ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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Cap. 11.

An Act to alter and amend an Act of the Eleventh Year of King *George* the Fourth, for inclosing Lands in the Parishes of *Kidwelly, Saint Mary* in *Kidwelly, Saint Ishmael,* and *Pembrey,* in the County of *Carmarthen.* [21st *July* 1845.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act for inclosing Lands within the several Parishes of* Kidwelly, Saint Mary *in* Kidwelly, Saint Ishmael; *and* Pembrey, *in the County* of Carmarthen, it was enacted that *William Hand* of *Molleston* in the County of *Pembroke*, Land Agent and Surveyor, should be appointed Commissioner for embanking, draining, and inclosing the several Commons and Waste Lands comprised in the said Act, and for dividing and allotting the same: And whereas the said *William Hand* proceeded to put the said Act in some respect into execution, but he hath not divided or allotted the Common or Waste Lands amongst the Parties interested therein, nor made his Award, nor published his Accounts annually, as by the said recited Act he was authorized and directed to do, although the Period of Fourteen Years has elapsed since the passing of the said Act, and he has otherwise neglected his Duties as such Commissioner, and has done 11 G.4. & 1 W.4. c.16.

various Acts which render him an improper Person to act in the Capacity of Commissioner, and it is expedient that he should be removed from the Office of Commissioner under the said Act, and that Provision should be made for appointing another Commissioner in his Stead: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Powers, Provisions, Matters, and Things contained or referred to in the said recited Act, except such of them as are by this Act repealed, altered, or otherwise provided for, shall extend to this Act, and shall operate and be in force in reference thereto, and may be exercised by the Commissioner and his Successors to be appointed as herein-after mentioned, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act.

Provisions of recited Act extended to this Act.

So much of recited Act as relates to the Appointment of W. Hand as a Commissioner repealed.

II. And be it enacted, That so much and such Parts of the said recited Act as relate to the Appointment of the said *William Hand* as a Commissioner for carrying the said recited Act into execution shall be and the same are hereby repealed; and the said *William Hand* shall, on and after the passing of this Act, be incapable of exercising the Powers and Authorities given to him by the said recited Act or any of them.

Sales made by W. Hand valid, and may be confirmed.

III. Provided always, and be it enacted, That this Act shall not extend to invalidate the Sales of any Parts of the said Common and Waste Lands which may have been made *bonâ fide* and without Fraud by the said *William Hand*, further or otherwise than the same would have been invalid if this Act had not passed; and it shall be lawful for the Commissioner and his Successors to be appointed as herein-after mentioned to confirm and ratify any such Sales, whether the same shall have been made by public Auction or private Contract.

Appointment of new Commissioner.

IV. And be it enacted, That within the Space of Four Months after the passing of this Act a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Commons and Waste Lands by the said recited Act authorized to be inclosed, divided, and allotted, (including the Lord of the Manor or Lordship, Honor or Barony of *Kidwelly* for the Time being,) shall be called by any Two or more of such Persons (of which Meeting at least Ten Days previous Notice shall be given by affixing the same to the principal outer Door of the Church of the Parish of *Kidwelly* aforesaid, and also by an Advertisement to be inserted in One or more Newspapers published in the County of *Carmarthen*); and the Persons then and there assembled, or the major Part of them in Value, such Value to be ascertained by the Poor Rate Assessment for that Year, or their respective Agents duly authorized by Writing under the Hand of such respective Persons, shall and may appoint some Person (not interested in the said Inclosure) to be the Commissioner for inclosing the said several Commons and Waste Lands, and for dividing and allotting the same, and for carrying the

said recited Act into execution, at which Meeting the Lord of the said Manor, Honor, or Barony for the Time being, or his Agent duly authorized in manner aforesaid, shall have Power to vote according to the Value of his Interest as a Proprietor, and also shall have a casting Vote in case of Equality of Votes; and the said Commissioner so appointed shall, previous to entering upon his Duties as Commissioner, enter into a Bond, with One or Two sufficient Sureties, with Two of the Persons interested in the said Commons and Waste Lands, conditioned for the Payment of such Sum of Money as to the Persons there present at such Meeting shall seem fit, for the due Performance of his Duties as Commissioner, and for the due making of his Award and passing his Accounts in the Manner in the said recited Act mentioned for the making and passing thereof, and every such Appointment and Bond shall be enrolled and deposited with the Award of the said Commissioner in manner in the said herein-before recited Act directed with respect to such Award.

As to Appointment of Commissioner on Vacancies occurring.

