſallow the Claim or Claims thereby determined according to the Event of ſuch Trial or Trials: Provided al-

ways, that no ſuch Action, Verdict, or new Trial ſhall impede or delay the ſaid Commiſſioner in the Execution of the Powers hereby veſted in him, but the Diviſion and Incloſure hereby directed to be made, ſhall be proceeded in, in ſuch and the ſame Manner as if no Action or Suit were pending.

If any of the Parties die, Proceedings not to abate.

IX. And be it further enacted, That if any of the Parties in any Action to be brought in purſuance of this Act ſhall die pending the ſame, ſuch Action ſhall not abate by reaſon thereof, but ſhall be proceeded in as if no ſuch Event had happened.

Determination of the Commiſſioner to be final, unleſs Parties proceed at Law.

X. Provided always, and be it further enacted, That all ſuch Orders and Determinations of the ſaid Commiſſioner as ſhall have been made as aforeſaid, with reſpect to ſuch Claims touching which no ſuch Action at Law ſhall be brought or commenced and proceeded in within the Time aforeſaid, ſhall be final, binding and concluſive upon all Perſons whomſoever; any Thing in this Act contained to the contrary thereof notwithſtanding.

Proviſo in caſe of Death of Parties before Actions brought.

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

Right of Poſſeſſion of Perſons not to be determined by the Commiſſioner.

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

Encroachments made above Twenty Years, and

XIII. And be it further enacted, That all Cottages, Erections, and Encroachments which have been erected and made upon or taken out of the ſaid Commons and Waſte Lands intended to be divided, incloſed,

closed, and allotted by virtue of this Act, at any Time or Times above Twenty Years, to be computed from the Twenty-ninth Day of *September* One thousand eight hundred and nine, and for which no yearly Rent hath been paid to the Lord or Lords, Lady or Ladies of the said Manor of *Trelleck*, and also all such Lands or Tenements taken or supposed to be taken from or out of the said Commons and Wastes at any Time or Times above Twenty Years before the passing of this Act, for which any Chief or Quit Rent, or any Rent in the Nature of a Chief or Quit Rent, and not by way of Rent payable by a yearly Tenant, is or hath been paid or payable to the said Lord or Lords, Lady or Ladies, upwards of Twenty Years, to be computed from the Twenty-ninth Day of *September* One thousand eight hundred and nine, shall, as against such Lord or Lords, Lady or Ladies, be deemed to be the Property of the Possessor or Possessors thereof; and that all other Cottages, Erections, Encroachments and Inclosures which have been erected and made upon or taken out of the said Commons or Waste Lands, at any Time or Times above Twenty Years before the passing of this Act, shall be deemed to be the Property of the Lord or Lords, Lady or Ladies of the said Manor, or such Person or Persons as shall claim the same from or through them, or any of the Ancestors of the said *Henry Charles* Duke of *Beaufort*, or shall otherwise have a lawful Title thereto; but no Allotments shall be made for or in lieu of any Common Right which shall or may be claimed in respect of any Cottage, Erection, Encroachment, or Inclosure, which hath at any Time heretofore been erected or made upon or taken out of the said Commons and Waste Lands, except as hereinafter mentioned.

for which no Rent hath been paid, to be the Property of the Possessors.

Others, to be the Property of the Lord.

Respecting Encroachments made within Twenty Years.

XIV. And be it further enacted, That all Encroachments and Inclosures made upon or taken out of the said Commons or Waste Lands at any Time or Times within Twenty Years, to be computed from the Twenty-ninth Day of *September* One thousand eight hundred and nine, shall be deemed Parts and Parcels of the said Commons and Waste Lands, and such of them as shall have been made by any Freeholder or Freeholders, his, her or their Tenant or Tenants, in respect of or laid to and occupied with his, her or their Freehold Messuages, Lands or Tenements within the said Manor of *Trelleck*, and for which no Rent has been paid to the said *Henry Charles* Duke of *Beaufort*, or his Ancestors, Lords of the Manor, shall, with all Buildings and Erections thereon, be set out and allotted to such Freeholder or Freeholders as shall be in the Possession thereof respectively, in part or in full of the Allotments to which he, she or they shall be entitled, in case the same shall not, in the Judgment of the said Commissioner, be more than equivalent thereto, and in case any such Encroachments shall, in the Judgment of the said Commissioner, be of greater Value than his, her or their Share and Proportion of the said Commons and Waste Grounds, then the Person or Persons to whom such Encroachments shall be allotted shall pay to the said Commissioner, at or within such Time as he shall appoint, such Sum of Money as the said Commissioner shall adjudge to be the Value of such Encroachments, over and above the Value of the Allotments to which such Person or Persons shall be entitled, and the same shall be applied towards Payment of the Expences of obtaining and executing this Act, and shall be recovered in Manner directed by the said recited Act, with respect to Persons neglecting or refusing to pay his, her or their Proportion of the Costs and Expences of obtaining

Acts

Acts of Incloſure, and carrying the ſame into Execution; and in caſe there ſhall be any Overplus of ſuch Money after Payment of ſuch Coſts, Charges, and Expences, ſuch Surplus ſhall be divided and apportioned among the ſeveral Proprietors and Perſons intereſted in the ſaid Commons and Waſte Grounds, in ſuch Shares as ſhall be in Proportion to their reſpective Rights and Intereſts therein, and the Shares of ſuch of them as ſhall be Tenants in Fee Simple, ſhall be paid to them reſpectively, and the Shares of the other Proprietors and Perſons, of and in ſuch Surplus Money ſhall be applied and diſpoſed of in Manner directed by the ſaid recited Act, in thoſe Caſes where any Money is to be paid for the Purchaſe or Exchange of any Lands, Tenements or Hereditaments, or of any Timber or Wood growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements or Hereditaments, to be ſettled to the ſame Uſes; and the Remainder of the ſaid Encroachments and Incloſures which ſhall have been made within Twenty Years, to be computed from the ſaid Twenty-ninth Day of *September* One thouſand eight hundred and nine, ſhall be conſidered as Part of the Lands to be allotted to and taken by the ſaid *Henry Charles* Duke of *Beaufort*, or the Lord or Lady, Lords or Ladies for the Time being of the ſaid Manor, and the Value of ſuch Encroachments made within the ſaid Twenty Years, to be computed from the ſaid Twenty-ninth Day of *September* One thouſand eight hundred and nine, both with reſpect to the ſaid Duke and to ſuch Freeholder or Freeholders as aforeſaid, ſhall be aſcertained and fixed by the ſaid Commiſſioner or his Succeſſor according to the yearly Rent or Rents now received and payable to the ſaid *Henry Charles* Duke of *Beaufort* for the ſame reſpectively, where any Rent or Rents, or other Payment ſhall have been made or agreed upon; and where no yearly Rent or Payment ſhall have been made or agreed upon, then at ſuch yearly Rent or Rents as the ſame in the Judgment and Opinion of the ſaid Commiſſioner would have been worth previous to the ſame having been taken in and incloſed from the other Parts of the ſaid Commons and Waſte Lands, and having been improved in the Cultivation thereof; and in caſe any Perſon or Perſons poſſeſſed of any Encroachment or Encroachments ſhall have paid or agreed to pay any Rent for the ſame, and ſhall after ſuch Payment or Agreement to pay have added thereto by Encroachment, then the Rent to be paid by him or them for the additional Quantity of Land ſo taken in and incloſed ſhall be aſcertained and ſettled by the ſaid Commiſſioner or his Succeſſor in Manner hereinbefore mentioned, and added to the Rent or Rents already paid or agreed to be paid for the ſame, and the Value of ſuch Encroachment ſhall be aſcertained as aforeſaid according to ſuch original and additional Rents; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Encroachments or the Extent thereof, ſuch Diſpute or Difference ſhall be determined by the ſaid Commiſſioner.

Certain Leaſes not to be vacated

XV. Provided always, and be it further enacted, That nothing herein contained ſhall be conſtrued to cancel or make void any Leaſe under the Hand and Seal of, or any Agreement in Writing ſigned by the ſaid *Henry Charles* Duke of *Beaufort*, or any of his Anceſtors, for the letting and ſetting of any Part or Parts of the ſaid Commons or Waſte Lands, but that the ſame ſhall continue in Force for the Term, and ſubject to the Exceptions, Reſervations, Rents, Covenants, Clauſes, Proviſoes and Agreements therein reſpectively contained, ſubject nevertheleſs

thelefs to the Clauſe for exchanging and allotting Lands hereinafter enacted.

Reſpecting Encroachments.

