ANNO QUINQUAGESIMO QUINTO

GEORGII III. REGIS.

CAP. CXC.

An Act to amend an Act made in the Forty-eighth Year of His preſent Majeſty, to improve the Land Revenue of the Crown, ſo far as relates to the Great Foreſt of *Brecknock*, in the County of *Brecknock*; and for veſting in His Majeſty certain Parts of the ſaid Foreſt; and for incloſing the ſaid Foreſt. [11th *July* 1815.]

WHEREAS an Act was made in the Forty-eighth Year of the Reign of His preſent Majeſty, intituled *An Act to improve the Land Revenue of the Crown in* England, *and alſo of His Majeſty's Duchy of* Lancaſter: And whereas it is expedient that ſo much of the ſaid Act as directs that it ſhould be lawful for the Surveyor General of His Majeſty's Land Revenue for the Time being to contract with any Perſon or Perſons for the Sale of the Soil, Mines, or other Minerals, or other Subſtances or Herbage, or any other Rights or Intereſts of His Majeſty, in the Great Foreſt of *Brecknock*, in the County of *Brecknock*, at the beſt Prices or Conſiderations in Money which the ſaid Surveyor General ſhould be able to procure for the ſame, and which ſhould be approved of by the Lord High Treaſurer or Commiſſioners of the Treaſury for the Time being, and that the Purchaſe Monies to be paid for the ſame ſhould be paid into the Bank of *England*, and applied as therein directed; and that ſuch Sales ſhould be made in the ſame Manner and under the ſame Regulations, and the Certificates and Receipts to be given ſhould be in the Form thereby directed with reſpect to the Sales of Crown Lands; 48 G. 3. c. 73.

and immediately after the Inrolment of the ſaid Certificate and Receipt in the Office of the Auditor of the Land Revenue, the reſpective Purchaſers ſhould be adjudged to be in the actual Seiſin and Poſſeſſion of the Premiſes ſo by them reſpectively purchaſed, freed and diſcharged from all Claims and Demands which could or might be made by His Majeſty, His Heirs or Succeſſors, or by any Perſon or Perſons lawfully claiming under him or them, and of and from all Incumbrances whatſoever; ſhould be repealed: And whereas all the Powers and Authorities which were veſted in the ſaid Surveyor General have, in purſuance of an Act made in the Fiftieth Year of the Reign of His preſent
50 G. 3. c. 65. Majeſty, intituled *An Act for uniting the Offices of Surveyor General of the Land Revenues of the Crown and Surveyor General of His Majeſty's Woods, Foreſts, Parks, and Chaſes*, become veſted in the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues: And whereas it is expedient that Power ſhould be given to the ſaid Commiſſioners to ſell and diſpoſe of all ſuch Part or Proportion of the ſaid Foreſt, as upon the Diviſion and Incloſure thereof purſuant to this Act ſhall be allotted or ſet out unto His Majeſty, His Heirs or Succeſſors, and of His Majeſty's Intereſt in the ſeveral Mines, Minerals, and other Subſtances within the ſaid Foreſt; be it therefore 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
48 G. 3. c. 73. in part repealed. by the Authority of the ſame, That ſuch Parts of the ſaid recited Act of the Forty-eighth Year of the Reign of His preſent Majeſty as are herein-before recited and referred to, ſhall be and the ſame are hereby repealed.

The Commiſſioners of Woods empowered to ſell the King's Allotments, &c.

II. And be it further enacted, That it ſhall and may be lawful for the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being, with the Approbation of the Lord High Treaſurer, or the Commiſſioners of His Majeſty's Treaſury for the Time being, or any Three or more of them, to contract and agree for the Sale of, and abſolutely to make Sale and diſpoſe of all ſuch Part or Parts of the ſaid Foreſt as ſhall be ſet out or allotted unto His Majeſty, His Heirs or Succeſſors, under or by virtue of this Act, or of any of the Powers or Authorities herein contained, or of ſo much or ſuch Parcels or Portions thereof as they the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, with ſuch Approbation as aforeſaid, ſhall think it expedient to ſell, and of all His Majeſty's Rights and Intereſts in and to the ſame; and of all the Rights and Intereſts of His Majeſty, His Heirs or Succeſſors, of, in, and to all Mines of Coal, Lead Ores, Metals, and other Minerals whatſoever in or under the ſaid Foreſt or any Part thereof, hereby reſerved to His Majeſty, His Heirs or Succeſſors, and of all Powers of ſearching for, working, digging, raiſing, and carrying away ſuch Coal, Lead Ores, Metals, and other Minerals, for the beſt Prices or Conſiderations in Money which the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues ſhall be able to procure for the ſame; and that all and every the Sum and Sums of Money which ſhall or may ariſe or be produced from ſuch Sale or Sales, ſhall from Time to Time be paid into the Bank of *England*, and placed to the Account directed by the ſaid Act paſſed in the Fiftieth Year of the Reign of His preſent Majeſty to be raiſed in the Books of the Governor and Company of the Bank of *England*, intituled "The Account of the Public Monies

of

of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenue, being the Woods and Foreſts Fund," and ſhall be applied and diſpoſed of in ſuch and the like Manner and for ſuch and the like Purpoſes as the other Monies by ſuch laſt-mentioned Act directed or authorized to be paid in, carried over, or placed to the ſame Account, are thereby authorized or directed to be paid, applied, or diſpoſed of.

Purchaſers of Premiſes to have Certificates and Receipts for the Purchaſe Money; which Certificates ſhall be inrolled in the Office of the Auditor of the Land Revenue, &c.

III. And be it further enacted, That whenever the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues for the Time being ſhall have contracted with any Perſon or Perſons, Body or Bodies Politic or Corporate, for the Sale of any of the ſaid Lands, Hereditaments, Rights, or Intereſts hereby authorized to be ſold as aforeſaid, the ſaid Commiſſioners ſhall grant to the Purchaſer or reſpective Purchaſers thereof, a Certificate under their Hands, deſcribing the Premiſes ſo agreed to be ſold, and the Amount of the Purchaſe Money to be paid for the ſame; and which ſhall accordingly be paid into the Bank of *England*, within Thirty-one Days after the Date of ſuch Certificate; and the Caſhiers of the Bank, or One of them, ſhall, upon the Production of ſuch Certificate, accept and receive the Purchaſe Monies therein mentioned, and carry the ſame to the Account therein ſpecified, and at the Foot or on the Back of ſuch Certificate, acknowledge the Receipt of the ſame, without Fee or Reward; and every ſuch Certificate and Receipt ſhall be according to the Form contained in Schedule (A.) to this Act, or as near thereto as the Circumſtances of the Caſe will admit, and ſhall be exempt from any Stamp Duty whatever; and every ſuch Certificate and Receipt ſhall, within One Calendar Month after the Date of ſuch Certificate, be taken to the Office of the Auditor of the Land Revenue for the Diſtrict within which the ſaid Lands or Hereditaments therein deſcribed are ſituate, and be there forthwith inrolled in the proper Books for that Purpoſe; and ſuch Auditor having inrolled the ſaid Certificate and Receipt, ſhall atteſt the ſame under his Hand, and ſhall, upon receiving the uſual Fees for ſuch Inrolment, return the ſaid Certificate and Receipt to the Purchaſer or Purchaſers; and from and after ſuch Inrolment, and thenceforth for ever, the reſpective Purchaſers, their Heirs or Succeſſors, ſhall by force and virtue of this Act be, and ſhall be adjudged, deemed, and taken to be in the actual Seiſin and Poſſeſſion of the Lands, Hereditaments, Rights, and Intereſts, ſo by them reſpectively purchaſed, and ſhall hold and enjoy the ſame peaceably and quietly, freed and diſcharged from all Claims and Demands of His Majeſty, His Heirs and Succeſſors, or of any Perſon or Perſons claiming under him or them, as fully and amply to all Intents and Purpoſes as His Majeſty, His Heirs or Succeſſors, might or could have held or enjoyed the ſame if ſuch Sale had not taken place; and every ſuch Certificate ſhall be reſpectively witneſſed and atteſted, as to the ſigning thereof by the ſaid Commiſſioners, by One of the principal Clerks or other Officers in their or his Office; and every ſuch Certificate and Receipt, being inrolled as aforeſaid, ſhall effectually diſcharge the reſpective Purchaſers to whom the ſame ſhall be given or granted, of and from the Purchaſe or Conſideration Money therein expreſſed, and ſuch Purchaſers ſhall never afterwards be liable to be called upon, ſued, troubled, moleſted, or queſtioned, for or in reſpect thereof, or of any Part thereof.

Penalty for Neglect in not paying the Purchaſe

IV. Provided always, and be it further enacted, That if any Perſon or Perſons to whom any ſuch Certificate as aforeſaid ſhall be granted, ſhall neglect

Money into the Bank within the Time limited.

neglect to pay into the Bank the Conſideration Money therein to be ſpecified, for the Space of Thirty-one Days after the Date of ſuch Certificate, or ſhall neglect to inrol ſuch Certificate, and the ſaid Caſhier's Receipt for the ſaid Money, for the like Space of Time, then every ſuch Certificate ſhall be null and void, and the Conſideration Money, if paid into the Bank, ſhall be forfeited, unleſs the ſaid Commiſſioners ſhall, for any reaſonable Cauſe to him or them ſhewn for the Omiſſion of ſuch Inrolment, order the ſaid Certificate and Receipt to be inrolled *nunc pro tunc*; and which, upon ſuch Cauſe being ſhewn, the ſaid Commiſſioners are hereby authorized to do accordingly.

V. And whereas the King's moſt Excellent Majeſty, in Right of His Crown, is ſeiſed to Himſelf, His Heirs and Succeſſors, of the Great Foreſt of *Brecknock*, in the County of *Brecknock*, which Foreſt is of conſiderable Extent, and the Waſte Lands within the ſame are computed to contain upwards of Forty thouſand Acres, ſubject nevertheleſs to ſuch Rights of Common and other Rights as the Owners and Proprietors of ancient Tenements, ſituate, lying, and being within the ſeveral Pariſhes, Townſhips, Hamlets, or Places of *Yſtradvelltey*, *Yſtradgunlais*, *Llangaſtey-Talyllyn*, *Llanddetty*, *Cantreff*, *Garth-Brengy*, *Llande-vailog-vach*, *Merthyr-Cynog*, *Saint Davids*, *Llanſpythid*, *Defynnock*, *Llywell*, *Saint John the Evangeliſt*, *Penderin*, *Llandilôrvane*, *Trallong* and *Llanvihangel Nantbrane*, in the ſaid County of *Brecknock*, or ſome of them, or the Tenants and Occupiers thereof, for the Time being, are entitled to, within, upon and over the ſaid Foreſt: And whereas the Whole or a great Part of the ſaid Foreſt is alledged to be Extra-parochial: And whereas the King's moſt Excellent Majeſty, in Right of His Crown, is the Owner or Proprietor of all the Tithes, both Great and Small, iſſuing, ariſing, due, and payable of, from, and out of the Whole or ſo much of the ſaid Foreſt as is Extra-parochial; and the ſeveral Owners and Proprietors of the Tithes of the ſeveral Pariſhes and Places next adjoining the ſaid Foreſt, or ſome or one of them, are, is, or claim to be the Owners or Proprietors of the Tithes both Great and Small, iſſuing, ariſing, due and payable from and out of ſo much and ſuch Part or Parts of the ſaid Foreſt as is or are Parochial: And whereas an Act was made and 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 no Sale hath as yet been made under the Powers of the ſaid recited Act of the Forty-eighth Year of His Majeſty; and the ſaid Foreſt, in its preſent uncultivated State, yields but little Profit, and is but of ſmall Value to His Majeſty, and is not of ſuch general Benefit to the other Perſons intereſted therein, as it would be if the Open Commonable Lands within the ſaid Foreſt were divided, and ſpecific Parts thereof were allotted unto His Majeſty, and the ſeveral other Perſons intereſted therein; and if ſuch Allotments were incloſed, and the Allotment to His Majeſty was ſeparated and ſet apart from the Remainder of the ſaid Foreſt, great Benefit and Advantage would accrue from ſuch Diviſion and Incloſure to His Majeſty and to the Public in general, as well as to the ſeveral Perſons having Property and Rights in and over the ſaid Foreſt; be it therefore further enacted, That *Henry de Bruyn* of *Southampton Street* in the County of *Middleſex*, Surveyor, and *John Cheeſe* of *Lyons Hall* in the County of *Hereford*, Gentleman, and their Succeſſors, to be nominated

41 G 3. c. 109.

Appointment of Commiſſioners.

nominated or appointed in Manner herein-after mentioned, ſhall be and they are hereby appointed Commiſſioners for dividing, allotting, and incloſing the ſaid Foreſt, and all the Open Commonable Lands and Grounds within the ſame, and for carrying into Execution the ſeveral other Purpoſes of this Act, in ſuch Manner as is herein-after provided or mentioned; and with ſuch of the Powers, and ſubject to ſuch of the Rules, Orders, Regulations, Reſtrictions and Proviſions, contained in the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, as are not altered, varied, or otherwiſe provided for by this Act.

Commiſſioners to be ſworn.

VI. And be it further enacted, That no Commiſſioner ſhall act in the Execution of any of the Powers by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, or this Act, granted (ſave and except the Power of ſigning and giving Notice of the Firſt Meeting of the ſaid Commiſſioners) until he ſhall have taken and ſubſcribed the following Oath, in Addition to the Oath by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty directed to be taken; ſuch Oath to be adminiſtered and inrolled in like Manner as the Oath by the ſaid laſt-mentioned Act, preſcribed to be taken by Commiſſioners for executing Acts of Incloſure, is directed to be adminiſtered and inrolled; which additional Oath ſhall be in the Words or to the Effect following; (that is to ſay),

Oath.