V. And be it enacted, That if the said Commissioner shall not hold his First Sitting for the Purposes of this Act within One Calendar Month after his Appointment, or if the said Commissioner, or any Commissioner to be appointed in the Manner herein-after mentioned, shall refuse or decline to give such Security as herein-before is mentioned, or if the said Commissioner, or any Commissioner to be appointed in the Manner herein-after mentioned, shall, before the Execution of all the Powers and Authorities hereby vested in him, die, or refuse or neglect to act for the Space of Six Calendar Months after such First Sitting of the said Commissioner, or shall become bankrupt or insolvent, or incapable of acting; then and so often as any such Event shall take place a public Meeting of the several Persons who for the Time being shall respectively be interested in the said Commons and Waste Lands hereby authorized to be inclosed, divided, and allotted, (including the Lord of the said Manor or Lordship, Honor or Barony for the Time being,) shall be called by any Two or more of such Persons, and be held within One Calendar Month next after such Vacancy shall occur (of which Meeting at least Ten Days previous Notice shall be given by affixing thereof to the principal outer Door of the Church of the Parish of *Kidwelly* aforesaid, and also by Advertisement to be inserted in One or more Newspapers published in the County of *Carmarthen*); and the Persons then and there assembled, or the major Part of them in Value (such Value to be ascertained by the Poor Rate Assessment for that Year), or their respective Agents duly authorized by Writing under the Hand of such respective Persons, shall and may appoint some other Person (not interested in the said Inclosure) to be a Commissioner in the Place of the Commissioner occasioning such Vacancy, at which Meeting the Lord of the said Manor or Lordship, or Honor or Barony for the Time being, or his Agent duly authorized in manner aforesaid, shall have Power to vote according to the Value of his Interest as a Proprietor, and also shall have a casting Vote in case of Equality of Votes; and every Person so appointed shall have the same Powers and Authorities in all respects for carrying this Act into execution, and shall be subject to the same Regulations and Restrictions, as if he had been originally appointed a Commissioner

sioner by virtue of this Act, and shall previous to entering upon his Duties as Commissioner enter into a Bond, with One or Two sufficient Sureties, with Two of the Persons interested in the said Commons and Waste Lands, conditioned for the Payment of such Sum of Money as to the Persons present at such Meeting shall seem fit, for the due Performance of his Duties as Commissioner, and for the due making of his Award and passing his Accounts on or before the Time herein-after mentioned for the making and passing thereof, and every such Appointment and Bond shall be enrolled and deposited with the Award of the said Commissioner in manner in the said herein-before recited Act directed with respect to such Award.

Allowance to Commissioner.

VI. And be it enacted, That out of the Monies which shall be raised for carrying this Act and the said recited Act into execution the Commissioner for the Time being acting in the Execution of this Act shall be paid, for each Day he shall be engaged in any Business relating to the Execution of this Act or of any of the Powers hereby vested in him, the Sum of Two Pounds Two Shillings and no more, in full Satisfaction for his Time and Trouble, and for the several Expences which he may incur during his several Journies and Attendances in the Execution of this Act, other than and except any Expences not exceeding Ten Shillings *per* Day for the Use of the Room in which the Sitting shall be held for carrying this Act into execution.

Commissioner appointed under this Act may complete Sales already made.

VII. And whereas the said *William Hand* had sold divers Portions of the said Common and Waste Lands, but the Purchase Monies thereof have not been paid to him, but are now due and owing from the several Purchasers; be it enacted, That it shall be lawful for the Commissioner and his Successors to be appointed as herein mentioned to demand and receive of and from the several Purchasers at such Sales the respective Purchase Monies now due from them for such Portions of the said Commons and Waste Lands as were purchased by them; and on the Receipt of such Purchase Monies such Commissioner is hereby authorized and empowered to execute to the several Purchasers and their Assigns a good and sufficient Conveyance of such Portions of the said Commons and Waste Lands as were purchased by them respectively: Provided always, that such Commissioner shall not be bound to take any Measures to compel the Performance and Completion of any such Purchases, if he shall consider it more advisable and expedient to abandon and not proceed with the same.

Recital of Contracts with Edward Rees; and Reference to Arbitration.