XVI. And be it further enacted, That all Incroachments and Inclofures made upon or taken out of the ſaid Commons and Waſte Lands ſince the Twenty-ninth Day of *September* One thouſand eight hundred and nine, ſhall be deemed Parts and Parcels of the ſaid Commons and Waſte Lands intended to be divided, incloſed and allotted by virtue of this Act.

To prevent breaking the Soil of the Commons without Leave, and cutting down Trees, &c.

XVII. And be it further enacted, That it ſhall not be lawful for any Perſon or Perſons whomſoever, from and after the paſſing of this Act until the Execution of the Award of the ſaid Commiſſioner, to cut, dig, pare, grave, break up, flay or carry away the Turf or Soil upon or from off the ſaid Commons and Waſte Lands, or any Part thereof, or to fell, lop, top, cut down, burn, take or carry away any Buſhes, Thorns, or Furze, growing thereon, without the Licence and Conſent of the ſaid Commiſſioner, in Writing, under his Hand firſt had and obtained (which Licence and Conſent the ſaid Commiſſioner is hereby empowered to grant, under ſuch Rules, Orders, Regulations and Reſtrictions as he ſhall think proper to inſert therein); and if any Perſon or Perſons ſhall, from and after the paſſing of this Act, and before the Execution of the ſaid Award, cut, dig, pare, grave, break up, flay, or carry away any Turf or Soil from any Part of the ſaid Commons and Waſte Lands, or fell, lop, top, cut down, burn, take or carry away any Buſhes, Thorns, or Furze growing or being in or upon the ſame, without ſuch Licence and Conſent as aforeſaid, or having obtained ſuch Licence and Conſent, ſhall act in any Manner contrary thereto, or to the Rules, Orders, Regulations, and Reſtrictions therein contained, all and every ſuch Perſon and Perſons being convicted thereof, either by his, her or their own Confeſſion, or upon the Oath or Oaths of One or more credible Witneſs or Witneſſes, before any Juſtice of the Peace acting in and for the ſaid County of *Monmouth*, not being any ways intereſted in the ſaid Commons and Waſte Lands, (and which Oath or Oaths ſuch Juſtice is hereby authorized to adminiſter, and to ſummon the Perſon or Perſons complained of, and examine ſuch Witneſs or Witneſſes relating to the ſaid Complaint,) ſhall for every Offence forfeit and pay ſuch Sum of Money as the ſaid Juſtice ſhall direct, not exceeding Five Pounds, over and above the Value of ſuch Buſhes, Thorns, or Furze, the ſame to be applied by the ſaid Commiſſioner for the Purpoſes of this Act; and it ſhall be lawful for ſuch Juſtice, by Warrant under his Hand and Seal directed to any Perſon or Perſons whomſoever, to cauſe the ſaid Penalty to be raiſed and levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons offending (Demand having firſt been made thereof), rendering the Overplus (if any), after deducting the Charges of ſuch Diſtreſs and Sale, to the Owner of ſuch Goods and Chattels, and every Perſon ſhall be allowed to give Evidence of every ſuch Offence, notwithſtanding he may be a Proprietor or Occupier of Lands within, or an Inhabitant of either of the aforeſaid Pariſhes.

Power to make Drains, &c.

XVIII. And be it further enacted, That the ſaid Commiſſioner ſhall and may order and direct to be ſcoured out, repaired, and widened all

all ancient Brooks, Drains, Ditches, Water-courſes, Tunnels, Water-gates, Sluices, Banks and Bridges, in, over or upon the Lands and Grounds intended to be divided, allotted and incloſed by virtue of this Act; and alſo ſhall and may make, ſet out, and appoint ſuch new Ditches, Drains, Water-courſes, Tunnels, Water-gates, Sluices, Banks, and Bridges, as well in, through, and over the Lands and Grounds hereby intended to be divided, incloſed and allotted as aforeſaid, as in, through, and over any ancient Incloſures, or other Lands and Grounds within the ſaid ſeveral Pariſhes, or any of them, making ſuch Satisfaction to the Proprietor of ſuch ancient Incloſures or other Lands and Grounds, not hereby directed to be divided and encloſed, for Damage done thereby, as the ſaid Commiſſioner ſhall think reaſonable, and to be of ſuch Depth, Dimenſions, and Breadth, and in ſuch Directions as the ſaid Commiſſioner ſhall think fit; and the ſaid Commiſſioner ſhall and may and he is hereby directed in and by his Award to appoint and order by whom and at whoſe Expence, and at what Times, and in what Manner the ſaid Brooks, Drains, Ditches, Water-courſes, Tunnels, Water-gates, Sluices, Banks and Bridges ſhall be made, and thereafter repaired, cleanſed, ſcoured, and maintained; and alſo ſhall and may direct, order, and award all or any of the Streams and Springs of Water within the ſaid Commons and Waſte Lands hereby directed to be divided, incloſed, allotted and exchanged, or adjoining to the ſame, or in any incloſed Lands within the ſaid ſeveral Pariſhes, or any of them, to be conveyed, carried or turned into ſuch Courſes, and through, over, and acroſs ſuch Parts of the Lands or Grounds hereby directed to be divided, allotted, and incloſed, or any other Lands in the ſaid Pariſhes, or any of them, as he the ſaid Commiſſioner ſhall in his Diſcretion judge proper for the Watering of the ſeveral Allotments to be made by virtue of this Act, or diſcharging ſuch Streams or Springs of Water to their Outfall: Provided that no ſuch Stream or Spring of Water be diverted or turned without the Conſent in Writing of the Perſon or Perſons, from or out of whoſe Lands, and of the Perſon or Perſons through or into whoſe Lands, reſpectively the ſame ſhall be diverted or turned.

Commiſſioner may ſtop up old Roads after new ones are made.

XIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby authorized and empowered with the Concurrence and Order of Two Juſtices of the Peace acting in and for the Diviſion of the County of *Monmouth*, in which the Road or Roads, Footpath or Footpaths, hereinafter mentioned, ſhall be ſituate, and not intereſted in the Repair of ſuch Road or Roads, Footpath or Footpaths, to ſtop up and direct to be diſcontinued any public Road or Roads, Footpath or Footpaths through any Part or Parts of the Lands or Grounds in the ſaid ſeveral Pariſhes, or any of them, which to the ſaid Commiſſioner ſhall appear to be uſeleſs or unneceſſary: Provided always, That ſuch Order ſo to be made ſhall be ſubject to an Appeal to the Quarter Seſſions, in like Manner and under the ſame Forms and Reſtrictions as if the ſame had been originally made by ſuch Juſtices as aforeſaid: Provided alſo, That none of the preſent Roads or public Highways within the ſaid ſeveral Pariſhes, or any of them, ſhall be ſhut up or diſcontinued until the Roads intended to remain public Highways within the ſaid ſeveral Pariſhes, ſhall be ſet out according to the Directions of the ſaid recited Act, and the ſame

ſhall

shall be properly formed, and made safe and convenient for Horses, Cattle, and Carriages.

Lands liable to be allotted.

XX. And be it further enacted, That all Inclosures within the said Manor of *Trelleck*, detached from Homesteads, and not exceeding Four Acres, and all Inclosures within the same Manor containing the Property of Two or more Persons, within One Fence shall be deemed Part of the Lands to be divided and allotted under this Act, in case the Commissioner shall be satisfied that the same can be so considered without any material Injury to the Parties entitled thereto respectively; and that all Homesteads, Gardens, Orchards, Old-Inclosures, and other Lands and Grounds within the said Manor of *Trelleck*, with the Consent in Writing of the respective Persons seized or possessed thereof in their own Rights, either in Fee Simple, Fee Tail, or for Life or Lives, or in any Term or Terms of Years determinable upon any Life or Lives, or who shall be a Trustee or Trustees for Charitable or other Purposes, or of the major Part of such Trustees, or with the Consent in Writing of the Husbands, Guardians, Feoffees, Committees, Attornies, or known Agents, of any Persons seized or possessed in their own Rights as aforesaid, who shall be under Coverture, Minors, Lunaticks, beyond the Seas, or under any other Disability of acting for themselves, shall in like Manner be deemed and considered to be Land to be divided and allotted under this Act.

Allotment for Materials &c. for Repair of Roads, &c.