'I *A. B.* do ſwear, [*or*, being one of the People called *Quakers*, do ſolemnly affirm], That I am neither Proprietor or Occupier of, nor to the beſt of my Knowledge am I concerned as Guardian, Steward, or Agent for any Proprietor of Meſſuages, Cottages, Houſes, Lands or Grounds, or other Perſon having or claiming any Right of Common or any Manorial Rights, Tithes, or any other Right or Intereſt whatſoever in, over, or upon the Open Commonable Lands and Waſte Grounds to be divided, allotted, and incloſed by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled [*here inſert the Title of this Act.*] So help me GOD.'

For appointing new Commiſſioners from Time to Time.

VII. And be it further enacted, That in caſe the ſaid *Henry de Bruyn*, or any Perſon to be nominated or appointed a Commiſſioner in his Room or Stead by virtue of this Act, ſhall die, neglect, refuſe to act, or become incapable of acting as ſuch Commiſſioner in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, then and in ſuch Caſe it ſhall be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within One Calendar Month after ſuch Death, Neglect, Refuſal, or Incapacity as aforeſaid ſhall be made known to them, to nominate and appoint a proper Perſon (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure) to be a Commiſſioner in the Room or Stead of the ſaid *Henry de Bruyn*, or of ſuch other Perſon nominated or appointed in his Room or Stead, ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid; and ſo from Time to Time as often as any Commiſſioner, to be nominated and appointed by the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues as aforeſaid, ſhall die, neglect, refuſe, or become incapable to act as ſuch Commiſſioner in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act; and in caſe the

ſaid *John Cheeſe*, or any Perſon to be nominated and appointed a Commiſſioner in his Room or Stead by virtue of this Act, ſhall die, neglect, refuſe, or become incapable to act in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, then and in every ſuch Caſe the ſurviving or remaining Commiſſioner ſhall, within Fourteen Days next after ſuch Death, Neglect, Refuſal, or Incapacity ſhall happen to be known to him, ſummon a Meeting (of which Meeting Twenty-one Days Notice at the leaſt, and of the Purpoſe thereof, ſhall be given by Advertiſement in the *Cambrian* Newſpaper, if then publiſhed, and if not, then in ſome other Newſpaper printed or circulated in the ſaid County of *Brecknock*) of all and every the Owners or Proprietors claiming ſuch Rights as aforeſaid, to be holden within Thirty Days from the Date of ſuch Notice; and the major Part in Value of ſuch Owners or Proprietors who ſhall attend ſuch Meeting in Perſon or by their Agents or Proxies duly authorized for that Purpoſe (ſuch Value in caſe of any Difference or Diſpute touching the ſame, to be aſcertained by Reference to the Land Tax Aſſeſſments of the ſeveral Pariſhes wherein the ſeveral Meſſuages, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Owners or Proprietors claim ſuch Rights as aforeſaid, are ſituate) ſhall and they are hereby required at ſuch Meeting to nominate and appoint, by any Inſtrument in Writing under their Hands, or under the Hands of their Agents or Proxies, ſome fit and proper Perſon, not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, to be a Commiſſioner in the Room or Stead of the ſaid *John Cheeſe*, or of ſuch other Perſon nominated and appointed in his Room or Stead, ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid; and ſo from Time to Time, as often as any Commiſſioner to be nominated and appointed by ſuch Perſons having Rights of Common or other Rights as aforeſaid, or by their Agents or Proxies, ſhall die, neglect, refuſe, or become incapable to act as ſuch Commiſſioner in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act; and every Perſon to be nominated and appointed to act as a Commiſſioner in Manner aforeſaid, ſhall, after taking and ſubſcribing the Oaths herein preſcribed in that Behalf, have the like Powers and Authorities in every reſpect, for carrying the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if ſuch Perſon or Perſons had been originally nominated a Commiſſioner or Commiſſioners in and by this Act.

If the Commiſſioners of Woods, &c. and the Proprietors of Lands, &c. neglect to appoint new Commiſſioners within a limited Time, the acting Commiſſioner to make ſuch Appointment.

VIII. Provided always, and be it further enacted, That if the ſaid Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, or the ſaid Perſons having ſuch Rights of Common or other Rights as aforeſaid, or their Agents or Proxies as aforeſaid, or either or any of them reſpectively, ſhall make Default in nominating and appointing any new Commiſſioner ſo directed to be nominated and appointed by them reſpectively as aforeſaid, within the reſpective Times for that Purpoſe limited and in Manner aforeſaid, then and in every ſuch Caſe it ſhall be lawful for the ſurviving or remaining Commiſſioner, and he is hereby required, from Time to Time by Writing under his Hand, within One Calendar Month next after the Expiration of ſuch reſpective Time ſo allowed for nominating and appointing ſuch new and ſucceeding Commiſſioners as aforeſaid, to nominate and appoint a fit and proper Perſon (not intereſted

intereſted in the ſaid intended Diviſion, Allotment, and Incloſure) to be a Commiſſioner in the Room or Stead of ſuch Commiſſioner ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid; and every Commiſſioner ſo nominated and appointed, ſhall, after taking and ſubſcribing the Oaths herein preſcribed in that Behalf, have the like Power and Authority for carrying the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if he had been originally nominated a Commiſſioner in and by this Act.

Commiſſioners neglecting to attend Meetings conſidered as a Refuſal to act.

IX. Provided alſo, and be it further enacted, That if either of the ſaid Commiſſioners hereby nominated, ſhall refuſe or neglect to attend at the Firſt Meeting appointed to be holden for carrying this Act, and the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, into Execution, and duly qualify himſelf by taking and ſubſcribing the Oaths herein preſcribed in that Behalf; or if either of the ſaid Commiſſioners ſhall at any Time after the ſaid Firſt Meeting wilfully abſent himſelf from any Three following ſucceſſive Meetings appointed to be holden by virtue of this Act, or having been abſent from Two ſucceſſive Meetings, ſhall not attend during the Whole of the Third or next ſucceeding Meeting, ſuch Meetings being known to him either by his being preſent at the Appointment thereof, or by Notice thereof in Writing having been given to him or left at his laſt or uſual Place of Abode by the Clerk or Clerks to the ſaid Commiſſioners, and ſuch Commiſſioner not having been prevented by Sickneſs, or other reaſonable Cauſe to be allowed by the other Commiſſioner, from attending or continuing at ſuch Meeting or Meetings; or if any Commiſſioner to be nominated and appointed in Manner by this Act directed, ſhall not attend, and qualify himſelf to act as a Commiſſioner in the Execution of this Act and the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, at the Firſt Meeting of the ſaid Commiſſioners after his Nomination or Appointment, or ſhall thereafter wilfully abſent himſelf from Three following ſucceſſive Meetings to be holden by virtue of this Act, or having been abſent from Two ſucceſſive Meetings, ſhall not attend during the Whole of the Third or next ſucceeding Meeting, ſuch Meetings being known to him either by his being preſent at the Appointment thereof, or by Notice thereof in Writing having been given to him or left at his laſt or uſual Place of Abode by the Clerk or Clerks to the ſaid Commiſſioners, and ſuch Commiſſioner not being prevented by Sickneſs, or other reaſonable Cauſe to be allowed by the other Commiſſioner, from attending or continuing at ſuch Meetings; then and in every of ſuch Caſes ſuch Abſence or Non-attendance ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

Umpire to be appointed.

X. And be it further enacted, That if any Difference ſhall ariſe between the ſaid Commiſſioners, touching or concerning any Matter or Thing to be done by them by virtue or in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, or this Act, whereupon the ſaid Commiſſioners ſhall differ or not agree in Opinion, the ſaid Commiſſioners from Time to Time, when and ſo often as ſuch Difference or Diſagreement of Opinion ſhall ariſe, ſhall by Writing under their Hands appoint ſome fit and proper Perſon (not being intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, nor being the Attorney or Agent of any Perſon ſo intereſted) to be an Umpire between them; and the Matter upon which ſuch Difference or Diſagreement of Opinion ſhall or may ariſe,

ſhall

shall be referred to and shall be settled and determined by such Umpire, whose Determination shall be made in Writing, and shall be binding and conclusive upon all Parties whomsoever (except as to such Right of Appeal as is given by this Act or the said recited Act of the Forty-first Year of the Reign of His present Majesty); and for the Purposes aforesaid, but not for any other Purpose, such Umpire shall have and he is hereby vested with the same Powers and Authorities as are by the said recited Act of the Forty-first Year of the Reign of His present Majesty, and this Act, given to or vested in the said Commissioners; but no Person shall be capable of acting as such Umpire as aforesaid, until he shall have taken and subscribed an Oath in the Form or to the Effect following; (that is to say),

Umpire's Oath.

'I ..... do swear, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgement, execute and perform the several Powers and Authorities vested and reposed in me as an Umpire, by virtue of an Act passed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled *An Act* [*here insert the Title of this Act*] according to Equity and good Conscience, and without Favour or Affection, Prejudice or Partiality, to any Person or Persons whomsoever. So help me GOD.'

Which Oath the said Commissioners or either of them are and is hereby empowered to administer; and such Oath, and also the Writing appointing an Umpire, shall be annexed to and inrolled with the final Award of the said Commissioners.

Commissioners to appoint a Clerk or Clerks.

XI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and empowered to appoint a Clerk or Clerks to assist them in the Execution of this Act and the said recited Act of the Forty-first Year of the Reign of His present Majesty, and shall and may remove such Clerk or Clerks, and appoint another or others in his or their Room or Stead, as to them shall seem meet; and in case of the Death, Incapacity, or declining or neglecting to act of any such Clerk or Clerks, then and in any of such Cases the said Commissioners shall and may appoint any other Person or Persons they may think proper to be their Clerk or Clerks.

Surveyors appointed.

XII. And be it further enacted, That *Samuel Wharton* of *Gray's Inn* in the County of *Middlesex*, and *David Davies* of *Llangattock Crickhowell* in the County of *Brecknock*, Land Surveyors, shall be and they are hereby appointed Surveyors, for the Purpose of viewing, surveying, and measuring the said Forest, and all the Open Commonable Lands and Grounds within the same; and such Surveyors are hereby accordingly authorized and directed, as soon as conveniently may be, to view, survey, and measure the said Forest, and all the said Open and Commonable Lands, and all the Buildings and Encroachments whatsoever made in and upon the same, and to describe and lay down the same by way of Map or Plan, whereon, or in a Book of Reference to be annexed thereto, shall be set forth the Number of Acres and decimal Parts of an Acre of the said Forest, and all the Open Commonable Lands and Grounds, and the several Buildings and Encroachments made thereon, and of what such Encroachments respectively consist, and the Names of the several Persons claiming and enjoying the same; and that when and so soon as the said Surveyors shall have finished and completed the Survey, Map, or Plan, they shall by

Notice in Writing under their Hands, apprize the ſaid Commiſſioners thereof, and appoint a Time and Place for a Meeting with them, of which Meeting Fourteen Days previous Notice at the leaſt ſhall be given to the ſaid Commiſſioners, at which Meeting the ſaid Surveyors ſhall deliver unto the ſaid Commiſſioners their Survey, Plan, and Book of Reference, and ſhall ſubſcribe the ſame with their Names in the Preſence of the ſaid Commiſſioners, who ſhall atteſt the ſame.

XIII. And be it further enacted, That no Perſon ſhall act as a Surveyor in the Execution of any of the Powers hereby given, until he ſhall have taken and ſubſcribed the Oath following; (that is to ſay),

Surveyor's Oath.

'I *A. B.* do ſwear, [*or*, being one of the Perſons called *Quakers*, do ſolemnly affirm] That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the ſeveral Powers and Authorities veſted and repoſed in me as a Surveyor, by virtue of an Act paſſed in the Fifty-fifth Year of the Reign of King *George* the Third, intituled, *An Act* [*here inſert the Title of this Act*] without Favour or Affection, Prejudice or Partiality, to any Perſon or Perſons whomſoever. So help me GOD.'

Which Oath or Affirmation it ſhall be lawful for the ſaid Commiſſioners or either of them to adminiſter; and the ſaid Oath, when ſo taken, ſhall be written on Parchment, and ſubſcribed by the ſaid Surveyors, and duly atteſted by the ſaid Commiſſioners under their Hands, and ſhall be inrolled with the final Award to be made by the ſaid Commiſſioners.

For appointing new Surveyors from Time to Time.