VIII. And whereas a certain Bridge and Embankments and other Works were constructed by *Edward Rees*, under certain Contracts and Agreements entered into with the said *William Hand* as Commissioner as aforesaid: And whereas the said *Edward Rees* hath taken the Benefit of the Act for the Relief of Insolvent Debtors in *England*, and all his Estate and Effects have become vested in *Henry Chappel* as his Assignee: And whereas the said *Henry Chappel* has instituted Proceedings at Law to recover certain Monies alleged to be due from the said *William Hand* as such Commissioner, in respect of such Contracts, Agreements, and Works, which Actions, and all other Claims and

and Demands of the said *Henry Chappel* as such Assignee, against the said *William Hand* as such Commissioner, have been and now stand referred to *John Wilson* Esquire, Barrister at Law, who is to make his Award in the Premises: And whereas it would be just and expedient that such Reference should be proceeded with and carried into effect notwithstanding the Removal of the said *William Hand* from his Office as Commissioner; be it therefore enacted, That it shall and may be lawful for the said *John Wilson* to proceed with the said Reference notwithstanding the Removal of the said *William Hand* as such Commissioner, and to make his Award in the Premises in the same Manner as if the said *William Hand* had continued Commissioner, due Notice being first given to the Commissioner for the Time being acting n the Execution of this Act to attend the said Arbitrator, and such Commissioner shall be thenceforth deemed to be the Party Defendant in the said Proceedings, and Party to the said Reference, in the Place and Stead of the said *William Hand;* and it shall and may be lawful for the said *Henry Chappel* to apply to the Court in which such Proceedings have been had or are pending, and it shall be lawful for such Court on such Application to allow a Suggestion to be entered on Record of the Removal of the said *William Hand*, and the Appointment of such other Commissioner, and to allow the Name of the then acting Commissioner to be substituted in the Place of the said *William Hand*; and thereupon the said Proceedings may be prosecuted against such then acting Commissioner in the same Manner as if had been named as Defendant therein: Provided always, that no Execution shall issue against the Estate, Goods, or Chattels of such then acting Commissioner; but such Commissioner shall, out of any Monies which shall come to his Hands as such Commissioner, or by a Sale of a sufficient Part of the said Lands, under the Provisions of the said recited Act, pay or cause to be paid to the said *Henry Chappel*, or other the Assignee of the said *Edward Rees*, all such Sums of Money, Costs, Charges, and Expences, if any, as shall be awarded to the said *Henry Chappel* or such other Assignee by the said *John Wilson*, or shall be otherwise adjudged to be paid to him by the said Court: Provided always, that if any Costs shall be adjudged by the said Court to be paid by the said *Henry Chappel*, or such other Assignee, or if the said Arbitrator shall award any Monies, or any Costs, Charges, and Expences, to be paid by the said *Henry Chappel* or such other Assignee, the same shall be paid to the Commissioner for the Time being acting in execution of this Act: Provided also, that the Costs of the said *William Hand* in and about such Proceedings shall be paid to his Attorney by the then acting Commissioner out of the Monies which shall be raised for carrying this Act and the recited Act into execution.

Reference may be proceeded with on Notice to new Commissioner.

Monies awarded to be paid by or to Commissioner out of Monies to be raised under Act.

IX. And whereas certain Monies and Accounts are due and owing from the said *William Hand* as such Commissioner as aforesaid to divers Persons, for Works and Business and Monies paid for the said *William Hand* as such Commissioner in and about the Execution of the said recited Act; be it enacted, That it shall be lawful for the Commissioner for the Time being acting in the Execution of this Act, out of any Monies which shall come into his Hands as such Commissioner, to pay all such Debts, Claims, and Demands as may

Debts due by W. Hand to be paid by Commissioner.

have arisen and been incurred for any Works and Business done or Monies paid to, for, or by Order of the said *William Hand* in carrying the said recited Act into execntion, and the several Parties shall have the same Remedies for the Recovery of their Debts, Claims, and Demands against the then acting Commissioner as they would have had against the said *William Hand* if he had continued the Commissioner.

Expences of this Act.

X. And be it enacted, That the Costs, Charges, and Expences incurred preparatory to and of obtaining and passing of this Act, as well as the Costs of carrying the same into execution, shall be paid out of the first Monies to be raised under the Powers of the said recited Act or of this Act.

Award to be made in Four Years.

XI. And be it enacted, That all Acts to be done and executed by the Commissioner acting in the Execution of this Act shall be done, exercised, and completed, and an Award made, within Four Years after the passing thereof.

Saving the Rights of the Crown.

XII. Provided always, and be it enacted, That nothing in this Act or in the said recited Act contained shall extend or be construed to extend to alienate, lessen, prejudice, or derogate from any Estate, Right, Title, Interest, Franchise, Prerogative, Jurisdiction, or Authority of or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of her Crown or otherwise however.

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

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1845.