XXI. And be it further enacted, That the said Commissioner shall, if he thinks proper, but not otherwise, before he divides and incloses the said Commons and Waste Lands, set out and allot such Parts or Parcels of the said Commons and Waste Lands or any of them, as he shall judge proper, as and for public Stone, Gravel and Sand Pits, with convenient Roads and Ways to and from the same respectively, for the Purpose of making and repairing the public and private Roads and Ways within the same Parishes respectively, and the Herbage growing or renewing upon such Quantity or respective Quantities of Land to be set out as last mentioned, shall be and the same is and are hereby vested in the Surveyor or Surveyors of the Highways of the said Parishes respectively, in Trust, to set and let the same, and to apply the Rents and Profits thereof towards the Repairs of the Roads and Ways within the said several Parishes, and such Surveyor or Surveyors shall account for such Rents and Profits, in the same Manner as he or they is or are or shall be accountable for other Money which shall come to his or their Hands, as such Surveyor or Surveyors of the Highways, and shall be under and subject to the like Penalties for any Neglect thereof; and such Allotment or Allotments (if any) for Stone and Sand Pits shall be inclosed and fenced in such Manner and by such Persons as the said Commissioner shall in his Award direct.

Allotment to the Lord for his Right in the Soil.

XXII. And be it further enacted, That the said Commissioner after he shall have set out the public Roads and Ways and private Roads and the said Drains and Water-courses, shall in the next place assign, set out and allot unto the said *Henery Charles* Duke of *Beaufort*, or the Lord or Lords, Lady or Ladies for the Time being of the said Manor of *Trelleck*, so much and such Part and Parts of the Residue of the said

Commons

Commons and Waſte Lands, including the Encroachments hereinbefore directed to be made and allotted to him or them within the ſaid Manor of *Trelleck*, as in the Judgment and Opinion of the ſaid Commiſſioner ſhall be equal in Value to One Sixteenth Part thereof, and ſuch Allotment or Allotments ſhall be in full Compenſation, Recompence and Satisfaction to the ſaid *Henry Charles* Duke of *Beaufort*, or ſuch Lord or Lords, Lady or Ladies for the Time being, for all his, her, or their Right and Intereſt in and to the Soil of the ſaid Commons and Waſte Lands, but the ſame ſhall be excluſive of the Allotments of and in the ſaid Commons and Waſte Lands, which ſhall in purſuance of this Act be allotted to him, her or them, in lieu of his, her or their Right of Common: Provided always, That nothing in this Act contained ſhall extend or be conſtrued to extend to affect the Rights and Intereſts of the Biſhop of *Llandaff* as Lord of the Manor of *Landogo*.

Allotment to Vicars and Rectors in lieu of Tithes.

XXIII. And be it further enacted, That the ſaid Commiſſioner ſhall and he is hereby authorized and required to ſet out, allot and award unto the ſaid *William Seys* and his Succeſſors, Vicars as aforeſaid, and to the ſaid *Richard Bohun Tomkyns* and his Succeſſors, Rectors as aforeſaid, and unto the ſaid *William Berkin Meackham Liſle* and his Succeſſors, Prebendaries as aforeſaid, and to the ſaid *Daniel Drape* and his Succeſſors, Rectors as aforeſaid, and unto the ſaid *Henry Charles* Duke of *Beaufort*, his Heirs and Aſſigns reſpectively, in lieu of all Great and Small Tythes yearly iſſuing, ariſing or renewing, or which at any Time hereafter might or ſhould yearly iſſue, ariſe or renew out of, or for or in reſpect of all or any Part of the ſaid Commons and Waſte and other Lands hereby intended to be divided, allotted and incloſed, and in lieu of all Moduſes, and all Payments and Compenſations in lieu of ſuch Tithes, ſo much and ſuch Part or Parts of the ſaid Commons or Waſte or other Lands, as in the Judgment and Opinion of the ſaid Commiſſioner ſhall be in the whole equal in Value to One Seventh Part of the ſaid Commons, Waſte and other Lands to be divided by virtue of this Act, the ſame to be ſubdivided between them the ſaid Vicar, Prebendary, and Rectors for the Time being, and the ſaid *Henry Charles* Duke of *Beaufort* and his Heirs, by the ſaid Commiſſioner, according to their reſpective Intereſts in the ſame, and awarded accordingly; and the ſame Allotment or Allotments ſhall and is and are hereby declared to be in full Satisfaction and Diſcharge of and for the ſaid Tithes and Moduſes, and all Payments and Compenſations in lieu of Tithes (if any) yearly iſſuing, ariſing or renewing, or which otherwiſe would iſſue, ariſe, renew or increaſe from or out of the ſaid Commons, Waſte and other Lands hereby directed to be divided, allotted or incloſed by virtue of this Act: Provided always, That nothing in this Act contained ſhall prejudice, leſſen or defeat the Right or Title of the ſaid Vicar, Prebendary, and Rectors, and their Curates reſpectively of the ſaid ſeveral Pariſhes for the Time being, to any Mortuaries, *Eaſter* Offerings or Surplice Fees ariſing or becoming due to them reſpectively within their ſaid reſpective Pariſhes, nor the reſpective Rights of the ſaid Vicar, Prebendary and Rectors to the Tithes of or ariſing from the ſaid antient Homeſteads, Gardens and Incloſures within the ſaid Pariſhes reſpectively, not intended to be divided by virtue of this Act.

XXIV. And

Vicar not to leaſe his Allotment without the King's Conſent.

XXIV. Provided always, and be it further enacted, That no Leaſe or Leaſes to be made by virtue of the ſaid recited Act, of any Lands or Grounds to be allotted to the Vicar of the conſolidated Vicarages of *Trelleck* and *Penalt*, or his Succeſſors for the Time being, ſhall be good, valid, or effectual unleſs the Conſent of the King's moſt Excellent Majeſty, his Heirs or Succeſſors, as Patron of the ſaid Vicarages, ſhall be had and obtained thereto previouſly to the Execution of ſuch Leaſe or Leaſes.

Allotment for the Benefit of Perſons who are entitled to raiſe Mill-ſtones, &c.

XXV. And be it further enacted, That the ſaid Commiſſioner ſhall in the next place aſſign, ſet out and allot unto and for the Benefit of the Perſons reſpectively, if any ſuch there are, who at the Time of paſſing this Act are entitled to dig for and raiſe Mill-ſtones, Grinding Stones and Tiles, from or out of the ſaid Commons and Waſte Lands or any Part thereof, or to uſe the ſame Commons and Waſte Lands, or any Part thereof, for burning Lime, or to dig for and carry away Turf or Peat for Fuel, from or out of the ſaid Commons and Waſte Lands or any Part thereof, and for the Benefit of thoſe claiming or to claim by, from, under or after ſuch Perſons reſpectively, ſo much and ſuch Part and Parts of the ſaid Commons and Waſte Lands, not exceeding in the whole One hundred Acres, and at ſuch Place or Places as the ſaid Commiſſioner ſhall think proper, ſuch Allotment or Allotments to be made uſe of by ſuch Perſons reſpectively, and thoſe claiming through, under or after them reſpectively for the reſpective Purpoſes aforeſaid, and ſuch Perſons and thoſe claiming or to claim through, under or after them reſpectively, to pay for the ſame to the Lord or Lords for the Time being of the ſaid Manor of *Trelleck*, ſuch reſpective Rents or Royalties, as by the Cuſtom of the ſaid Manor ſhall be payable for or in reſpect of the ſame, or in Caſes where no ſuch Cuſtom ſhall to the Satisfaction of the ſaid Commiſſioner be proved to exiſt, then ſuch reſpective Rents or Royalties as the ſaid Commiſſioner ſhall by his Award order or direct, and the Value of ſuch Rents or Royalties ſhall be conſidered as Part of the Allotment hereinbefore directed to be made to ſuch Lord or Lords, in lieu of the Soil of the ſaid Commons and Waſte Lands.

Additional Allotment to certain Owners of Encroachments.

XXVI. And be it further enacted, That the ſaid Commiſſioner ſhall in the next place aſſign, ſet out and allot unto and for the Perſon or Perſons who under or by virtue of this Act is or are to be conſidered as the Owner or Owners, Proprietor or Proprietors of each Encroachment, ſo much of the ſaid Commons and Waſtes as the ſaid Commiſſioner ſhall think proper, not exceeding One Acre for each Encroachment, which ſaid Parcel of the ſaid Commons and Waſtes ſo to be allotted, to or for each Encroachment as aforeſaid, ſhall be added to and be conſidered as Part of, and be held under the ſame Tenure, and be ſubject to the ſame Uſes, Eſtates, Terms, Charges and Intereſts, as the ſaid Encroachment to or for which the ſame ſhall be ſo ſet out and allotted.

Allotment to Overſeers for Poor Houſes.