XIV. And be it further enacted, That in caſe the ſaid *Samuel Wharton*, or any Perſon to be nominated or appointed a Surveyor in his Room or Stead by virtue of this Act, ſhall die, neglect, refuſe to act, or become incapable of acting as ſuch Surveyor in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, then and in ſuch Caſe it ſhall be lawful for the Commiſſioners for the Time being of His Majeſty's Woods, Foreſts, and Land Revenues, by any Writing under their Hands, within One Calendar Month after ſuch Death, Neglect, Refuſal, or Incapacity as aforeſaid ſhall be made known to them, to nominate and appoint a proper Perſon (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure) to be a Surveyor in the Room or Stead of the ſaid *Samuel Wharton*, or of ſuch other Perſon nominated or appointed in his Room or Stead, ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid; and ſo from Time to Time, as often as any Surveyor to be nominated and appointed by the ſaid Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues as aforeſaid, ſhall die, neglect, refuſe, or become incapable to act as ſuch Surveyor, in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act; and in caſe the ſaid *David Davies*, or any Perſon to be nominated and appointed a Surveyor in his Room or Stead by virtue of this Act, ſhall die, neglect, refuſe, or become incapable of acting in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, then and in every ſuch Caſe the Commiſſioners appointed by this Act ſhall, within Fourteen Days next after ſuch Death, Neglect, Refuſal, or Incapacity ſhall happen to be known to them, ſummon a Meeting (of which Meeting Twenty-one Days Notice at the leaſt, and of the Purpoſe thereof, ſhall be given by

Advertiſement in the *Cambrian* Newſpaper if then publiſhed, and if not, then in ſome other Newſpaper printed or circulated in the ſaid County of *Brecknock*) of all and every the Owners or Proprietors claiming ſuch Rights as aforeſaid, to be holden within Thirty Days from the Date of ſuch Notice, and the major Part in Value of ſuch Owners or Proprietors who ſhall attend ſuch Meeting in Perſon, or by their Agents or Proxies duly authorized for that Purpoſe (ſuch Value, in caſe of any Difference or Diſpute touching the ſame, to be aſcertained by Reference to the Land Tax Aſſeſſments of the ſeveral Pariſhes wherein the ſeveral Meſſuages, Lands, Tenements, and Hereditaments, in reſpect whereof ſuch Owners or Proprietors claim ſuch Rights as aforeſaid, are ſituate) ſhall and they are hereby required at ſuch Meeting to nominate and appoint, by any Inſtrument in Writing under their Hands, or under the Hands of their Agents or Proxies, ſome fit and proper Perſon (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure) to be a Surveyor in the Room or Stead of the ſaid *David Davies*, or of ſuch other Perſon nominated and appointed in his Room or Stead, ſo dying, neglecting, refuſing, or becoming incapable to act as aforeſaid; and ſo from Time to Time, as often as any Surveyor to be nominated and appointed by ſuch Perſons having Rights of Common or other Rights as aforeſaid, or by their Agents or Proxies, ſhall die, neglect, refuſe, or become incapable to act as ſuch Surveyor in the Execution of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act; and every Perſon to be nominated and appointed to act as a Surveyor in Manner aforeſaid, ſhall, after taking and ſubſcribing the Oath herein preſcribed in that Behalf, have the like Powers and Authorities in every Reſpect, for carrying the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, into Execution, and ſhall be ſubject and liable to the like Rules, Regulations, and Reſtrictions, as if ſuch Perſon or Perſons had been originally nominated a Surveyor or Surveyors in and by this Act.

Power to make a Survey.

XV. And be it further enacted, That as ſoon as conveniently may be after the paſſing of this Act, the ſaid Surveyors ſhall proceed to make an accurate Survey and Plan, as well of all the Meſſuages, Cottages, and Scites thereof, as of all Lands and Grounds ſituate in the ſaid ſeveral Pariſhes of *Yſtradvelltey*, *Yſtradgunlais*, *Llangaſtey-Talyllyn*, *Llanddetty*, *Cantreff*, *Garth-Brengy*, *Llande-vailog-vach*, *Merthyr-Cynog*, *Saint Davids*, *Llanſpythid*, *Defynnock*, *Llywell*, *Saint John the Evangeliſt*, *Penderin*, *Llandilôrvane*, *Trallong* and *Llanvihangel Nantbrane*, in reſpect whereof the Owners or Occupiers of the ſame reſpectively are entitled to a Right of Commonage, or other Rights upon the ſaid Foreſt, and upon the Open Commonable Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, or any Part thereof (ſave and except ſuch Lands and Grounds as have been already ſurveyed, and are herein-after directed not to be again ſurveyed or planned) and ſhall enquire and find out, and in and by the Survey and Plan thereof, and in a Book of Reference to the ſame, ſet forth a minute and exact Account of all and ſingular the Premiſes ſo ſurveyed, and the Quantity and Contents of each ſeveral Field, Incloſure, and Parcel of Land thereof, with the Names of all and every the Owners and Occupiers thereof reſpectively; thereby diſtinguiſhing ſuch of the Premiſes as are of Freehold Tenure from ſuch as are of Copyhold or Cuſtomary or Leaſehold Tenures, and of what particular Manors or Lordſhips or Perſons the ſaid Copyhold or Cuſtomary or Leaſehold Tenements are ſeverally and reſpectively holden.

XVI. And

XVI. And be it further enacted, That it shall be lawful for any Person or Persons having in his, her, or their Custody or Possession any actual Surveys, Maps, or Plans of any of the Lands or Grounds in respect whereof the Owners or Occupiers of the same are entitled to Rights of Common or other Rights, to produce and deliver such Surveys, Maps, and Plans to the said Commissioners at such Time or Times as they shall appoint for that Purpose; and the said Commissioners thereupon shall enquire on the Oath as well of the Person or Persons producing and delivering such Surveys, Maps, and Plans respectively, as of such other Person or Persons as they shall think fit (which Oath the said Commissioners are hereby authorized to administer) into the Authenticity and Accuracy of every such Survey, Map, or Plan: And in all Cases where the said Commissioners shall be satisfied that such Surveys, Maps, and Plans are authentic and have been accurately made, and will answer the Purpose of a new Survey (but not otherwise) they the said Commissioners shall deliver the same over to the said Surveyors, with Directions to insert and copy the same into the Surveys of the Lands, the Owners or Occupiers whereof are entitled to Right of Common, or any other Rights or Interests, instead of making a new Admeasurement and Plan of the Lands and Grounds so comprised and described in the Maps and Plans aforesaid. No new Admeasurement to be made in case Proprietors shall produce approved Surveys, &c.

XVII. And be it further enacted, That out of the Money which shall be raised for defraying the Expences of obtaining, passing and executing this Act, the said Commissioners shall be paid the Sum of Three Guineas each, and no more, for each Day they shall be actually attending in and about the Execution thereof, and in travelling to and from the Meetings necessary for that Purpose, the same to include and be in Satisfaction of all Costs and Expences in travelling and otherwise, which they shall be put to in executing the same; and that the Surveyors and the Clerk or Clerks shall be paid and allowed for their Pains and Trouble such Sum or Sums of Money as the Commissioners shall think just and reasonable; and that every Proprietor, Attorney, and Agent, who shall attend the said Commissioners at any of their Meetings to be held in pursuance of this Act, or the said recited Act of the Forty-first Year of the Reign of His present Majesty, shall pay his own Expences at all such Meetings; and in such Cases as the Objection or Approbation of the Proprietors, of any Act, Matter or Thing to be done, or proposed to be done in pursuance of the said last-mentioned Act and this Act, is directed to be made and testified at any Meeting or Meetings, it shall be lawful for the Proprietors to attend such Meeting or Meetings by their respective Agents or Proxies duly authorized, whose Acts or Votes shall be as effectual as if such Proprietors were present in Person. Allowance to the Commissioners, Clerks, and Surveyors.

XVIII. And be it further enacted, That the First Meeting of the Commissioners for putting this Act and the said recited Act of the Forty-first Year of the Reign of His present Majesty into Execution, shall be held at the House known by the Sign of *The Bull's Head*, in the Village of *Devynnock* in the County of *Brecknock* aforesaid, within Two Calendar Months after the passing of this Act, or as soon after as Circumstances will admit; and that the said Commissioners shall cause Notice in Writing to be affixed upon each of the Principal Outer Doors of the several Churches or Chapels of the several Parishes or Hamlets, Townships or Places aforesaid, and also a like Notice by Advertisement to be inserted in the *Cambrian* Newspaper First and other Meetings of Commissioners.

Newspaper if then published, and if not, then in some other Newspaper usually circulated in the said County, of the Time and Place of their First and every future Meeting (Meetings by Adjournment only excepted) for the Execution of the Powers hereby and by the said recited Act of the forty-first Year of the Reign of His present Majesty vested in them, Fourteen Days at least before the Times appointed for such respective Meetings; and in case only One of the said Commissioners shall attend at the Time and Place appointed for any Meeting, or to which any Meeting shall be adjourned, it shall be lawful for such Commissioner, and to and for the Clerk or Clerks to the said Commissioners, in case neither of the said Commissioners shall attend, to adjourn the said Meeting to be holden on any future Day, not exceeding Twenty-one Days from the Day of Adjourment, at the same or some other convenient Place within Eight Miles of the said Forest; and the Commissioner, or Clerk or Clerks making such Adjournment, is and are hereby required to give timely Notice thereof to the absent Commissioner or Commissioners.

Other Notices how to be given.

XIX. And be it further enacted, That all other Notices requisite or necessary to be given by the said Commissioners, shall be given by Advertisement, to be inserted in the said *Cambrian* Newspaper, if then published, and if not, then in some other Newspaper usually circulated in the said County of *Brecknock*.

Encroachments to be allottable.

XX. And be it further enacted, That all Intakes or Encroachments made on the said Commonable Lands and Grounds within the said Forest, and which have been made within the Space of Thirty Years now last past, and for which no Licence, Consent, or Grant shall have been obtained from the Crown, shall be deemed and considered Part and Parcel of the Lands and Grounds to be divided, allotted, and enclosed by virtue of this Act, as if the same were actually lying open and unenclosed.

Commissioners empowered to set out new and additional Roads, and to turn and stop Roads.

XXI. And be it further enacted, That the said Commissioners shall, and they are hereby authorized and required, before they proceed to make any Division or Allotment directed by this Act, to set out and appoint any new and additional public Roads or Highways, or any new Tracks or Ways for such public Roads or Highways, in and over the said Forest, and to make such Order or Orders as to them shall seem proper in relation thereto, subject to the Restrictions, Provisions, and Directions of this Act; and that the said Commissioners shall or may turn or abate and stop up, or cause or order to be turned or abated and stopped up, any ancient Carriage Road or Way, Roads or Ways, or any ancient Footway or Path, Footways or Paths, in, through, upon or over any of the Lands and Grounds within the said Forest, where they shall judge it requisite or expedient, and to make such Order or Orders as to them shall seem proper for that Purpose, subject nevertheless to the Provisions, Restrictions, and Directions of this Act: Provided always, that no Turnpike Road shall be altered or diverted without the Consent of the Trustees having the Care and Management thereof, or any Five or more of them, at a public Meeting of such Trustees to be convened by due Notice, and held for that Purpose; nor any public Highway or Road be shut up or discontinued, until the Road or Roads so marked out or intended to be and remain public Highways, shall be set out and made according to the Directions of this Act;

and

and until the same shall be properly formed and made convenient and safe for Horses, Cattle, and Carriages: Provided also, that all private Roads, Ways, and Foot Paths, which shall be set out and appointed by the said Commissioners, shall be made and for ever maintained and kept in repair by such Person or Persons, and in such Manner, as the said Commissioners shall, by their Award, or by any other Writing under their Hands, order, direct, or appoint.

Allotments for Repairs of Roads;

XXII. And be it further enacted, That the said Commissioners shall and they are hereby required, as soon as conveniently may be after setting out the Public Roads and Highways as by this Act is directed, to set out and allot unto and for the Formation and Repairs of the Highways made or to be made within the Limits of the said Forest, so much and such Part and Parts of the Open and Commonable Lands and Grounds within the said Forest, and in such Places as the said Commissioners shall think proper, for getting Stone, Gravel, or other Materials for the Formation or for the Repairs from Time to Time for ever of the Public and Private Roads and Highways made or to be made within the Limits of the said Forest; and the Grass and Herbage arising therefrom shall be vested in such Persons as the said Commissioners shall allot the same unto; and the said Commissioners shall and they are hereby also authorized and required to set out Watering Places in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, for Cattle and Beasts, for the common Use and Benefit of all Persons occupying Lands and Grounds in Right of which they are or shall be entitled to Rights of Common in or over the said Forest;

and for Watering Places for Cattle.

Allotment for public Limestone Quarries for general Use.

XXIII. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next place, to set out and allot such Part or Parts, or Parcel or Parcels of the Lands and Grounds by this Act directed to be divided, allotted and inclosed, as and for Public Limestone Quarries, for the Purpose of getting Limestone and other Stones therefrom, with convenient Roads and Ways to and from the same respectively, to be used in common, as well by the Proprietor or Proprietors, or the Occupier or Occupiers of His Majesty's Allotment or Allotments herein directed to be made, as also the Proprietors of Estates entitled to Rights of Common in the said Forest, and their Tenants for their respective necessary Uses within the said Forest, on in or upon the Estates in virtue whereof they are entitled to Rights of Common, and for the Repairs of the Public and Private Roads within the said Forest; and such Allotments or Allotments shall be vested in such Person or Persons as the said Commissioners shall, by Writing under their Hands, or by any Award to be made by virtue of this Act, appoint in Trust for the Purposes aforesaid; and shall be inclosed and fenced in such Manner, and shall be subject to such other Regulations and Directions as the said Commissioners shall in and by their said Award order or direct.

Commissioners empowered to turn Watercourses.

XXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered, to direct, order, and award all Streams of Water, Springs, and Watercourses, within the Lands and Grounds hereby directed to be divided, allotted, and inclosed, to be carried and conveyed in such Courses, and through such of the said Lands and Grounds so hereby intended to be divided, allotted, and inclosed, as they

in their Discretion shall think necessary and proper for the Purposes aforesaid: Provided always, that no such Streams of Water, Springs, or Watercourses, shall be diverted or turned, without the Consent of the Person or Persons from and into whose Lands the same shall be carried or conveyed.

Lands to be sold for Payment of Expences.