XXVII. And be it further enacted, That the ſaid Commiſſioner ſhall, upon the Application of the reſpective Overſeers for the Time being of the ſaid Pariſhes reſpectively, to be made at any Time within the Space of One Year from the paſſing of this Act, aſſign, ſet out and allot

ailot unto the ſaid Overſeers of the Poor, for the Time being of each of the ſaid Pariſhes, on behalf or on account of whom ſuch Application ſhall be made, ſuch Part or Parts of the ſaid Commons and Waſte Lands as the ſaid Commiſſioner ſhall think proper, not exceeding in the Pariſh of *Trelleck* the Value of Three Acres, and in the Pariſh of *Penalt* Three Acres, and in the Pariſh of *Mitchel Troy* Three Acres, and in the Pariſh of *Cwmcarvan* Two Acres, and in the Pariſh of *Landogo* Three Acres, and in the Pariſh of *Tintern* Two Acres, and in the Pariſh of *Laniſhen* One Acre, on the average Value of the ſaid Commons and Waſte Lands in thoſe Pariſhes reſpectively, for the Purpoſe of having Poor Houſes built upon ſuch reſpective Allotments; which ſaid Allotments, from and after the Execution of the ſaid Award, ſhall be veſted in the Lord or Lords, Lady or Ladies of the ſaid Manor of *Trelleck*, and the Patrons, Vicar, Rectors, Churchwardens, and Overſeers of the Poor for the Time being of the ſaid reſpective Pariſhes, for the Benefit of which they ſhall be reſpectively appropriated, ſubject to ſuch Rules, Orders and Regulations, as the ſaid Truſtees for the Time being, or the major Part of them, ſhall from Time to Time order, direct or appoint.

Truſtees for the Poor may act by Proxy.

XXVIII. Provided always, and be it further enacted, That it ſhall and may be lawful for the Lord or Lords, Lady or Ladies, Patrons, Vicar, and Rectors for the Time being reſpectively, to act in the ſeveral Truſts by this Act repoſed in them by their Agents or Proxies reſpectively, to be appointed in Writing under their reſpective Hands, to act for them reſpectively as their reſpective Attornies or Subſtitutes for the Time being.

Sale of Waſte Lands to defray the Expences, &c.

XXIX. And be it further enacted, That the ſaid Commiſſioner ſhall, in the next place, out of the Reſidue of the ſaid Commons and Waſte and other Lands, hereby directed to be allotted and divided, mark and ſet out ſuch Part or Parts thereof, within the ſaid ſeveral Pariſhes reſpectively, as he ſhall think adequate for the Purpoſes hereinafter mentioned; and when the ſame ſhall be ſo marked and ſet out, the ſaid Commiſſioner ſhall, and he is hereby authorized and required to ſell the ſame by private Contract, or public Auction or Auctions, in the Manner and ſubject to the Directions and Regulations mentioned and contained in the ſaid recited Act; and the Perſon or Perſons purchaſing the ſame ſhall immediately pay by way of Depoſit into the Hands of the Commiſſioner, or ſuch Perſon or Perſons as he ſhall direct or appoint, One fifth Part of his or their Purchaſe Money, and pay the Remainder thereof at ſuch other Time or Times as the ſaid Commiſſioner ſhall appoint, whoſe Receipt or Receipts ſhall be a ſufficient Diſcharge or Diſcharges to any Purchaſer or Purchaſers, under or by virtue of this Act, for ſo much Money or Monies as ſhall be in ſuch Receipt or Receipts, expreſſed or acknowledged to have been received, and in Default of Payment of the Remainder of ſuch Purchaſe Money, the Money ſo depoſited ſhall be forfeited and applied in carrying this Act into Execution, and the Allotment or Allotments for which the whole of ſuch Purchaſe Money ſhall not have been ſo paid, or for which there ſhall be no bidding at ſuch Auction, ſhall be again put up to Sale and ſold in Manner aforeſaid, for the beſt Price or Prices that can be gotten for the ſame, or be ſold by the ſaid Commiſſioner

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by private Contract, for ſuch Sum or Sums as can be had or gotten for the ſame; and every Allotment for which the full Purchaſe Money ſhall be paid, ſhall immediately thereupon be abſolutely diſcharged of and from all Common and other Rights therein and thereon, and be veſted in Fee Simple in, and be incloſed and thenceforth held in Severalty by ſuch Purchaſer or Purchaſers thereof reſpectively, as his, her, or their private and abſolute Property, and ſhall be allotted accordingly by the ſaid Commiſſioner, and the ſaid Purchaſe Money ſhall be applied by the ſaid Commiſſioner in defraying and diſcharging all the Coſts, Charges and Expences, attending the obtaining and paſſing of this Act, and of ſurveying, admeaſuring, planning, valuing, dividing, allotting and incloſing the ſaid Commons and Waſte and other Lands to be divided, allotted and incloſed by virtue thereof; and all the Charges of the ſaid Commiſſioner and his Clerk, Aſſiſtants and Servants, and all the Expences of forming, completing and repairing the public Carriage Roads and Highways, to be ſet out and appointed by the ſaid Commiſſioner; and of ſcouring and draining, ſetting out and appointing the ſaid Drains, Ditches and other Watercourſes, and all other Expences of carrying this Act and the ſaid recited Act into Execution, in ſuch Manner as the ſaid Commiſſioner ſhall order and direct reſpecting the ſame, and the Overplus, if any, of the Monies to ariſe by ſuch Sale or Sales ſhall be diſtributed amongſt the ſeveral Perſons intereſted in the ſaid Commons and Waſte Lands, in proportion to their ſeveral Rights and Intereſts therein; and the Shares of ſuch of them as ſhall be Tenants in Fee Simple ſhall be paid to them reſpectively, and the Shares of ſuch other Proprietors, not being Tenants in Fee Simple, of and in ſuch Surplus Money ſhall be paid and laid out for their Benefit, and for the Benefit of thoſe ſucceeding them, in the ſame Manner as directed by the ſaid recited Act, with reſpect to the Money to be paid for the Purchaſe or Exchange of Lands, Tenements or Hereditaments, or of any Timber growing thereon, and which Money ought to be laid out in the Purchaſe of other Lands, Tenements and Hereditaments to be ſettled to the ſame Uſes; and if there ſhall be a Deficiency of ſuch Sale Money for the Purpoſes aforeſaid, the ſame ſhall be borne and paid by the ſeveral Perſons entitled to Allotments under this Act, of and in the ſaid Commons and Waſte and other Lands, at ſuch Time and Times, in ſuch Shares and Proportions, and in ſuch Manner as the ſaid Commiſſioner ſhall direct, or at the Option of the Perſons liable to pay the ſame, deducted out of their ſaid ſeveral Allotments: Provided always, That in all Caſes where any of the Perſons Bodies, Politick or Corporate, intereſted in any Allotment or Allotments of the ſaid Commons and Waſte Lands, ſhall be minded and deſirous of paying their reſpective Shares of the ſaid Expences in Money, inſtead of ſuſtaining a Loſs in Land in their reſpective Allotments, and ſhall and do, at the Firſt, Second or Third Meeting of the ſaid Commiſſioner, give Notice in Writing to the ſaid Commiſſioner of ſuch their Mind and Deſire, then and in every ſuch Caſe the Share or reſpective Shares of the Party or Parties ſo giving ſuch Notice as aforeſaid, of and in all ſuch Expences and Sums of Money to be raiſed as aforeſaid, ſhall be paid and diſcharged in Money by ſuch Party or Parties reſpectively, in ſuch Manner and at ſuch Time or Times, and to ſuch Perſon or Perſons as the ſaid Commiſſioner ſhall by Writing under his Hand order, direct and appoint; and in all Caſes where

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

Deficiency of Money to arise by Sales to be paid by Proprietors.

XXX. And be it further enacted, That in case the said Money to arise by Sale of Land, Part of the said Commons and Waste Lands, hereinbefore directed to be set out and sold, shall not be sufficient to answer the Purposes aforesaid, then the Residue of such Expences shall be paid and defrayed by the respective Persons (except in the Cases before mentioned) who shall have Allotments on the said Commons, Waste and other Lands set out and allotted to them respectively, according to an Assessment or Assessments to be made upon them respectively, by the said Commissioner for that Purpose, and to be raised, levied or recovered by the said Commissioner in the same Manner and by such Remedies by Distress and Sale, and with such Interest, Costs and Charges, and as fully and completely in every respect as is directed for levying the Charges and Expences of or attending Inclosures, and obtaining Inclosure Acts, and carrying the same into Execution, in or by the said recited Act.

Allotment of the Residue.

XXXI. And be it further enacted, That after the several Allotments hereinbefore directed shall be made, and the several public and private Roads, and Ways and Drains and Watercourses shall be appointed, assigned and set out by virtue of the said recited Act and this Act, the said Commissioner shall then assign, set out, and allot all the Residue and Remainder of the said Commons, Waste and other Lands, unto and amongst the several Persons, Bodies Politick, Corporate or Collegiate, who at the Time of such Division and Allotment shall be interested therein, in proportion and according to their respective Shares, Rights, Interests and Property.

Persons may sell their Common Right, and the Allotment to be made to the Purchaser.

XXXII. And be it further enacted, That it shall be lawful for any Person or Persons interested in the said Division and Inclosure, at any Time or Times before the Execution of the Award of the said Commissioner, to sell or contract or agree to sell his, her, or their Right of Common, and other Rights and Interests, or any Part thereof, in, over or upon the said Commons and Waste Lands, to any Person or Persons whomsoever, separate and apart from the Property in respect of which such Person or Persons is, are or shall be respectively entitled to such Rights of Common and other Rights and Interests, and the same Commissioner is hereby authorized and required, on receiving the Contract or Agreement for Sale or a Memorandum thereof in Writing signed by the Vendor and Vendee, to make an Allotment or Allotments of the said Commons and Waste Lands, in respect of such Rights and Interests which shall be so sold or contracted to be sold as aforesaid, unto the Vendee or Purchaser thereof under such Sale, Contract or Agreement, or to his, her or their Heirs or Assigns, for and in respect of the Estate under which the Vendor claims such Right of Common, Interest and other Rights, which shall be so sold or contracted for or agreed to be

be ſold as aforeſaid, and every ſuch Vendee or Purchaſer, and his or her Heirs and Aſſigns, ſhall from and after the Execution o the ſaid Award, hold and enjoy the Lands ſo to be allotted to him or her as aforeſaid, in the ſame Manner and ſubject to the ſame Incumbrance to all Intents and Purpoſes, as the Vendor in every ſuch Sale, Contract, or Agreement might, could or ought to have held and enjoyed the ſame, in caſe ſuch Sale, Contract, or Agreement had not been made, or ſuch Right of Common, Intereſt or other Right had ſtill remained veſted in ſuch Vendor at the Time of making ſuch Allotment as aforeſaid.

Allotments to be held under the ſame Tenures &c.

XXXIII. And be it further enacted, That all ſuch Lands and Grounds as ſhall by the authority and in purſuance of this Act be allotted to any of the ſaid Proprietors, ſhall be held by ſuch Proprietors reſpectively, under the ſame Tenures, Rents, Cuſtoms, and Services as the Lands or other Property in reſpect of which ſuch Allotments ſhall be made, were reſpectively held and enjoyed by the ſaid Proprietors before the paſſing of this Act, or would have been held and enjoyed in caſe this Act had not been paſſed; and the ſeveral Landsand Grounds which in the ſaid Award ſhall be diſtinguiſhed to have been allotted in lieu of Freehold or Copyhold Lands or Hereditaments, ſhall from the Execution of the ſaid Award be deemed Freehold or Copyhold reſpectively; and ſhall from thenceforth be held of the Lord of the Fee under the ſame Rents, and by the ſame Services, as the Freehold or Copyhold Lands or other Hereditaments, in lieu of which they were ſo allotted, were before that Time held; and the Lands and Grounds which ſhall be therein diſtinguiſhed to have been allotted in lieu of Leaſehold Lands or Hereditaments (except as hereinafter mentioned), ſhall in like Manner be deemed Leaſehold, and ſhall be held under the ſame Rent as the Lands or other Hereditaments, in lieu whereof they were ſo reſpectively allotted, were held, and the Reverſion or Remainder thereof ſh.ll be veſted in the ſame Leſſors or Perſons reſpectively, as the Reverſion or Remainder of ſuch other Lands and Property was veſted before the paſſing of this Act, any Law, Cuſtom, or Uſage to the contrary notwithſtanding.

Wills and Settlements not to be affected.

XXXIV. Provided always, and be it further enacted, That nothing in this Act ſhall extend or be conſtrued to extend to revoke, make void, alter, or annul any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debt, or Incumbrance out of, upon or affecting any of the Lands or Grounds to be ſet out, divided, allotted and incloſed as aforeſaid, or any Part or Parts thereof reſpectively, but that the reſpective Perſons unto or for whom any Lands or Hereditaments ſhall be ſet out, aſſigned, allotted, or given in Exchange by virtue of this Act, ſhall ſtand and be ſeiſed of the ſame, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to ſuch and the ſame Wills, Jointures, Limitations, Truſts, Charges and Incumbrances, and no other, as the ſame Meſſuages, Lands, Tenements, or Hereditaments for or in reſpect whereof ſuch Allotments and Exchanges ſhall be made, would have been ſubject or liable to be charged with or affected by in caſe this Act had not been made.

For fencing the Allotments.

XXXV. And be it further enacted, That the ſeveral Allotments of the ſaid Commons and Waſte Lands which may be made to the ſaid *William Seys*, *Richard Bohun Tomkyns*, *William Berkin Meackham Liſle*, and *Daniel Drape* reſpectively, or their reſpective Succeſſors, for or in reſpect of any Meſſuages or Glebe Lands belonging to the ſaid Churches of the ſaid ſeveral Pariſhes of *Trelleck*, *Penalt*, *Mitchel Troy*, *Cwmcarvan*, *Landogo*, and *Tintern*, and in lieu of all Tithes yearly iſſuing, ariſing or renewing, or to iſſue, ariſe or renew out of or in reſpect of the ſaid Commons and Waſte Lands within the ſaid laſtly mentioned Pariſhes reſpectively, ſhall be incloſed and fenced in with ſuch Ditches, Drains, Hedges or other Fences as the ſaid Commiſſioner ſhall think proper, and the ſeveral Expences thereof, and of maintaining the ſaid Fences for the firſt Seven Years after making the ſame, ſhall be raiſed and paid in like Manner as the Expences of obtaining this Act, and of carrying the ſame into Execution; and all ſuch Hedges, Ditches, Drains and Fences, when made, ſhall for ever after the Expiration of the ſaid Term of Seven Years be maintained, ſupported and kept in Repair by and at the Expence of the ſaid Vicar, Prebendary, and Rectors for the Time being of the ſaid laſtly mentioned Pariſhes reſpectively; and that all the other Allotments of the ſaid Commons and Waſte Lands hereby intended to be ſet out, divided and allotted, except the ſaid Allotments for Stone, Gravel and Sand-pits, ſhall be incloſed and fenced with proper Ditches, Drains, and Hedges or other Fences, to be made and at all Times thereafter repaired by and at the Expence of the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, to or for whoſe Uſe the ſame ſhall be reſpectively allotted, within ſuch Time and in ſuch Manner as the ſaid Commiſſioner ſhall in and by his Award or by any Writing under his Hand previouſly thereto direct or appoint.

Shares of Boundary Fences how to be aſcertained.

XXXVI. Provided always, That in caſe it ſhall happen that any Perſon or Perſons to whom any Allotment or Allotments ſhall be made under this Act ſhall, in order to incloſe the ſame have more than an equal and proportionable Share of Boundary Fences to make and raiſe, it ſhall be lawful for the ſaid Commiſſioner where he ſhall think proper, and having due Regard to the Quantity and Value of each and every Allotment, and to the neceſſary Subdiviſions to be made thereon, to aſcertain and appoint ſuch Sum of Money to be paid to every ſuch Proprietor towards making ſuch Fences, by ſuch other or others of the ſaid Proprietors who may have leſs than an equal Proportion of Fencing allotted to him or them, as the ſaid Commiſſioner ſhall think proper; which Sum, if not paid on Demand, ſhall be recovered and levied by the Party to whom the ſame is payable, in ſuch Manner and by ſuch Means as Penalties and Forfeitures are by the ſaid recited Act directed to be recovered and levied, or otherwiſe the ſaid Commiſſioner ſhall at his Diſcretion make ſuch Allowance to any ſuch Proprietor towards making ſuch Fences out of the general Fund to be raiſed by virtue of this Act, for defraying the Expences thereof as aforeſaid, as he ſhall think reaſonable, in order that the Expences of the ſaid Boundary Fences may be brought as near as may be to a juſt and equal Proportion: Provided nevertheleſs, That it ſhall be lawful for the ſaid Commiſſioner, if he ſhall think fit, to raiſe and make, or cauſe to be raiſed and made, all and every, or any of the Hedges and Banks, Ditches, Drains, and other Fences, againſt all, every, or any of the publick or private Roads or Ways which ſhall or may be by him ſet out and appointed in the ſeveral Pariſhes of *Trelleck*, *Penalt*, *Mitchel*

Mitchel Troy, *Cwmcarvan*, *Landogo*, *Tintern* and *Laniſhen* aforeſaid, under or by virtue of the Powers, Proviſoes, and Directions contained in this and the ſaid recited Act; and all the Coſts, Charges and Expences of raiſing and making ſuch Hedges and Banks, and of the Spring or Quick-ſet or other fencing Stuff to be laid, placed, or ſet therein or thereon, and of cutting and making ſuch Ditches or Drains, ſhall be borne and paid by the ſeveral Perſons againſt whoſe Allotments reſpectively the ſame ſhall be ſo raiſed and made (except the ſaid Vicar, Prebendary and Rectors of the ſaid Pariſhes of *Trelleck*, *Penalt*, *Mitchel Troy*, *Cwncarvan*, *Landogo*, and *Tintern*, and Surveyors of the Highways, in reſpect of whom Allotments are hereinbefore directed to be made,) unto ſuch Perſon or Perſons and at ſuch Time or Times as the ſaid Commiſſioner ſhall think proper, and by his Award appoint; and in caſe any ſuch Perſon or Perſons ſhall neglect or refuſe to pay his, her, or their Share or Shares of ſuch Charges and Expences, or any Part thereof, unto the Perſon or Perſons who ſhall be thereby appointed to receive the ſame within the Time to be limited by the ſaid Commiſſioner as aforeſaid, then and in every ſuch Caſe the ſaid Commiſſioner ſhall cauſe the ſame to be levied and recovered in Manner directed by the ſaid recited Act, with reſpect to levying and recovering Penalties and Forfeitures.