XXV. And be it further enacted, That the said Commissioners shall mark and set out such Part and Parts of the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, as by the Sale thereof will, in the Judgment of the said Commissioners raise a sufficient Sum of Money to defray and discharge all the Costs, Charges, and Expences incident to and attending the obtaining and passing this Act, and of preparing and inrolling the Award or Awards to be made by the said Commissioners, and of surveying, admeasuring, planning, valuing, dividing, and allotting the Lands and Grounds to be divided, allotted, and inclosed by virtue of this Act, and of surveying, admeasuring, and planning such other Lands as shall by virtue of this Act be surveyed, measured, and planned; and all the Charges of the said Commissioners and Umpire, their Surveyors, Assessors, Clerks, Assistants, and Servants, and all the other necessary Expences of the several Persons to be employed by the said Commissioners, in and about the same; and all the Expences of forming, completing, and repairing the public Carriage Roads and Highways to be set out by the said Commissioners as aforesaid, and all other Expences of carrying this Act into Execution; and that it shall be lawful for the said Commissioners, as soon after the passing of this Act as they shall think proper, and so from Time to Time as often as they shall think necessary, to sell by public Auction, in the Manner and subject to the Directions and Regulations mentioned and prescribed in and by the said recited Act of the Forty-first Year of the Reign of His present Majesty, unto any Person or Persons who shall be willing to become the Purchaser or Purchasers thereof, such Part or Parts of the said Open and Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, as they shall mark and set out and deem sufficient for the Purposes aforesaid; and the Purchase Money of the said Lands so to be sold as aforesaid shall be paid into the Hands of the said Commissioners within such Time and in such Manner as the said Commissioners shall appoint, and the Receipt or Receipts of the said Commissioners for such Purchase Money shall be a sufficient Discharge to the Purchaser or Purchasers for the same; and immediately after Payment of such Purchase Money, and after such Receipt or Receipts shall be given to such Purchaser or Purchasers, the Allotments, Pieces, or Parcels of Land so purchased by him, her, or them shall, by virtue of this Act become vested in him, her, or them, and in his, her, or their respective Heirs and Assigns, in absolute Fee Simple, and shall be inclosed and held in Severalty by the Purchaser or Purchasers thereof respectively as his, her, or their private and absolute Property, and shall be allotted accordingly by the said Commissioners; and the said Purchase Money shall be applied in defraying such Costs, Charges, and Expences as aforesaid.

Surplus produced by Sales to be divided between Proprietors in

XXVI. And be it further enacted, That in case such Part or Parts of the said Open Commonable Lands and Grounds hereby directed to be sold as herein-before mentioned shall be sold for more Money than will be required to defray such Costs, Charges, and Expences as aforesaid, then and in such

Case

Case such Surplus Money shall be divided and apportioned between His Majesty and the several Persons interested in the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in such Shares as shall be in Proportion to such their respective Property, Rights, and Interests; and the Share of His Majesty shall be paid to the Commissioners of His Majesty's Woods, Forests, and Land Revenues; and the respective Shares of such other Persons as shall be Tenants in Fee Simple of their respective Allotments, shall be paid to them respectively; and the Shares of such other Proprietors or Persons of and in such Surplus Money, shall be applied and disposed of in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, in 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. Fee, according to their Interests.

XXVII. Provided always, and be it further enacted, That in case any of the Persons interested in the said intended Division, Allotment, and Inclosure, shall be desirous of having the Whole of their respective Shares and Allotments of the said Open Commonable Lands and Grounds hereby directed to be divided, allotted, and inclosed, set out and allotted to them without any Abatement for or in respect of the said herein-before directed Sale, for the Purposes aforesaid, and shall by themselves or Agents signify the same in Writing to the said Commissioners, at the Time of the Delivery in of their respective Claims as herein-before directed, or within such Time afterwards as shall be limited and prescribed by the said Commissioners, then and in every such Case the said Commissioners shall and they are hereby authorized and required to set out and allot to all such Persons respectively, all such Shares and Proportions of the said Open Commonable Lands and Grounds as they would have been severally entitled to under and by virtue of this Act, in case no Provision had been hereby made for Sale of any Part of the same Lands and Grounds, and without any Deduction or Abatement whatsoever on that account; and to adjust and settle what Sum and Sums of Money ought to be borne and paid by such several Persons, their Heirs or Assigns, for and in respect of their several and respective proportionable Charges and Expences of carrying this Act into Execution; and in case such Persons shall refuse or neglect to pay such Sum or Sums of Money as aforesaid, that then and in such Case the same shall be levied and recovered in the Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty: Provided nevertheless, that nothing herein contained shall give to the said Commissioners any Power to charge such Persons interested as aforesaid with any Part of the Expences attending or occasioned by the Sale herein-before directed. Persons desirous of paying in Money, to be exempt from the Operations of the Power of Sale.

XXVIII. And, in order to the making of an adequate Compensation for the Great and Small Tithes arising and renewing, within the said Forest hereby directed to be divided, allotted, and inclosed, to the several and respective Persons entitled to such Tithes; be it further enacted, That the said Commissioners shall and they are hereby directed and required, in the next Place, to set out and allot unto and for the King's most Excellent Majesty, His Heirs and Successors, for and in lieu of all Tithes both Great and Small, and all Moduses, Compositions, and other Allotment in lieu of Tithes.

Payments in lieu of Tithes, ariſing, renewing, increaſing, happening, or payable out of, from, or in reſpect of ſuch Part or Parts of the Open and Commonable Lands within the Limits of the ſaid Foreſt as are or ſhall be found to be Extra-parochial, ſuch Part and Parcel of the ſaid Lands or Grounds hereby directed to be divided, allotted, and incloſed, as in the Judgment of the ſaid Commiſſioners ſhall be a full Satisfaction and Compenſation for all ſuch Tithes both Great and Small, and all Moduſes, Compoſitions, and other Payments in lieu thereof; and alſo to ſet out and allot unto or for the Perſon or ſeveral Perſons, Bodies Politic, Corporate or Collegiate, who is, are, or ſhall be entitled to Tithes in Kind, in, over, or upon ſuch Part or Parts of the ſaid Open and Commonable Lands as is or are locally ſituate within the Bounds or Limits of any Pariſh or Pariſhes, if any Part or Parts of the ſaid Lands is or are ſo ſituate, for and in lieu of all Tithes both Great and Small, and all Moduſes, Compoſitions, and other Payments in lieu of Tithes whatſoever, ariſing, growing, renewing, increaſing, happening, or payable within or from the ſaid Foreſt, out of or from, or for or in reſpect of ſuch laſt-mentioned Lands, ſuch Parts and Parcels of the ſaid Lands and Grounds hereby directed to be divided, allotted, and incloſed, as in the Judgment of the ſaid Commiſſioners ſhall be a full Satisfaction and Compenſation for all ſuch laſt mentioned Tithes, Moduſes, Compoſitions, and other Payments, in lieu of Tithes; all which ſaid Tithes both Great and Small, and all Moduſes, Compoſitions, and other Payments in lieu of Tithes, ſhall reſpectively ceaſe and be for ever extinguiſhed, from and immediately after the making and ſetting out of ſuch Allotment or Allotments in lieu thereof, and Notice given by the ſaid Commiſſioners, by Writing under their Hands, to be affixed on the principal outer Doors of the ſeveral Pariſh Churches adjoining the ſaid Foreſt, that the ſaid Allotment or Allotments may be forthwith entered upon reſpectively, or from and after ſuch other Time as the ſaid Commiſſioners ſhall in and by ſuch Notice direct and appoint.

Commiſſioners to aſcertain to whom the Allotment for Tithes ſhall belong.

XXIX. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, by Examination of Witneſſes upon Oath or otherwiſe (which Oath they are hereby empowered to adminiſter) to aſcertain, ſettle, and determine to whom the ſaid laſt-mentioned Allotment or Allotments ſhall belong; and when they ſhall have ſo aſcertained the ſame, they are hereby authorized and required to apportion and divide the ſame reſpectively, between, unto, and amongſt the Perſon or ſeveral Perſons who ſhall appear to them to be entitled thereto.

Allotment to the King in lieu of Tithes, to be ſubject to like Rules as other Allotments to His Majeſty.

XXX. Provided always, and be it further enacted, That whatever Allotment ſhall be made to His Majeſty, in lieu of Tithes, of ſuch of the ſaid Open and Commonable Lands as are or ſhall be found to be Extra-parochial, ſhall, immediately after the ſame ſhall be ſet out, become and remain the excluſive Property of His Majeſty, His Heirs and Succeſſors, and ſhall be ſubject to the ſame Rules and Regulations in every reſpect, as the Allotment herein-after directed to be made and ſet out to His ſaid Majeſty, is ſubject to.

Allotment to the King's moſt Excellent Majeſty.

XXXI. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby authorized and required, after making and ſetting out the ſeveral

several Allotments herein-before mentioned, to divide, set out, and allot, One full Moiety or Half Part of all the Rest, Residue, and Remainder of the said Forest, due Regard being had to the Quality and Situation thereof, unto the King's most Excellent Majesty, His Heirs and Successors; and which Allotment, as soon as the same shall be allotted and severed from the Lands adjoining thereto, shall become and remain the exclusive and absolute Property of the King's Majesty, His Heirs and Successors, freed, exonerated, and for ever discharged of and from all Rights of Common, Common of Pasture and Turbary, and all other Rights of what Nature or Kind soever.

Commissioners to set out Roads to give convenient Access to His Majesty's Allotments.

XXXII. And be it further enacted, That the said Commissioners shall and they are hereby required to set out such and so many private Roads and Ways, as shall be necessary for giving convenient Access to such Allotments as shall be so as aforesaid made to or for His Majesty, His Heirs or Successors.

Award of His Majesty's Allotments to be inrolled in the Exchequer at Westminster, and the Office of the Auditor of Land Revenue.

XXXIII. And be it further enacted, That when and as soon as the said Commissioners shall have set out the Allotment or Allotments herein-before directed to be made and set out to His said Majesty, His Heirs and Successors, they shall prepare a separate Award, with a Map or Plan of such Allotment annexed thereto, whereof there shall be Three Originals; One to be inrolled in the Court of Exchequer at *Westminster*, another in the Office of the Auditor of the Land Revenue, there to remain on Record, and which shall afterwards be filed and preserved amongst the Muniments of the Office of the Commissioners of His Majesty's Woods, Forests, and Land Revenues for the Time being; and the said Award or the Inrolment thereof shall or may be produced, read, and received in Evidence, on all Occasions where any Question, Doubt, or Controversy may arise, relating to or affecting the Rights and Interests of His Majesty, His Heirs and Successors, in respect of any Allotment to be vested in the King's Majesty, His Heirs and Successors, by virtue of this Act; and the Third of the said Awards shall be deposited with the Clerk of the Peace for the said County of *Brecknock*.

The Residue to be allotted to Persons entitled to Commonage.

XXXIV. And be it further enacted, That the said Commissioners shall and they are hereby required, in the next Place, to set out and allot the Residue of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, unto and amongst all and every the Persons entitled to Commonage, in, over, or upon the same respectively, or any Part or Parts thereof respectively (other than and except the King's Majesty, His Heirs and Successors) in Proportion to the real Value of their several and respective Messuages, Cottages, Lands, and Tenements, in respect whereof they are entitled to such Rights of Common, and to the Part or Parts of the Lands to be inclosed, in, over, or upon which their respective Rights of Common shall extend, due Regard being had in settling the Quantum of each Allotment, to the Quality and Situation of the Land to be comprised therein; and shall also set out and award every Person's Allotment as near to his Messuage or Messuages, Cottages, Sites, Lands and Tenements, in respect whereof he is or shall be entitled to Right of Commons as conveniently may be.

Claims of Rights to be produced.

XXXV. Provided always, and be it enacted, That all Persons having or claiming any Estate or Interest in, or upon the Lands and Grounds hereby

hereby directed to be divided, allotted, and inclosed, shall by themselves or their Agents deliver their respective Claims in Writing to the said Commissioners, at a Meeting to be holden for that Purpose, in Manner directed by the said recited Act of the Forty-first Year of the Reign of His present Majesty, and this Act, of which Meeting Twenty-one Days Notice in Writing under the Hands of the said Commissioners expressing the Purpose of such Meeting, shall be given in the Manner herein-before directed.

Commissioners to investigate Claims.

XXXVI. And be it further enacted, That all the Claims of any Right or Rights of Common upon the said Open Commonable Grounds or Waste Lands or any Part or Parts thereof, to be delivered to the said Commissioners in pursuance of the said recited Act, shall (whether the same be formally objected to or not under the Provisions of the said recited Act, by any Person or Persons, or Body Politic, Corporate or Collegiate, interested or claiming to be interested in the Premises) be investigated by the said Commissioners or the major Part of them, as soon as conveniently may be after Delivery thereof: Provided always, that the said Commissioners shall and they are hereby required to give Fourteen Days Notice at the least of their Meetings for such Purpose, by Advertisement in the *Cambrian* Newspaper if then published, and if not, then in some other Newspaper circulated in the said County of *Brecknock*; and the said Commissioners shall with all convenient Speed, after such Investigation of the said Claims, cause printed Lists or Schedules of the same, distinguishing therein all such of the said Claims to which they shall have any Objection, or to which Objections shall have been made by any other Persons in pursuance of the said Act, to be lodged for the Purpose of Public Inspection, at such and so many convenient Places as the said Commissioners shall think proper, of which Places Public Notice shall be given by Advertisement in the said *Cambrian* Newspaper if then published, and if not, then in some other Newspaper circulated in the said County of *Brecknock*; and shall also cause Copies or Extracts thereof, so far as shall concern or relate to the respective Claims to which Objections shall arise or be made, to be left at the last or usual Places of Abode of the respective Persons whose Claims shall be objected to, or of their Stewards or Agents; and any Person or Persons, Body or Bodies Politic, Corporate or Collegiate, interested or claiming to be interested in the Premises, may offer Objections to any Claim contained in such Schedule or List, within Three Months next after the aforesaid Publication thereof, by delivering the Particulars of such Objection to the said Commissioners in Writing, in Manner prescribed by the said recited Act; and no such Objection shall afterwards be received, unless for some legal Disability or special Cause to be allowed by the said Commissioners.