To empower Vicar of Trelleck to raiſe Money for Building, &c.

XXXVII. And be it further enacted, That it ſhall be lawful for the ſaid *William Seys* and his Succeſſors, Vicars as aforeſaid, and he and they are hereby empowered (with the Conſent in Writing of the ſaid Commiſſioner) to charge the Allotments which ſhall or may be awarded to him or them under or by virtue of this Act or any Part thereof, with the Payment, unto any Perſon or Perſons, his or their Executors, Adminiſtrators, or Aſſigns, of ſuch Sum or Sums of Money actually laid out or expended in making or completing any Erections or Buildings in or upon the ſaid Allotments, or any Part thereof, but not exceeding forty Shillings for every Acre of ſuch Allotments as the ſaid Commiſſioner by any Writing or Writings under his Hand, either before or after the Execution of his Award or in and by his Award, ſhall certify or declare to be in his Judgment neceſſary or proper to have been laid out or expended in making or completing ſuch Erection or Building, Erections or Buildings, which ſaid Sum or Sums of Money ſo to be charged as aforeſaid, and the Intereſt thereof, ſhall be paid by the ſaid Vicar for the Time being, in Manner following; that is to ſay, the Intereſt thereof by equal half-yearly Payments, and ſo much of the Principal at the End of each Year, to be computed from making ſuch Charge, as ſhall be after the Rate of Five Pounds for each One hundred Pounds; and for ſecuring the Payment of ſuch Sum or Sums of Money, with lawful Intereſt for the ſame, to grant and demiſe the ſaid Allotments and every or any Part or Parcel thereof unto any Perſon or Perſons, his, her, or their Executors, Adminiſtrators and Aſſigns, for any Term or Number of Years, ſo that every ſuch Grant or Demiſe be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered or aſſigned, when the Sum or Sums of Money thereby to be ſecured, with the Intereſt thereof, ſhall be fully paid and ſatisfied, and ſo that in every ſuch Grant or Demiſe which ſhall be made by the ſaid Vicar, there ſhall be contained a Covenant to pay and keep down the Intereſt of the Money to be thereby ſecured, and ſuch yearly proportional Part of the Princi-

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pal during his Incumbency of the ſaid Vicarage, ſo that no Perſon or Perſons afterwards becoming Incumbent thereof or entitled thereto, ſhall be liable to the Payment of more than Six Months Intereſt that accrued due previous to his or their being preſented to the ſaid Vicarage, nor to more than his Proportion of the Principal which ought under the Proviſion aforeſaid to have remained unpaid at the Time of his being preſented as aforeſaid: Provided always, That if any Sum or Sums of Money ſhall be laid out or expended by ſuch Vicar in making ſuch Erections or Buildings as aforeſaid, and the Vicar laying out and expending the ſame ſhall die before ſuch Grant and Demiſe ſhall be made as aforeſaid, then the Monies ſo laid out or expended, not exceeding Forty Shillings for every Acre, or ſo much thereof as the ſaid Commiſſioner ſhall by any ſuch Writing as aforeſaid allow, with Intereſt for the ſame after the Rate aforeſaid, to be computed from the Death of ſuch Vicar, ſhall be a Charge or Lien upon the Allotments which ſhall be ſo made to him as aforeſaid, and ſhall be paid to his Executors or Adminiſtrators by his Succeſſors, Vicars as aforeſaid, at the Time and in Manner hereinbefore mentioned.

Leaſes to be void as to open Fields.

XXXVIII. And be it further enacted, That for the Purpoſe of facilitating the ſetting out and allotting any Lands which under the Proviſion hereinbefore contained ſhall be conſidered as Part of the Lands to be divided and encloſed under or by virtue of this Act, and for facilitating the exchanging any Part or Parts of the old incloſed Lands within the ſaid Manor, all and every Leaſe and Leaſes, and Agreement or Agreements for a Leaſe or Leaſes for any Term or Number of Years at Rack or extended Rent or Rents, which is or are now ſubſiſting of or upon all or any Part or Parts of the Meſſuages, Buildings, Lands, Grounds, Tenements, or Hereditaments within the ſaid reſpective Pariſhes, either alone or together with any other Lands, Tenements, or Hereditaments, ſituate in any adjoining Pariſh, ſhall ceaſe, determine, and be void, ſo far as any ſuch Leaſe or Leaſes, Agreement or Agreements, affect or concern any open Field or other Lands or old Incloſures which ſhall be allotted or exchanged by virtue or this Act, but no further or otherwiſe; and every Tenant or Occupier of ſuch allotted open Field or other Lands and exchanged old Incloſures, ſhall immediately after the ſigning the Award of the Commiſſioner, or at ſuch other Time or Times as the ſaid Commiſſioner ſhall thereby or by any Writing under his Hand for that Purpoſe appoint, give and reſign up the full and peaceable Poſſeſſion of ſuch allotted or exchanged Lands to the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, to or with whom the ſame ſhall be reſpectively allotted or exchanged; but the Tenant or Occupier, Tenants or Occupiers of ſuch allotted or exchanged Lands, ſhall inſtead thereof have and receive the quiet and peaceable Poſſeſſion of the Lands and Grounds to be taken in lieu of or in Exchange for ſuch Lands reſpectively, or ſhall at his or their Option receive from the Leſſor or Leſſors, Proprietor or Proprietors of ſuch Lands ſo ſubſtituted or received in Exchange, ſuch Sum or Sums of Money as the ſaid Commiſſioner ſhall aſcertain, order, direct, or appoint to be paid to ſuch Tenant or Tenants, Occupier or Occupiers, as an Equivalent for the Loſs or Loſſes which he or they ſhall reſpectively ſuſtain thereby; and if the Money ſo to be aſcertained and directed to be paid as aforeſaid, ſhall

ſhall not be paid to the Perſon or Perſons entitled to receive the ſame within Ten Days after Demand made thereof, it ſhall and may be lawful to and for the ſaid Commiſſioner, and he is hereby required to raiſe and levy the ſame in Manner directed by the ſaid recited Act, with reſpect to the levying and recovering Penalties and Forfeitures: Provided always, That the Option of receiving Satisfaction for Lands received in lieu of or in Exchange for the ſaid allotted or exchanged Lands hereinbefore given to ſuch Tenant or Tenants, Occupier or Occupiers, ſhall be declared in Writing under his, her, or their Hand or Hands, and be delivered to the ſaid Commiſſioner within one Month from the Time of his exhibiting the Map or Scheme of Allotments hereinafter directed to be made and exhibited: Provided always, That both in the Caſe of retaining the Lands received in lieu of or in Exchange for the allotted or exchanged Lands, and of receiving an Equivalent as aforeſaid, the whole Rent or Rents, reſerved or agreed to be reſerved upon any ſuch Leaſe or Leaſes, Agreement or Agreements, ſhall be paid during the Continuance thereof, and the Leſſor or Leſſors, Proprietor or Proprietors, ſhall, with reſpect to the Lands retained by ſuch Tenant or Tenants, Occupier or Occupiers, have the like Powers of recovering the ſaid Rent or Rents as he or they ſhall or may have with reſpect to the remaining Lands and Hereditaments originally compriſed in ſuch Leaſe or Leaſes: Provided always, That if any Land which ſhall be taken in Exchange ſhall be under Leaſe and wholly ſituate in any adjoining Pariſh, the Leaſe of ſuch laſt-mentioned Land ſhall not be vacated.

Leaſes of Farms as to Common Rights to be void under certain Conditions.