Power for the Commissioners to settle Disputes.

XXXVII. And be it further enacted, That in case any Dispute or Difference shall arise, between any of the Parties interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, and Inclosure, it shall be lawful for the said Commissioners or Umpire, and they and he are and is hereby authorized and empowered to examine into, hear and determine the same respectively.

XXXVIII. Pro-

XXXVIII. Provided always, That nothing herein contained ſhall authorize the ſaid Commiſſioners or Umpire to determine the Title to any Meſſuages, Lands, Tenements, or other Hereditaments whatſoever; but they and he ſhall aſſign and ſet out the ſeveral Allotments directed to be made, unto the Perſon or Perſons having the actual Seiſin or Poſſeſſion of the Meſſuages, Lands, Tenements, or Hereditaments, in right or in reſpect whereof ſuch Allotments ſhall be made. Commiſſioners not to determine Title to Eſtate.

XXXIX. And be it further enacted, That in caſe the ſaid Commiſſioners ſhall, upon the Hearing and Determination of any Claim or Claims, Objection or Objections, to be delivered to them in purſuance of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and this Act, ſee Cauſe to award any Coſts, then and in ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable to be paid, either to the Public Account for or towards the Expences occaſioned in or relating to the inveſtigating, ſettling, and determining of ſuch Claim or Claims, if finally diſallowed, or to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or overruled; and in caſe the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, who ſhall be liable to pay ſuch Coſts and Charges, ſhall neglect or refuſe to pay the ſame on Demand, then and in every ſuch Caſe it ſhall be lawful for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands directed to any Perſon whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, or Body or Bodies Politic, Corporate or Collegiate ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons, or Body or Bodies Politic, Corporate, or Collegiate, whoſe Goods and Chattels ſhall have been ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale. Power to aſſeſs Coſts relative to diſputed Claims or Objections.

XL. And be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion and Allotments, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners or Umpire, touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Open Commonable Lands and Grounds, or any Part or Parts thereof, or of any Rights of Common or other Rights or Intereſts whatſoever, in, over, or upon the Lands and Grounds hereby directed to be divided, allotted, and incloſed, or any Part or Parts thereof, then and in every ſuch Caſe it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate ſo diſſatisfied, to proceed to a Trial at Law of the Matter ſo determined by the ſaid Commiſſioners, at the then next Great Seſſion, or at the Great Seſſion following the next, to be holden for the County of *Brecknock*, or at the then next Aſſizes, or at the Aſſizes following the next, to be holden for the County of *Hereford*, and for that Purpoſe the Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, who ſhall be ſo diſſatisfied with the Determination of the Allowing Parties to try their Rights by an Iſſue at Law.

ſaid Commiſſioners or Umpire, 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, or againſt the ſaid Commiſſioners, if the Subject of Determination ſhall be of ſuch a Nature as will affect the Perſons in general intereſted in the ſaid Open Commonable Lands and Grounds within Three Calendar Months next after ſuch Determination of the ſaid Commiſſioners or Umpire ſhall have been notified in Writing to the Party or Parties intereſted; and the Defendant or Defendants in ſuch Action or Actions ſhall, and he, ſhe, or they is and are hereby required to name an Attorney or Attornies, who ſhall appear thereto 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 or Iſſues to be ſettled by the proper Officer of the Court in which the ſaid Action or Actions ſhall be commenced, in caſe the Parties ſhall differ about the ſame; and the Verdict or Verdicts which ſhall be given in ſuch Action or Actions ſhall be binding, final and concluſive upon all and every Perſon and Perſons whomſoever, Body and Bodies Politic, Corporate, or 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 alſo to put off the Trial of ſuch Iſſue if it ſhall think fit, as is uſual in other Caſes; and after ſuch Verdict or Verdicts ſhall be obtained, and not ſet aſide by the Court, the ſaid Commiſſioners ſhall and they are hereby required to act in Conformity thereto, and to allow or diſallow the Claim or Claims thereby determined, according to the Event of ſuch Trial or Trials; and in every Caſe in which the ſaid Commiſſioners ſhall be Defendants, the Coſts and Charges payable by the ſaid Commiſſioners in ſuch Action or Actions, ſhall be paid and diſcharged out of the Monies to be raiſed by them for the Purpoſes of this Act.

Determination of Commiſſioners to be final.

XLI. Provided always, and be it enacted, That the Determination of the ſaid Commiſſioners or Umpire, touching ſuch Claim or Claims of Right to the Soil of the ſaid Open Commonable Lands and Grounds, or of any Rights of Common or other Rights or Intereſts, in, over or upon the Lands and Grounds hereby directed to be divided, allotted and incloſed, or any Part thereof, ſhall (in caſe ſuch Determination ſhall not be ſo objected to, or being objected to, ſuch Action or Actions at Law ſhall not be brought and proceeded in within the Time and in Manner herein-before for that Purpoſe mentioned) be final and concluſive upon all and every Perſon and Perſons, Body and Bodies Politic, Corporate, and Collegiate.

In caſe of the Death of Parties before Actions brought, the ſame to be carried on and defended in their Names.

XLII. 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 Action or Actions might have been brought if living, ſhall die before any ſuch Action or Actions ſhall have been brought, and before the Expiration of the Time herein-before limited for bringing ſuch Action or Actions, it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, 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 Clerks to the ſaid Commiſſioners with Proceſs for commencing ſuch Action or Actions, in the ſame Manner as the Party or Parties might

might have been ſerved therewith if living; and it ſhall thereupon be incumbent on the Heir or Heirs, or other Perſon or Perſons, who ſhall claim the Benefit of ſuch Determination as aforeſaid, to appear and defend ſuch Action or Actions in the Name or Names of the Perſon or Perſons ſo dead, and Proceedings ſhall be had therein in the ſame Manner as if ſuch Perſon or Perſons had been actually living; and the Rights of all Parties ſhall be equally bound and concluded by the Event of ſuch Action or Actions.

Perſons in Poſſeſſion not to be moleſted without due Courſe of Law.

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

Trials not to ſuſpend the Execution of the Powers of this Act.

XLIV. Provided always, and be it enacted, That no ſuch Difference, Diſpute, or Proceeding, touching the Title to any Lands, Tenements, or Hereditaments, ſhall impede or delay the ſaid Commiſſioners in the Execution of this Act, or the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, but the Diviſion and Incloſure hereby directed to be made, ſhall be proceeded in notwithſtanding any ſuch Difference, Suit, or Proceeding; and the ſaid Commiſſioners ſhall, by proper Marks and Bounds, ſet out the Lands and Grounds which ſhall be allotted in Right or in Lieu of ſuch litigated Property, ſo that the ſame may be diſtinguiſhed from any other Lands and Grounds, and may be had and taken by the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, who, upon the Determination of ſuch Difference or Suit, ſhall be entitled to the ſame.

Commiſſioners may adjudge the Quantity and Value of the Lands, &c. but all ancient Meſſuages to be conſidered of equal Value.

XLV. Provided nevertheleſs, and be it enacted, That nothing herein contained ſhall extend to preclude the ſaid Commiſſioners from adjudging and determining the Quantity and Value of the Land, in virtue whereof any Perſon or Perſons ſhall be allowed to have a Right of Common upon the ſaid Open and Commonable Lands and Grounds hereby directed to be divided, allotted, or incloſed, or any Part thereof, but the ſaid Commiſſioners ſhall and they are hereby authorized to adjudge and determine the Quantity and Value of all and every ſuch Lands reſpectively, and rate and eſtimate the ſame as to them ſhall ſeem juſt and reaſonable, according to the real Value thereof, for the Purpoſes of Huſbandry, without regard to any artificial or extraordinary Value ariſing from local or temporary or other peculiar Advantages; and ſuch their Judgment and Determination ſhall be binding and concluſive upon all Parties whomſoever: Provided alſo, that nothing herein contained ſhall extend to authorize the ſaid Commiſſioners to conſider any ancient Meſſuage or Building or Site thereof, in reſpect of which any Right of Common ſhall be allowed, at any more or greater Value than any other ancient Meſſuage or Building or Site thereof, but the ſaid Commiſſioners ſhall rate and eſtimate all ancient Meſſuages and Buildings and Sites thereof, at an equal Value, one with another, and at ſuch Value as they ſhall think moſt expedient.

Allowing the Trial of Parochial Boundaries by an Iſſue at Law, inſtead of Appeal to the Quarter Seſſions.

XLVI. And be it further enacted, That if any Perſon or Perſons, Body or Bodies Politic, Corporate or Collegiate, ſhall conſider himſelf, herſelf, or themſelves prejudiced or aggrieved by the Determination of the ſaid Commiſſioners or Umpire, reſpecting the Limits or Boundaries of any Pariſh, Manor, Townſhip, Hamlet, Diſtrict, or Place, upon the ſaid Open and Commonable Lands and Grounds hereby directed to be divided, allotted, and incloſed, or of any Pariſh, Manor, Townſhip, Hamlet, Diſtrict, or Place adjoining thereto, as the ſame ſhall be ſet out and aſcertained by the ſaid Commiſſioners, purſuant to the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, and ſhall by Writing under their, his or her Hands or Hand give Notice to the ſaid Commiſſioners, within Three Calendar Months next after ſuch Determination, of their, his, or her Deſire to have the ſame determined by an Iſſue at Law, inſtead of an Appeal to the Quarter Seſſions under the Proviſion of the ſaid laſt mentioned Act, then and in ſuch Caſe it ſhall be lawful for the Perſon or Perſons, Body or Bodies Politic, Corporate, or Collegiate, ſo diſſatisfied with ſuch Determination, to have the ſame aſcertained and ſettled by Trial of an Iſſue at Law, under the Proviſions of this Act, in caſe of any diſputed Right or Claim.

No Turf to be taken away after paſſing of the Act, under the Penalty of Five Pounds.

XLVII. And be it further enacted, That if any Perſon or Perſons ſhall dig, cut, or take away any of the Turf, Buſhes, Underwood, or Soil, of the Lands or Grounds to be divided, allotted, and incloſed by virtue of this Act, for any Uſe or Purpoſe whatſoever, or under any Right, Privilege, or Claim, or Pretence of Right, Privilege, or Claim whatſoever, other than and except the Owners of the Soil, for the Purpoſe of digging or ſearching for and carrying away any Gravel or Stone for the Repair of Roads, then and in every ſuch Caſe, on due Proof made before the ſaid Commiſſioners on Oath (which Oath the ſaid Commiſſioners are hereby empowered to adminiſter) the ſaid Commiſſioners ſhall and they are hereby required, by Warrant under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe any Sum or Sums of Money not exceeding Five Pounds, to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo offending in the Premiſes, rendering the Overplus (if any) on Demand, to the Perſon or Perſons whoſe Goods and Chattels ſhall be ſo diſtrained and ſold, after deducting the Coſts and Charges attending ſuch Diſtreſs and Sale; and the Money ſo to be levied as aforeſaid ſhall be applied towards the Payment of the Coſts, Charges, and Expences of obtaining and executing this Act.

For ſhortening Boundary Fences.

XLVIII. And be it further enacted, That if the ſaid Commiſſioners ſhall deem it expedient or proper to ſhorten the Boundary Fences between the Lands and Grounds by this Act directed to be divided, allotted, and incloſed, in the ſaid reſpective Pariſhes, Townſhips, Hamlets, or Places, and any Pariſh or Pariſhes adjoining thereto, or to make the ſame Boundary Fences regular, it ſhall be lawful for the ſaid Commiſſioners, with the Conſent in Writing under the Hand or Hands of the Lord or Lords of the Manor or Manors in which the Land is ſituate, and of the Owner or Owners of the ſaid Land upon which any Fence or Fences ſhall or may be intended to be made, to ſet out the Boundary or Boundaries between the Lands by this Act directed to be divided, allotted, and incloſed, and any adjoining Pariſh or Pariſhes, in ſuch Manner as they ſhall think proper for the Purpoſes aforeſaid; and after ſuch Boundary or

Boundaries

Boundaries ſhall be ſo ſet out as aforeſaid, the ſame ſhall be fenced by ſuch Perſon or Perſons, in ſuch Manner, and at ſuch Time or Times, as the ſaid Commiſſioners in and by their final Award ſhall order and direct; and the ſame ſhall for ever thereafter, as between ſuch Lord or Lords of Manors and Owner or Owners of Lands, be deemed and taken to be the Boundary or Boundaries between the ſaid reſpective Pariſhes, Townſhips, Hamlets, or Places, and ſuch adjoining Pariſh or Pariſhes; any Law, Cuſtom, or Uſage to the contrary thereof in anywiſe notwithſtanding.

Perſons who have enjoyed Commonage for Twenty Years, to be conſidered to have a Right of Common.