XXXIX. And be it further enacted, That all and every Leaſe and Leaſes, and Agreement or Agreements for any Leaſe or Leaſes at rack or extended Rents, which is or are now ſubſiſting of or upon all or any Part of the Meſſuages, Buildings, Lands, Grounds, Tenements, or Hereditaments within the ſaid Manor, either alone or together with any other Lands, Tenements or Hereditaments, ſhall ceaſe, determine and be void, ſo far as ſuch Leaſe or Leaſes, Agreement or Agreements, affect or concern any Allotment or Allotments of the Commons and Waſte Lands which ſhall be made to any Perſon or Perſons whomſoever, for or in reſpect of any Meſſuages, Lands, Tenements or Hereditaments compriſed in any ſuch Leaſe or Leaſes, Agreement or Agreements; and it ſhall be lawful for the Leſſor or Leſſors, Landlord or Landlords of any ſuch Meſſuages, Lands, Tenements, or Hereditaments, to enter into and upon ſuch Allotment or Allotments, and to hold and enjoy the ſame during all ſuch Time and Term as the ſaid Leſſee or Leſſees, Tenant or Tenants, ſhall or may have to come and be unexpired of and in ſuch Leaſe or Leaſes, Agreement or Agreements reſpectively, making ſuch yearly Deduction or Allowance out of the Rent or Rents in and by ſuch Leaſe or Leaſes, or Agreement or Agreements, reſerved or agreed to be paid by ſuch Leſſees or Tenants reſpectively for and during all the Reſidue of ſuch Term or Terms therein, as the ſaid Commiſſioner ſhall in and by ſome Inſtrument or Inſtruments in Writing under his Hand for that Purpoſe, aſcertain and determine to be a reaſonable Compenſation for the Loſs of the Right or Rights of Common, which hath or have been accuſtomed to be uſed by ſuch Leſſee or Leſſees, Tenant or Tenants, in Right of the ſaid Meſſuages, Lands, Tenements, or Hereditaments ſo

leaſed to or agreed to be held by him, her, or them reſpectively (unleſs in Caſes where the Right of Common is excepted and reſerved in and by ſuch Leaſe or Agreement to the Landlord); but in caſe any ſuch Leſſor or Leſſors, Landlord or Landlords, ſhall not within one Calendar Month next after the ſaid Commiſſioner ſhall have made ſuch Allotment or Allotments, and exhibited a Map or Scheme thereof, as hereinafter directed, give Notice in Writing of his, her, or their Intention of taking and holding the Allotment or Allotments ſo to be made of the ſaid Commons and Waſte Lands to the Leſſee or Leſſees, Tenant or Tenants thereof reſpectively (ſuch Notice to be left at his, her, or their laſt or moſt uſual Place or Places of Abode); then, and in every ſuch Caſe, it ſhall be lawful for ſuch Leſſee or Leſſees, Tenant or Tenants reſpectively, to enter upon the ſaid Allotment or Allotments ſo to be made to ſuch Leſſor or Leſſors, Landlord or Landlords as aforeſaid, and to hold and enjoy the ſame during all ſuch Term and Terms as he, ſhe, or they ſhall have to come and unexpired in ſuch Meſſuages, Lands, Tenements, or Hereditaments by virtue of ſuch Leaſe or Leaſes, Agreement or Agreements, upon paying ſuch further or advanced Rent or Rents to their Leſſor or Leſſors, Landlord or Landlords, and under and ſubject to ſuch Orders and Regulations reſpecting the Tillage and Management thereof, as ſhall be aſcertained and determined by the ſaid Commiſſioner, to be ſpecified in and by ſome Inſtrument or Inſtruments in Writing under his Hand, to be made at the joint Expence of ſuch Leſſors and Leſſees reſpectively, which Rent or Rents ſhall be paid at ſuch Time or Times, and in ſuch Manner as the ſaid Commiſſioner ſhall by ſuch Inſtrument or Inſtruments reſpectively appoint; and ſuch Leſſor or Leſſors, Landlord or Landlords ſhall have ſuch Powers and Remedies for the recovering and obtaining ſuch additional Rent or Rents as he, ſhe, or they had, or was or were entitled to have had, for obtaining and recovering the original Rent reſerved by ſuch Leaſe or Leaſes, Agreement or Agreements; but if ſuch Leſſee or Leſſees, Tenant or Tenants, ſhall not within One Calendar Month next after the Date of ſuch Inſtrument or Inſtruments as laſtly mentioned, give or leave Notice in Writing of his, her, or their Intention of holding ſuch Allotment or Allotments, and by Writing under his, her, or their Hand or Hands agree to pay for the ſame ſuch Rent or Rents as the ſaid Commiſſioner ſhall ſo appoint to be paid to the Leſſor or Leſſors, Landlord or Landlords thereof, (ſuch Notice to the Leſſor or Leſſors, Landlord or Landlords, to be left at his, her, or their laſt or moſt uſual Place of Abode), then, and in ſuch Caſe the Allotment or Allotments ſo to be made in Right of the ſaid Meſſuages, Lands, Tenements, and Hereditaments reſpectively leaſed to, or agreed to be held by ſuch Leſſee or Leſſees, Tenant or Tenants ſo neglecting or refuſing to give Notice as aforeſaid, ſhall go to and remain unto and be held and enjoyed by his, her or their reſpective Leſſor or Leſſors, Landlord or Landlords, freed and diſcharged of and from all Right and Intereſt under or by virtue of ſuch reſpective Leaſes.

Beneficial Leaſes not to be affected.

XL. Provided always, and be it further enacted, That nothing in this Act contained, ſhall extend to ſet aſide or make void any beneficial Leaſe or Leaſes of any Lands, Tenements or Hereditaments within the ſaid Manor of *Trelleck*; but the Perſon or Perſons entitled to ſuch beneficial Leaſe or Leaſes, ſhall and may hold and enjoy his, her, and their

Allotment

Allotment or Allotments during his, her, or their Term or Terms, and under the ſame Rents and Covenants as are ſpecified in his, her, or their Leaſe or Leaſes.

Meetings to be appointed for receiving Applications for Situations.

XLI. And be it further enacted, That the ſaid Commiſſioner ſhall, and he is hereby required to appoint a Time and Place by Notice to be given in Manner hereinbefore directed for receiving Applications from the ſeveral Proprietors touching the Situation they would reſpectively chooſe to have their Allotments ſet out and allotted in.

Allotments to be delineated in a Plan and ſhewn to the Proprietors.

XLII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioner ſhall have aſcertained the reſpective Rights and Intereſts of the ſaid Proprietors in the Commons and Waſte Lands to be divided and incloſed by virtue of this Act; and alſo the reſpective Shares and Proportions by him propoſed to be allotted to ſuch Proprietors reſpectively in lieu thereof; the ſaid Commiſſioner ſhall give Notice of ſome convenient Time and Place when and where the ſaid Proprietors may be informed of ſuch intended Allotments, and ſee the Scheme thereof ſet out and delineated upon a Map and Plan thereof, to be produced for their Inſpection; and as ſome Proprietors may upon Inſpection of ſuch Map be diſſatisfied with the intended Allotments, the ſaid Commiſſioner ſhall at ſuch Time and Place as laſt aforeſaid, or ſome other Time or Place to be appointed by him for that Purpoſe, receive Statements in Writing of the Complaints and Objections againſt ſuch Allotments, and ſhall forthwith or as ſoon after as conveniently may be determine the ſame, and his Determination ſhall be final and concluſive upon all Parties.

Power to make Exchanges.

XLIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioner to ſet out, allot, and award any Meſſuages, Buildings, Lands, Tenements, new Allotments, old Incloſures, Encroachments or Hereditaments whatſoever, within the ſaid Manor, in lieu of or in Exchange for any other Meſſuages, Buildings, Lands, Tenements, or Hereditaments whatſoever, within the ſaid Manor of *Trelleck*, or within any adjoining Pariſh, Hamlet, Townſhip or Place; provided that all ſuch Exchanges (except in Caſes of Encroachments) be aſcertained, ſpecified, and declared in the Award of the ſaid Commiſſioner, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors for the Time being, who ſhall be legally or equitably ſeiſed of or entitled in Poſſeſſion to the Hereditaments which ſhall be ſo exchanged, or be in the actual Receipt of the Rents, Iſſues and Profits thereof, whether ſuch Owner or Owners, Proprietor or Proprietors ſhall be a Body or Bodies Politick or Corporate, or a Body or Bodies Collegiate, Corporation Aggregate or Sole, or a Tenant or Tenants in Fee-Simple or for Life, or in Fee-Tail General or Special, or by the Courtely of *England*, or for Years determinable on any Life or Lives, or with the Conſent of the Guardians, Truſtees, Feoffees for charitable or other Uſes, or the major Part of ſuch Truſtees reſpectively, Huſbands, Committees, or Attornies of or acting for any ſuch Proprietors or Owners as aforeſaid, who at the Time of making ſuch Exchange or Exchanges, ſhall be reſpectively Infants, Femes Covert, Lunatics, or under any other legal Incapacity, or who ſhall be beyond the Seas, or otherwiſe diſabled to act

act for themſelves, himſelf, or herſelf, ſuch Conſent to be teſtified in Writing under the common Seal of the Body Politick, Corporate or Collegiate, and under the Hands and Seals of the other Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid and effectual in the Law to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments held in Right of any Church, Chapel, or other eccleſiaſtical Benefice, without the Conſent teſtified as aforeſaid of the Patron thereof, and of the Lord Biſhop of the Dioceſe in which ſuch Lands, Tenements, and Hereditaments ſo to be exchanged ſhall lie or be ſituate: Provided always, that the Coſts, Charges, and Expences attending the making and completing any Exchange and Partition ſhall be borne and paid by the ſeveral Perſons, Bodies Politick, Corporate or Collegiate, making ſuch Exchange or Partition, in ſuch Manner and in ſuch Proportions as the ſaid Commiſſioner ſhall order and direct, and the ſame ſhall and may be recovered in Manner directed by the ſaid recited Act, with reſpect to Perſons neglecting or refuſing to pay his, her, or their Proportion of ſuch Coſts and Expences.

Coſts of Exchanges to be paid by Parties.

Perſons advancing Money to be repaid with Intereſt.

XLIV. And be it further enacted, That if any of the Proprietors aforeſaid, or any other Perſon ſhall advance and lend any Money for defraying the Expences of applying for and obtaining this Act, or carrying the ſame into Execution, every ſuch Perſon ſhall be repaid ſuch Money, with lawful Intereſt for the ſame, out of the Money which ſhall be firſt raiſed by virtue of this Act.

Commiſſioner to lay his Accounts before one Juſtice annually.

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

Power of Appeal.

XLVI. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act, or this Act, (other than and except in ſuch Caſes where the Orders and Determinations of the ſaid Commiſſioner are by the ſaid recited Act or this Act to be final, binding and concluſive, and except in ſuch Caſes where an Iſſue at Law ſhall be tried, as hereinbefore mentioned,) then and in every ſuch Caſe, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace, which ſhall be holden for the ſaid County of *Monmouth*, within Four Calendar Months

next

next after the Cauſe of Complaint ſhall have ariſen on giving the ſaid Commiſſioner, and the Party or Parties concerned, Fourteen Days' Notice in Writing, of ſuch Appeal, and of the Matter thereof, and the Juſtices not intereſted in the Premiſes in their ſaid General Quarter Seſſions are hereby authorized and 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 in their Diſcretion ſhall ſeem reaſonable; and in caſe of Non-payment thereof before the next General Quarter Seſſions, to levy by their Order or Warrant the Coſts and Damages which ſhall be ſo awarded by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) on Demand to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Diſtreſs and Sale, which Determination of the Juſtices ſhall be final and concluſive on all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter* or elſewhere; but in caſe ſuch Appeal ſhall appear to the Juſtices to be frivolous or without Foundation, then the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants, as to them the ſaid Juſtices in their Diſcretion ſhall ſeem reaſonable, and be levied in Manner aforeſaid.

Award.

XLVII. And be it further enacted, That the Award to be made by the ſaid Commiſſioner under the Direction of the ſaid recited Act, together with ſuch Maps or Plans as ſhall be annexed thereto when enrolled in Manner directed by the ſaid Act, ſhall be depoſited in the Pariſh Church of *Trelleck* aforeſaid.

Reſerving Mines, &c. with Power to work them.

XLVIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall defeat, prejudice, or affect the Right and Intereſt of the ſaid *Henry Charles* Duke of *Beaufort*, his Heirs and Aſſigns, or any Perſon or Perſons claiming or to claim by, from, through, under or in Truſt for him or them, or any of his Anceſtors of, in and to all Mines of Coal, Lead, Copper, Tin, Iron, and all other Mines, Minerals, Ores, Stones, Foſſils, and Quarries of what Nature or Kind ſoever, (except Limeſtone, Fireſtone, Freeſtone, Pavement Stone, Tileſtone, Sandſtone, Gravel and Sand,) within or under the ſaid Commons and Waſte Lands hereby intended to be divided, allotted and incloſed as aforeſaid; but that the ſaid *Henry Charles* Duke of *Beaufort*, his Heirs and Aſſigns, and ſuch other Perſon or Perſons as aforeſaid, and his and their Leſſees, Tenants, Agents, Servants, Miners, and Workmen, ſhall and may from Time to Time, and at all Times hereafter have, hold, uſe, enjoy, ſearch for, and work all Mines, Minerals, Ores, Stones, Foſſils and Quarries (except as aforeſaid), as fully and effectually to all Intents and Purpoſes as he or they could or might have done before the paſſing of this Act, he or they making Satisfaction or Compenſation for all Damages to be done by the ſearching for and working ſuch Mines, Ores, Minerals, and Foſſils, as hereinafter mentioned; and alſo ſhall and may from Time to Time, and at all Times, from and after the paſſing of this Act, as well before the ſaid Commons and Waſtes ſhall be divided and incloſed as afterwards, make, ſink,

dig, drive, and work all such Pits, Shafts, Levels, Soughs, Tunnels, and Water-gates, as he, they or any of them shall think necessary for discovering and working any Mines of Coal or any other Mines (except as aforesaid), or for raising or getting any Coals, Ores, Minerals or Fossils whatsoever, in or under the said Commons or Waste Lands (except as aforesaid), and also to erect any Number of Steam-Engines and any Kind of Machinery whatsoever, in or upon the said Commons and Wastes, or any Part thereof respectively, for the Use of such Mine or Mines, and for raising, getting, washing, smelting, or manufacturing of any such Ores, Minerals or Fossils as aforesaid, and to place, stack up and lay all Coals, Ores, Minerals and Fossils, also all Rubbish, Earth, and Soil, which shall be raised or gotten out of such Mines, in and upon the said Commons and Waste Lands; and also to collect Water upon the said Commons and Waste Lands for the Purpose of washing or manufacturing any such Ores, Minerals, or Fossils to be dug, gotten, or raised in or from the same; and also to make and use all necessary and convenient Ways, Roads, Passages, and Railings through, upon, and over the said Commons and Waste Lands when inclosed, for the Use of any Mine or Mines which shall or may be sunk or made in any Part thereof; and with Carts, Waggons, and other Carriages to take and carry away the Coals, Ores, Minerals, and Fossils, there to be found and raised as aforesaid, and to do all other Acts which shall be reasonable and necessary in and upon the said Commons and Waste Lands for searching for and working any Mines, and for raising, manufacturing, taking away, selling and disposing of Coals, Ores, Minerals or Fossils as aforesaid, without any Molestation or Interruption, in such and the like Manner as if this Act had not been made, he or they making Satisfaction and Compensation for all Damages to be done to the Person or Persons who for the Time being shall be Owner or Owners, Occupier or Occupiers of the Ground whereon such Pit, Shafts, Levels, Soughs, Tunnels, and Water-gates, shall be so as aforesaid made, sunk, dug, driven and worked or such Engines or Machinery erected, or such Coals, Ores, Minerals, Fossils and Rubbish laid, or such Water collected, or such Ways, Roads, Passages and Railings made and used as aforesaid: But nothing herein contained shall authorise or empower the said *Henry Charles*, Duke of *Beaufort*, his Heirs or Assigns, or such other Person or Persons as aforesaid, to enter upon any Part or Parts of the said Commons and Waste Lands so to be divided, allotted, and inclosed, which shall be a Dwelling-house or other Building, Garden, Orchard, Lawn, Pleasure-ground, Avenue or Plantation (except Plantations of Coppice-woods), or within the Space of One hundred Yards of such Dwelling-house or other Building, Garden or Lawn, for the Purpose of searching for or working the said Mines or Minerals.

General Saving.

XLIX. Saving always to the King's most Excellent Majesty, his Heirs and Successors, and to all and every Person and Persons, Body and Bodies Politick, Corporate or Collegiate, his, her or their Heirs, Successors, Executors and Administrators, all such Estate, Right, Title, and Interest, (other than and except such as are meant and intended to be barred, destroyed, and extinguished by this Act), of, in, to or out of the said Commons and Waste Lands hereby directed to be divided, allotted

allotted and inclosed, as they, every or any of them could or ought to have had and enjoyed in case this Act had not been made.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1810.