XLIX. And be it further enacted, That the Owner or Owners of any Meſſuages, Lands, Tenements, or Hereditaments, ſituate in any Part or Parts of the ſaid ſeveral Pariſhes of *Yſtradvelltey*, *Yſtradgunlais*, *Llangaſtey-Talyllyn*, *Llanddetty*, *Cantreff*, *Garth-Brengy*, *Llande-vailog-vach*, *Merthyr-Cynog*, *Saint Davids*, *Llanſpythid*, *Defynnock*, *Llywell*, *Saint John the Evangeliſt*, *Penderin*, *Llandilorvane*, *Trallong*, and *Llanvihangel Nantbrane*, the Owners or Occupiers whereof for the Time being have for Twenty Years laſt paſt had and actually enjoyed any Right or Rights of Common upon the ſaid Open Commonable Lands and Grounds to be divided, allotted, and incloſed by virtue of this Act, or any Part or Parts thereof reſpectively, for or in reſpect of ſuch Meſſuages, Lands, Tenements, or Hereditaments reſpectively (ſave and except any Right of Common by Vicinage) ſhall be deemed and taken to have, in reſpect of ſuch their Eſtates, a Right of Common upon the ſaid Open Commonable Lands and Grounds, or the Part or Parts thereof to which ſuch Uſage ſhall have extended, without ſhewing any other Title than ſuch Uſage, and be entitled to have an Allotment or Allotments of the ſame reſpectively, in the ſame Proportion as other Perſons entitled to Common thereon reſpectively: Provided nevertheleſs, that the Proviſion laſt hereinbefore contained ſhall not anywiſe affect any Pariſhes, Hamlets, Places, or Perſons having or claiming any Right of Common on the ſaid Open Commonable Lands and Grounds, or any Part thereof reſpectively, other than ſuch as ſhall claim under ſuch Proviſion, if they ſhall be able to ſupport ſuch Claim, independent of ſuch Enjoyment, in caſe the ſame ſhall happen to be objected to or conteſted.

After Allotments made, Rights of Common to ceaſe.

L. And be it further enacted, That immediately after all the Allotments to be made in purſuance of this Act ſhall, by Order of the ſaid Commiſſioners, be marked and ſtaked out, all the ſeveral Shares or Allotments to be ſet out as aforeſaid, ſhall be and be deemed and taken to be in lieu of and in full Compenſation, Satisfaction, and Diſcharge of all Rights of Common whatſoever, which the ſaid Owners, Proprietors, their Tenants and Occupiers, or any of them, could or might have had or been entitled to, in, over, or upon the ſaid Foreſt, and other the ſaid Commonable Lands and Grounds, or any Part or Parts thereof reſpectively; and from that Time all Rights of Common whatſoever, in, over, or upon the ſaid Foreſt and Open Commonable Lands and Grounds, ſhall ceaſe and be for ever annulled, aboliſhed, and extinguiſhed: Provided nevertheleſs, that it ſhall be lawful for the ſaid Commiſſioners, at any Time before the Execution of their ſaid Award, by Notice in Writing under their Hands, to be affixed upon the principal Doors of the ſeveral Churches or Chapels to each Pariſh, Townſhip, Hamlet, or Place, entitled to Right of Common upon the ſaid Open Commonable Lands and Grounds, to order and direct all or any Part of the Rights of Common, in or over the ſaid

Open and Commonable Lands and Grounds, or any Part or Parts thereof, to be extinguiſhed, or the Exerciſe thereof ſuſpended, for and during ſuch Time or Times as ſhall be expreſſed in ſuch Writing; and all ſuch Rights of Common as the ſaid Commiſſioners ſhall by ſuch Writing order and direct to be extinguiſhed, or the Exerciſe thereof to be ſuſpended as aforeſaid, ſhall, from the Time mentioned in ſuch Writing, ceaſe, determine, and be extinguiſhed, or the Exerciſe thereof ſhall be ſuſpended accordingly; any Law, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding.

Owners of Common Rights may have their Allotments laid together.

LI. And be it further enacted, That if any of the ſeveral Owners of ancient Meſſuages, Cottages, Sites, or Homeſteads, Lands, Tenements, or Hereditaments, ſhall be deſirous that their reſpective Shares in the ſaid Open Commonable Lands and Grounds ſo directed to be divided, allotted, and incloſed as aforeſaid, in reſpect of their Common Rights belonging to ſuch Meſſuages, Cottages, Sites, or Homeſteads, Lands, Tenements, or Hereditaments, ſhould be allotted together in One or more Parcel or Parcels, and ſhall expreſs ſuch their Deſire in Writing to the ſaid Commiſſioners, at ſuch Time as the ſaid Commiſſioners ſhall limit and appoint, then and in ſuch Caſe the ſaid Commiſſioners ſhall and they are hereby required to ſet out the ſeveral Parcels of Land to be allotted to ſuch ſeveral Perſons, in One or more Allotment or Allotments; and ſuch Allotment or Allotments, ſhall be uſed and enjoyed by the ſeveral Proprietors thereof, in ſuch Manner and under ſuch Regulations as the ſaid Commiſſioners ſhall in that Behalf direct and appoint in their ſaid final Award.

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

LII. And be it further enacted, That when and ſo ſoon as the ſaid Commiſſioners ſhall have aſcertained the reſpective Rights of the Perſons intereſted in the ſaid intended Incloſure, and alſo the reſpective Shares and Proportions by them propoſed to be allotted to ſuch Perſons reſpectively in lieu thereof, they the ſaid Commiſſioners ſhall give Notice in the ſaid Newſpaper called *The Cambrian Newſpaper*, if then publiſhed, and if not, then in ſome other Newſpaper publiſhed or circulated in the ſaid County, and alſo by Writing to be affixed on the principal outer Doors of the Churches of the Pariſhes adjoining the ſaid Foreſt, of the Day or Days and Place, where all Perſons intereſted may peruſe a Schedule of ſuch intended Allotments, and inſpect the Map or Plan whereon the ſame ſhall be delineated, and may have and receive a Copy of ſuch Schedule, ſo far as the ſame relates to each Perſon reſpectively; and as ſome Perſons may, upon Peruſal of the ſaid Schedule, and Inſpection of ſuch Map or Plan, be diſſatisfied with their intended Allotments, the ſaid Commiſſioners ſhall give Notice of ſuch Meeting or Meetings as ſhall be deemed neceſſary to be holden by them, for hearing Complaints and Objections againſt ſuch intended Allotments, and for hearing and determining all ſuch Objections; and their Determinations in the Premiſes, as to Quantity and Situation, ſhall be binding, final, and concluſive upon all Parties.

The authorizing the Sale of Allotments before the Execution of the Award.

LIII. Provided always, and be it enacted, That if any Perſon or Perſons intereſted in the ſaid Diviſion and Incloſure, hath or have ſold, or ſhall at any Time hereafter and before the Execution of the ſaid final Award, ſell his, her, or their Right, Intereſt, or Property in, over, or upon the ſaid Commonable Lands and Grounds hereby directed to be divided, allotted, and

and inclosed, or any Part thereof, to any other Person or Persons, then it shall be lawful for the said Commissioners, and they are hereby authorized and required, on Application made to them for that Purpose, by Writing under the Hands of the contracting Parties, to make an Allotment of Land unto the Vendee or Purchaser in such Sale, or to his or her Heirs or Assigns, for or in respect of such Rights, Interest, and Property sold; and every such Vendee or Purchaser, and his and her Heirs and Assigns, shall and may, after the Completion of such Sale, hold the Lands and Grounds so to be allotted to him, her, or them as aforesaid, in the same Manner pursuant to the Terms of such Sale, to all Intents and Purposes, as the Vendor in every such Sale, might, could, or ought to have held and enjoyed the same, in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendee at the Time of making such Sale as aforesaid.

The Commissioners of His Majesty's Woods, &c. empowered to purchase Lands.

LIV. And be it further enacted, That it shall be lawful for the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, by and with the Approbation and Consent of the Lords Commissioners of His Majesty's Treasury for the Time being, or any Three or more of them, on behalf of His Majesty, to agree with and to purchase from any Person or Persons who shall be entitled to any Allotments of Land under this Act, all or any Part of his, her, or their respective Allotments to be made to him, her, or them under this Act, for the Use of His Majesty, His Heirs and Successors; such Lands when purchased to be inclosed and appropriated to the Growth and Cultivation of Timber.

Allotments to be fenced.

LV. And be it further enacted, That the several Outermost or Ring-fences of the said Moiety of the said Forest so to be allotted to His Majesty, His Heirs and Successors as aforesaid, and also of any Allotment or Allotments which shall be made to His said Majesty, in lieu of Tythes, in respect of such Part or Parts of the said Open and Commonable Lands as are or shall be found to be Extra-parochial, shall be made in such Manner as the said Commissioners shall direct and appoint, and such Outermost or Ring-fences shall be raised and made, and for ever thereafter maintained, supported, and kept in Repair, at the Expence, Costs and Charges of His said Majesty, His Heirs and Successors, save and except as to such Part or Parts thereof as shall adjoin the Allotment or Allotments to be made to any other Person or Persons in pursuance of this Act, which last mentioned Part or Parts of such Outermost or Ring-fences shall be made, supported, and kept in Repair, in such Parts and Proportions, and in such Manner and by such Persons as the said Commissioners shall by their Award direct and appoint; and all Fences in pursuance of this Act to be made for dividing and inclosing the Residue of the said Open and Commonable Lands and Grounds shall be made and at all Times for ever thereafter repaired and maintained by and at the Expence of the Proprietors interested in such Residue, in such Parts and Proportions, and within such Time, and in such Manner, as the said Commissioners shall in and by their final Award, order, direct, or appoint.

Satisfaction to be made for unequal Share of

LVI. Provided always, and be it further enacted, That if owing to the Situation or other Circumstances of any Allotment or Allotments, it shall happen that the Proprietor or Proprietors thereof shall not have a proportionable

Boundary Fences.

tionable Share of Boundary Fencing thereto, it ſhall be lawful for the ſaid Commiſſioners, where they ſhall judge reaſonable, to aſcertain and appoint any Sum or Sums of Money to be contributed and paid by ſuch Proprietor or Proprietors, towards the Expence of the Boundary Fencing of ſuch other or others of the ſaid Proprietors who may happen to have too great a Proportion thereof, in order that the Expences of the ſaid Boundary Fencing may be brought as near as may be to a juſt and equal Proportion (Regard being had to the neceſſary Subdiviſion Fences within the reſpective Allotments) and the Money ſo to be aſcertained and applied ſhall be levied and recovered in the Manner directed by the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty: Provided always, that it ſhall and may be lawful for the ſaid Commiſſioners, at any Time before executing their final Award, to make any Alterations in the Allotments and Fences which they may have ſet out and ordered, or in any private Roads laid or to be laid over or to ſuch Allotments, that they ſhall think right and expedient; and in caſe any Perſon or Perſons be injured by ſuch Alterations, on account of any Expences he, ſhe, or they may have been at, the ſaid Commiſſioners ſhall aſcertain and determine what Recompence ſhall be made to him, her or them, and ſhall direct by whom and in what Manner ſuch Recompence ſhall be made.

The Foreſt diſafforeſted.

LVII. And be it further enacted, That from and after the Execution of the final Award of the ſaid Commiſſioners, all Foreſtal Rights and Privileges whatſoever of the King's Majeſty, His Heirs and Succeſſors, and His or their Leſſee or Leſſees, Grantee or Grantees, and of all other Perſons whomſoever, within, upon, and over the ſaid Foreſt, ſhall ceaſe, determine, and be for ever extinguiſhed, and the Whole of the ſaid Foreſt ſhall be diſafforeſted to all Intents and Purpoſes whatſoever.

Commiſſioners to allot in Exchange.

LVIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners to ſet out, allot and award any Lands, Tenements or Hereditaments within the Foreſt, or in any adjoining Pariſh, Townſhip, Hamlet, or Place, the Owners whereof are entitled for or in reſpect of the ſame to any Right of Common upon the ſaid Foreſt, or upon the ſaid Open Commonable Lands and Grounds, or any Part thereof, in lieu of and in Exchange for any other Lands, Tenements, and Hereditaments whatſoever, within the ſaid Foreſt, or in any of the Pariſhes, Townſhips, Hamlets or Places in which the ſaid Open Commonable Lands or Grounds reſpectively lie or are ſituate, or which are entitled to Right of Common as aforeſaid, or within any adjoining Pariſh, Hamlet, Townſhip or Place; provided that all ſuch Exchanges be aſcertained, ſpecified, and declared in the ſaid final Award of the ſaid Commiſſioners, or in ſome other Deed or Deeds, Inſtrument or Inſtruments, in Writing under their Hands and Seals, and be made with the Conſent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which ſhall be ſo exchanged, whether ſuch Owner or Owners, Proprietor or Proprietors, ſhall be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or for Life, or in Tail General or Special, or by the Courteſy of *England*, or for Years determinable on any Life or Lives, with the Conſent of the Leſſor or Leſſors, 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 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 for themselves, himself or herself; such Consent to be testified in Writing, under the Common Seal of the Body Politic, Corporate or Collegiate, and under the Hands of the other Parties consenting respectively; and all and every such Exchange or 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 any Ecclesiastical Benefice, without the Consent testified as aforesaid, of the Patron thereof, and of the Bishop of the Diocese or other Ordinary of the Ecclesiastical Jurisdiction, in which such Lands, Tenements, or Hereditaments so to be exchanged shall lie or be situate.

Expences of Exchanges how to be paid.

LIX. Provided always, and be it enacted, That the Costs, Charges, and Expences attending the making and completing of all Exchanges and Partitions under the Powers and Authorities in this Act and the said recited Act of the Forty-first Year of the Reign of His present Majesty, or either of them contained, shall be paid and borne by the several Persons, Bodies Politic, Corporate, or Collegiate, making such Exchanges or Partitions, and in such Proportions as the said Commissioners shall order and direct.

Allotments to remain of the same Tenure.

LX. And be it enacted, That all and every the Allotments to be made in pursuance of this Act, for or in respect of any Freehold Estates, shall be deemed and taken to be and held and enjoyed as Freehold Estates (subject nevertheless to the Seignorial Rights of the Lords of the respective Manors in which the same are situate) and all and every the Allotments to be made for or in respect of any Copyhold or Customary Estates, held of any Manor or Manors in which such Copyhold or Customary Estates respectively lie or are situate, shall be deemed and taken to be as Copyhold or Customary Estates, and shall be held of the Lords of the Fee thereof, under the same Rents and by the same Customs and Services as the Copyhold or Customary Lands and Hereditaments for or in respect of which they were so allotted are or ought to have been held, and shall pass by the like Surrenders as the Copyhold or Customary Lands and Hereditaments in respect whereof such Allotments shall be made now do pass.

Wills and Settlements not to be affected.

LXI. And be it enacted, That nothing herein contained shall extend, or be construed, adjudged, deemed, or taken, to revoke, annul, or make void any Settlement, Deed, Will, or Lease whatsoever, or to prejudice any Person or Persons having any Right or Claim of Dower, Jointure, Rent, Service, Debt, Charge, or Incumbrance, in, out of, upon, or over, or affecting the said Forest, or upon the Commonable Lands and Grounds so to be divided, allotted, and inclosed, or exchanged by virtue of the said recited Act of the Forty-first Year aforesaid, or of this Act, or any Part or Parcels thereof; but that the several Allotments so to be allotted or given in Exchange upon such Division or Allotment or Inclosure thereof, to the several Owners and Proprietors respectively, shall immediately after such Allotments or Exchanges shall be made and set out, be, remain, and enure, and be held and enjoyed, and the several Persons to whom the same shall be so allotted or exchanged as aforesaid, shall, from the Execution of the said final Award, stand, be seised, and possessed thereof respectively,

reſpectively, to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and with ſuch and the ſame Powers and Authorities for making Leaſes thereof or otherwiſe, and ſubject to ſuch and the ſame Wills, Limitations, Conditions, Settlements, Truſts, Proviſoes, Remainders, Reverſions, Debts, Charges, and Incumbrances, (Right of Common and Common of Paſturage as aforeſaid, and ſuch other Exceptions and Proviſions as are herein made, only excepted) as the ſaid ſeveral Lands and Hereditaments, in reſpect or in lieu thereof, or in Right whereof ſuch Allotments were and are to be made to them reſpectively, ſtood ſeverally limited, or ſubject and liable unto at the Time of making ſuch Allotments reſpectively, or of the Execution of the ſaid final Award.

For vacating Leaſes at Rack Rent.

LXII. Provided always, and be it further enacted, That all the Allotments of the Land to be made of the ſaid Foreſt by virtue of this Act, in reſpect of any Meſſuages, Houſes, or Lands held by Leaſe or Leaſes at Rack Rent, or for which Leaſes no Fines are expreſſed therein to have been paid to the Grantors or Leſſors as the Conſiderations for the ſame, ſhall be allotted to and held by the ſeveral Owners and Proprietors of ſuch Meſſuages, Houſes, and Lands, freed and diſcharged from all Right or Claim of ſuch reſpective Leſſees, to, in, or upon the ſaid Allotments or any Part thereof, to be derived under or by virtue of ſuch Leaſes; and in caſe any of ſuch Leſſees ſhall think himſelf, herſelf, or themſelves aggrieved thereby, and ſuch Leſſors and Leſſees ſhall not ſettle the ſame to their mutual Satisfaction, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, on Application made to them by either Party, to take the Matters in Queſtion into their Conſideration, and by their Orders to make unto every ſuch Leſſee, for his, her, and their Loſs of Commonage, or other Loſſes by Means of the ſaid Diviſion, Allotment, and Incloſure, ſuch a fair and adequate Allowance and Compenſation, either in Money to be paid down, or by way of Abatement or Reduction in the Rack Rents, by ſuch Leaſes reſerved, as the ſaid Commiſſioners ſhall think juſt and equitable.

For preventing Quickſets from being damaged by Sheep.

LXIII. And be it further enacted, That no Sheep or Lambs ſhall be kept in any of the new Incloſures to be made by virtue of this Act, during the Space of Ten Years from the Execution of the ſaid final Award, unleſs the Perſon or Perſons keeping ſuch Sheep or Lambs ſhall and do, at his, her, or their own Expence, fence or guard his, her, or their Neighbour's Quickſets adjoining the Incloſures wherein ſuch Sheep or Lambs ſhall be kept, ſo as to prevent any Damage being done to ſuch Quickſets by ſuch Sheep or Lambs; and it ſhall not be lawful for any Perſon or Perſons to turn or put or cauſe to be turned or put any Sheep, Lambs, Horſes, Aſſes, or other Beaſts or Cattle, into any of the Ways, Lanes, or Roads, on either Sides of which any newly planted Fence ſhall be growing.

Money advanced to be repaid with Intereſt.

LXIV. And be it further enacted, That if any Perſon or Perſons ſhall advance any Sum or Sums of Money for defraying the Expences of obtaining and paſſing this Act, or of carrying the ſame into Execution, every ſuch Perſon ſhall be repaid the ſame with Intereſt, after the Rate of Five Pounds *per Centum per Annum*, out of the firſt Monies that ſhall be raiſed or received by the ſaid Commiſſioners by virtue of this Act, for defraying ſuch Expences.

LXV. And

LXV. And whereas ſome of the Owners or Proprietors to whom Allotments ſhall be made by virtue of this Act, may have occaſion to borrow Money to defray their reſpective Shares and Proportions of the Charges and Expences of obtaining and carrying this Act into Execution; be it therefore enacted, That it ſhall be lawful for ſuch Owners or Proprietors, and for all other Perſons whomſoever intereſted in ſuch reſpective Allotments, being a Tenant or Tenants for Life or Lives, or in Fee Tail General or Special, or by the Courteſy of *England*, or Leſſee or Leſſees for any Life or Lives, or for Years determinable on any Life or Lives; and alſo to and for the Huſbands, Guardians, Truſtees, and Committees of any of the ſaid Owners or Proprietors, being under Coverture, Minors, Idiots, Lunatics, beyond the Seas, or labouring under any other Diſability whatſoever; and alſo to and for all Perſons acting as Guardians, Truſtees, or Committees of any Owners or Proprietors, being under any Diſability or Incapacity whatſoever, whether ſuch Owners or Proprietors reſpectively be Tenants for Life with or without Impeachment of Waſte, Tenants in Fee Tail General or Special, or Tenants by the Courteſy of *England*, or Leſſee or Leſſees for any Life or Lives, or for Years determinable on any Life or Lives, by any Deed or Deeds, Writing or Writings, under their reſpective Hands and Seals, to be duly executed and atteſted by Two or more credible Witneſſes, to charge ſuch Lands and Grounds as ſhall be allotted to ſuch Owners and Proprietors reſpectively with any Sum or Sums of Money not exceeding Five Pounds, for each and every Acre thereof, for defraying their reſpective Proportions of the Charges and Expences of obtaining and executing this Act, and of incloſing and ſubdividing their reſpective Allotments, as the ſaid Commiſſioners ſhall think proper for ſuch Purpoſe, the ſame to be paid to ſuch Perſon or Perſons, and to be applied for the Purpoſes aforeſaid, in ſuch Manner as the ſaid Commiſſioners ſhall direct and appoint; and for ſecuring the Re-payment of ſuch Sum and Sums of Money, with Intereſt for the ſame, to grant leaſe, demiſe, mortgage, ſurrender, or otherwiſe ſubject their ſaid reſpective Allotments or any Part thereof, unto any Perſon or Perſons who ſhall advance and lend ſuch Sum or Sums of Money reſpectively, his, her, or their Heirs, Executors, Adminiſtrators, or Aſſigns, for any Term or Number of Years; ſo that any ſuch Grant, Leaſe, Mortgage, Demiſe, Surrender, or Security be made with a Proviſo or Condition to ceaſe and be void, or with an expreſs Truſt to be ſurrendered, when ſuch Sum or Sums of Money thereby to be ſecured, and the Intereſt thereof, ſhall be fully paid and ſatisfied; and ſo that in every ſuch Grant, Leaſe, Mortgage, Demiſe, Surrender or Security, which ſhall be made by any Perſon or Perſons intereſted in or entitled unto the Premiſes for the Term of their natural Life only, or by his, her, or their Guardian or Guardians, Truſtee or Truſtees, Committee or Committees, there be contained a Proviſo or Covenant, that the Owner or Proprietor of the ſaid Premiſes ſhall duly pay and keep down the Intereſt of any Sum or Sums Money to be thereby ſecured, during their reſpective Lives; and no Perſons afterwards becoming ſeiſed or poſſeſſed of the ſaid Premiſes ſhall be liable to the Payment of any further or larger Arrear of Intereſt than for One Year preceding the Time at which the Title to ſuch Poſſeſſions ſhall have commenced; and every ſuch Grant, Leaſe, Mortgage, Demiſe, Surrender, or Security of the ſaid Premiſes, ſhall be good, valid, and effectual in the Law, for the Purpoſes thereby intended.

Tenants for Life, &c. empowered to borrow Money.

Final Award.

LXVI. And be it further enacted, That the ſaid Commiſſioners ſhall, after having finiſhed and completed ſuch Subdiviſion and Allotments of the ſaid Foreſt, draw up or cauſe to be drawn up their final Award, in the Manner preſcribed by the ſaid recited Act of the ſaid Forty-firſt Year of the Reign of His preſent Majeſty, and which ſhall be made within Five Years after the paſſing of this Act, and the ſame, when inrolled in Manner directed by the ſame Act ſhall be depoſited and left with the Clerk of the Peace for the ſaid County of *Brecknock*, where the ſame ſhall and may be inſpected and peruſed at all ſeaſonable Times in the Day-time, for ever thereafter, by any Perſon or Perſons whomſoever paying the Sum of One Shilling and no more, to the ſaid Clerk of the Peace or his Deputy, for every ſuch Inſpection and Peruſal; and Two Copies of ſuch Award ſhall be inrolled, one of them in the Court of Exchequer at *Weſtminſter*, and the other of them in the Office of the Auditor of the Land Revenue, there to remain on Record, and ſhall afterwards be filed and preſerved amongſt the Muniments of the Office of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues; ſuch Award, or the Inrolment thereof, to be produced and read in Evidence on all Occaſions where any Doubt or Controverſy may ariſe relating to or affecting the Rights and Intereſts of His Majeſty, His Heirs and Succeſſors, in reſpect of any Allotment veſted in His Majeſty, His Heirs and Succeſſors, by virtue of this Act.

Account to be examined and balanced by Two Magiſtrates annually.

LXVII. 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 Commiſſioners ſhall and they are hereby required to make a true and juſt Statement or Account of all Sums of Money by them or any of them received and expended, or due to them for their own Trouble and Expences in the Execution of this Act; and ſuch Statement or Account, when ſo made, together with the Vouchers relating thereto, ſhall be by them, if required, laid before Two of His Majeſty's Juſtices of the Peace for the ſaid County of *Brecknock*, (not intereſted in the ſaid intended Diviſion, Allotment, and Inclofure, to be by them examined and balanced at a public Meeting of the Proprietors, whereof Twenty-one Days Notice ſhall be given in the *Cambrian* Newſpaper) ſuch Juſtices being hereby authorized to take or call ſuch Aid and Aſſiſtance in ſuch Examination as they ſhall think fit, and to charge the incidental Expences thereof; and the Balance ſhall be by ſuch Juſtices ſtated in the Books of Account to be kept in the Office of the Clerk or Clerks to the ſaid Commiſſioners; and no Charge or Item in ſuch Accounts ſhall be binding on the Parties concerned, or valid in the Law, unleſs allowed by Two Juſtices of the Peace as aforeſaid.

Parties aggrieved may appeal to the General Quarter Seſſions.

LXVIII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done in purſuance of the ſaid recited Act of the Forty-firſt Year of the Reign of His preſent Majeſty, or of this Act, (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners or Umpire, as are by the ſaid laſt-recited Act or by this Act directed to be final or concluſive, and ſave and except in ſuch Caſes wherein an Iſſue at Law ſhall be tried as hereinbefore directed), then and in every ſuch Caſe, he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace, which ſhall be held for the ſaid County of *Brecknock*, within Six Calendar Months next after ſuch Cauſe of

of Complaint shall have arisen, on giving to the said Commissioners Twenty-one Days previous Notice of such Appeal; and the Justices at the said Quarter Sessions are hereby required to hear and determine the Matters of every such Complaint, and to make such Order therein, and to award such Costs as to them shall seem reasonable; and by their Warrant to levy the Costs 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) to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; which Determination of the said Justices shall be final and conclusive to all Parties concerned, and shall not be removed by *Certiorari* or any Writ or Writs whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere.

A new Church to be built upon the Extra-parochial Part of the Forest at the Expence of the Crown, if the Lords of the Treasury and Bishop of Saint David's shall think it expedient, and in such Case the Extra-parochial Part of the Forest shall be formed into a Parish.

LXIX. And whereas it may happen that some Parts of the said Forest which are not within the Bounds or Limits of any Parish, may hereafter become inhabited, in which Case the Inhabitants thereof will have no Place of Public Worship to resort to, and it is therefore expedient, that as well for the Convenience of such Inhabitants, as for the extending the Benefit and Influence of Religious Worship and Instruction, that such Provisions should be made in that respect as are herein-after contained; be it therefore further enacted, That in case it shall hereafter appear that the said Forest or any considerable Portion thereof is Extra-parochial, that then such Quantity of Land as shall be necessary for the Site of a Church and for a Churchyard or Cemetery, and for the Site of a proper Parsonage House and Offices to be erected and built, and for a Garden and Yard or Homestead to be attached thereto, to the Extent in the whole of Ten Acres at the least, shall be reserved by the Crown out of the Lands so to be allotted to His Majesty as aforesaid, and shall not be sold; and that in case, at any Time hereafter, the Number of Persons who shall be resident and inhabiting upon that Part of the said Forest which is Extra-parochial, shall, in the Judgment and Opinion of the Lords Commissioners of His Majesty's Treasury and the Bishop of *Saint David*'s for the Time being, be such as shall render it expedient that a Church shall be erected upon the said Allotment for the Performance of Divine Worship therein, and for the affording religious Instruction to the Inhabitants of such Part of the said Forest as is Extra-parochial, then and in such Case the said Commissioners of His Majesty's Treasury shall, by and out of the Land Revenues of the Crown, cause a new Church and a fit and convenient Parsonage House and Offices to be erected and built upon Part of the Lands so to be reserved as aforesaid, and shall appropriate other Part thereof near to the said Church, for a Churchyard or Burial Ground, and the Residue thereof as a Garden, Yard, or Homestead to the said Parsonage House, and shall inclose the same accordingly, in such Manner as the said Commissioners shall think proper for such Purposes; and shall cause the said Church when so erected, and the Churchyard so to be attached thereto, to be duly consecrated according to the Usage of the Church of *England*; and the same Church shall be for ever thereafter set apart and dedicated as and for a Place of Divine Worship, according to the Rites and Ceremonies of the Church of *England*, for the Use of all the Inhabitants who shall so reside within that Part of the said Forest which is Extra-parochial, and shall be named and called *The Parish Church of Brecknock*; and that such Part of the said Forest as is at present Extra-parochial, shall for ever thereafter form and be a distinct Parish of itself and be called by the Name of *The Parish*

Pariſh of Brecknock: Provided always, that there ſhall be ſet apart and appropriated in the Church to be erected and built by virtue of this Act ſuch a Number of Seats for the gratuitous Accommodation of the Poor of the ſaid Pariſh, as the Lord Biſhop of the Dioceſe ſhall think neceſſary, proper, and convenient.

A Churchyard to be incloſed and continue for ever as a Burial Ground.

LXX. And be it further enacted, That from and after the Erection and Conſecration of the ſaid Pariſh Church, the ſaid Piece of Ground which ſhall be ſo incloſed and appropriated as a Churchyard or Cemetery as aforeſaid, ſhall be and for ever continue to be a Churchyard or Place of Burial for all the Inhabitants of ſuch new Pariſh of *Brecknock*.

Plan or Deſign of the Church to be ſubmitted to the Biſhop.

LXXI. And be it further enacted, That the Plan or Deſign of ſuch Church, Parſonage Houſe, Offices and other Buildings, ſhall be ſubmitted to and approved by the Biſhop of *Saint David's* for the Time being before the ſame ſhall be erected; and that no ſuch Church, Parſonage Houſe or other Building ſhall be erected in purſuance of this Act, without the Approbation of the ſaid Biſhop ſignified in Writing under his Hand.

The Church to be a Perpetual Cure and Benefice; the officiating Miniſter incorporated.

LXXII. And be it further enacted, That the ſaid Church when built, completed, and conſecrated as aforeſaid, ſhall be and is hereby declared to be a Perpetual Cure and Benefice, and ſhall be called by the Name of *The Pariſh Church of Brecknock*; and that every Miniſter of the ſaid Church ſhall be by virtue of this Act incorporated and made a Body Politic and Corporate by the Name of 'The Officiating Miniſter of the Pariſh 'Church of *Brecknock* in the County of *Brecknock*,' and ſhall have Perpetual Succeſſion, and be enabled to ſue and be ſued by that Name in all Courts of this Realm; and that the ſaid Church and Churchyard or Burial Place, and the ſaid Parſonage Houſe, Garden, Yard or Homeſtead, ſhall be veſted in the ſaid Miniſter and his Succeſſors for the Time being for ever; and that the ſaid Church and the Miniſters thereof ſhall be ſubject in all reſpects to the Viſitation of the Lord Biſhop of *Saint David's* for the Time being, and ſhall alſo be ſubject to the ordinary Eccleſiaſtical Juriſdiction by Law eſtabliſhed; and that Divine Service ſhall be from Time to Time for ever thereafter performed in the ſaid Church according to the Rites and Ceremonies of the Church of *England* as by Law eſtabliſhed.

The Miniſter to be endowed with a Penſion of 150*l.* per Annum by the Crown.

LXXIII. And be it further enacted, That for the Maintenance and Support of the Miniſter of the ſaid Church for the Time being, he ſhall have and be allowed a Yearly Stipend or annual Sum of One hundred and fifty Pounds, to be paid to him half-yearly, without any Deduction, by Warrant from the Lords Commiſſioners of His Majeſty's Treaſury for the Time being, out of the Land Revenues of the Crown; and ſuch Miniſter ſhall alſo have and be entitled to receive and take all ſuch Eaſter Offerings, Dues, Surplice Fees, Donations and Emoluments, as are or ſhall be uſually payable for parochial Duties in other Pariſhes.

The Advowſon veſted in the Crown.

LXXIV. And be it further enacted, That the Advowſon, Right of Patronage, free Diſpoſition, and Nomination, of, in, and to the ſame Church, when the ſame ſhall have been ſo erected, built, and conſecrated as aforeſaid, ſhall appertain and belong to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, for ever.

LXXV. And it further enacted, That when the ſaid Church ſhall have been ſo built and conſecrated as aforeſaid, and at all Times thereafter, Banns of Matrimony may be publiſhed, and Marriages may be celebrated therein, in ſuch Manner and under ſuch Reſtrictions and Regulations as the ſame may by Law be publiſhed and celebrated in any other Church or public Chapel, wherein Banns and Marriages are allowed by Law to be publiſhed and celebrated; and that every ſuch Marriage ſhall be valid and effectual to all Intents and Purpoſes whatſoever; provided all ſuch Banns and Marriages ſhall be publiſhed and celebrated according to the Laws and Canons which ſhall be then in force within this Realm in that Behalf.

Banns of Matrimony may be publiſhed and Marriages celebrated in the Church.

LXXVI. And be it further enacted, That after the ſaid Church ſhall be ſo built and conſecrated as aforeſaid, Chriſtenings and Burials had and ſolemnized within the ſaid Church ſhall be regiſtered in Public Regiſters, to be provided and kept for that Purpoſe, in like Manner as by Law directed, or as is uſually practiſed in other Pariſh Churches.

Regiſters of Chriſtenings and Burials to be kept.

LXXVII. And be it further enacted, That when the ſaid Church ſhall have been ſo built and conſecrated, and the ſaid Pariſh ſo formed as aforeſaid, all the Laws and Statutes which ſhall be then in force within that Part of the United Kingdom called *England*, relating to Pariſhes or to Parochial Officers, ſhall be in full Force, and have Effect and Operation in all Reſpects, in relation to ſuch new Pariſh and Pariſh Officers of the ſaid new Pariſh of *Brecknock*, in like Manner as if the ſame had been a Pariſh previouſly to the making and paſſing the ſame Laws and Statutes.

Pariſh to be ſubject to Parochial Laws.

LXXVIII. And be it further enacted, That if at any Time after the ſaid Church ſhall be ſo built and conſecrated, and the ſaid Pariſh ſhall be ſo formed as aforeſaid, any Number of the Inhabitants of ſuch new Pariſh ſhall think fit to apply by Petition to the Juſtices at any General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Brecknock*, to have the ſaid Pariſh divided into Two or more Townſhips, then and in ſuch Caſe it ſhall be lawful to and for the Juſtices not intereſted in the Premiſes, in their ſaid General Quarter Seſſions, and they are hereby required to hear ſuch Petition, and to inveſtigate and enquire into the Allegations therein contained; and if upon ſuch Hearing the ſaid Juſtices ſhall think it requiſite or expedient that the ſaid Pariſh ſhall be divided into Two or more Townſhips, then and in ſuch Caſe it ſhall and may be lawful to and for ſuch Juſtices, in their ſaid General Quarter Seſſions, and they are hereby authorized and empowered to make ſuch Order and Award for the Diviſion of the ſaid Pariſh into Two or more Townſhips accordingly, and to give all ſuch Directions in relation thereto as they ſhall think requiſite and neceſſary; and in caſe ſuch Order ſhall be ſo made, then and from thenceforth the ſaid Pariſh ſhall be divided accordingly into ſuch Townſhips; and ſuch Townſhips ſhall be called by ſuch Names as the ſaid Juſtices ſhall in and by ſuch Order direct; and every ſuch Townſhip ſhall from thenceforth for ever thereafter provide for its own Poor, and have and enjoy and be veſted with ſuch and the like Powers, Privileges, and Immunities, and be ſubject to ſuch and the like Regulations as are or ſhall be then incident to and held and enjoyed by the ſeveral other Townſhips within the ſaid County of *Brecknock*, by the Laws

Pariſh may be divided into Two or more Diſtricts.

and Statutes in that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*.

Saving His Majesty's Right to Mines.

LXXIX. Provided always, and be it further enacted, That this Act shall not defeat or prejudice the Right or Interest of the King's most Excellent Majesty, His Heirs and Successors, in or to any Mines of Coal, Lead Ores, or any other Minerals whatsoever, in or under the same Forest or any Part thereof, but that His Majesty, His Heirs and Successors, and His or their Lessees and Grantees, Agents, Servants, and Workmen, may search for, work, dig, raise, and carry away all Coal, Lead Ores, Metals, and all other Minerals whatsoever, as fully and effectually to all Intents and Purposes whatsoever, as if this Act had not been passed; save only that they shall respectively do as little Damage as possible in the Lands to be divided, allotted, and inclosed as aforesaid, and shall make reasonable Satisfaction and Recompence from Time to Time to the Person or Persons possessed thereof, for all Damage that shall be done thereto, or to any Part thereof, by searching for, working, digging, raising, and carrying away the said Coal, Lead Ores, Metals, and all other Minerals or any of them.

General Saving.

LXXX. Saving always to the King's most Excellent Majesty, His Heirs and Successors, and to all Bodies Politic, Corporate, or Collegiate, and their Successors, and to all and every Person and Persons whomsoever, his and their Heirs, Executors, Administrators, and Assigns, all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, (other than and except such as is and are hereby expressed, meant, and intended to be barred, destroyed, or extinguished) as they, every, or any of them had or enjoyed, in, to, or out of the said Forest and Open Commonable Lands and Grounds, hereby directed to be divided, allotted, and enclosed as aforesaid, before the passing of this Act, or could have had and enjoyed therein, in case this Act had not been passed.

SCHEDULE (A.) to which this Act refers.

FORM of CERTIFICATE of Contracts made by the Commissioners of His Majesty's Woods, Forests, and Land Revenues.

By the Commissioners of His Majesty's Woods, Forests, and Land Revenues.

THESE are to certify, That in pursuance of a Warrant from the Right Honourable the Lords Commissioners of His Majesty's Treasury, bearing Date the Day of *A. B.* and *C. D.* Two of the Commissioners of His Majesty's Woods, Forests, and Land Revenues, for and on Behalf of the King's most Excellent Majesty, have contracted and agreed with *A. B.* of for the Sale to the said *A. B.* of all [*here describe the Premises to be sold*] at or for the Price or Sum of of lawful Money of *Great Britain*, to be paid by the said *A. B.* into the Bank of *England*, and carried to

" The Account of the Public Monies of the Commiſſioners of His Majeſty's Woods, Foreſts, and Land Revenues, being the Woods and Foreſts Fund;" and from and immediately after the Payment of the ſaid Sum into the Bank in Manner aforeſaid, and the Inrolment of this Certificate and the Receipt for the Purchaſe Money in the Office of the Auditor of the Land Revenue for the County aforeſaid, and thenceforth for ever, the ſaid *A. B.* and his, [her, *or* their] Heirs [*or*, Succeſſors] or Aſſigns, ſhall be adjudged, deemed, and taken to be in the actual Seiſin and Poſſeſſion of the ſaid Hereditaments and Premiſes ſo by him, [her, *or* them] purchaſed, and ſhall hold and enjoy the ſame peaceably and quietly, freed and diſcharged from all Claims and Demands of His Majeſty, His Heirs and Succeſſors, or of any Perſon or Perſons claiming under him or them, and in as full and ample Manner to all Intents and Purpoſes as His Majeſty, His Heirs or Succeſſors, might or could have held or enjoyed the ſame if ſuch Sale had not been made. Given under their Hands this Day of in the Year of our Lord

Signed by the above-named
in the Preſence of

FORM OF RECEIPT.

RECEIVED the Day of of and from *A. B.* the Sum of of lawful Money of *Great Britain*, being the Conſideration Money expreſſed in the above [*or*, within] written Certificate. Witneſs my Hand,

For the Governor and Company of the Bank of *England*,
(Signed) Caſhier.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1815.