ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 153.

An Act for incloſing Lands in the Borough and Pariſh of *Tewkeſbury*, in the County of *Glouceſter*, and for veſting the after or latter Math of a Meadow called *Severn Ham*, within the ſaid Borough and Pariſh, in Truſtees for certain Purpoſes.

[30th *June* 1808.]

WHEREAS there are within the Borough and Pariſh of *Tewkeſbury* in the County of *Glouceſter*, a certain Open and Common Field called *Oldbury Field*, and certain Common Meadows called *Oldbury Meadows*, *Lilly Croft*, and *Lilly Croft Meadow*, and alſo a large Open and Common Meadow called *Severn Ham*: And whereas the Bailiffs, Burgeſſes, and Commonalty of the Borough of *Tewkeſbury* aforeſaid are Lords of the Manor and Borough of *Tewkeſbury* aforeſaid: And whereas the King's moſt Excellent Majeſty, in Right of His Crown, is Patron of the Vicarage of *Tewkeſbury*, and *Robert Knight* Clerk is Vicar of the ſaid Vicarage: And whereas the ſaid *Robert Knight* as Vicar of the ſaid Vicarage is entitled to certain Pieces or Parcels of Land ſituate in the ſaid Field called *Oldbury Field*, containing together about One Acre and Three Quarters, which are Part of the Lands and Grounds by this Act directed to be divided, allotted, and incloſed: And whereas the ſaid *Robert Knight* is or claims to be in his own Right Impropriator of the Great and Small Tithes yearly ariſing, renewing, and increaſing out of and from Part of the ſaid Field called *Oldbury Field*, and the ſaid Meadows called *Oldbury Meadows*; and *John Dipper* Gentleman is or claims to be Impropriator of the Great Tithes of Part of the ſaid Meadow called

Severn Ham: And whereas the said *Robert Knight*, *Henry Fowke* Esquire, the Governors of the Free Grammar School in *Tewkesbury*, and others, are the Owners and Proprietors of the Lands and Grounds within the said Field called *Oldbury Field*, and the said Meadows called *Oldbury Meadows*, *Lilly Croft*, and *Lilly Croft Meadow*, or some or one of them; and *Thomas Dowdeswell* Esquire, the Right Honourable *George* Earl of *Essex*, the Honourable *Henry Augustus Berkeley Craven*, and others, are the Owners and Proprietors of the Lands within the said Meadow called *Severn Ham*; and the Properties of the said several Proprietors in such Field and Meadows are very much intermixed and dispersed in small Parcels, and inconveniently situated, and are therefore incapable of much Improvement in their present State: And whereas an Act was passed in the Forty-first Year of the Reign of His present Majesty, intituled, *An Act for consolidating in One Act certain Provisions usually inserted in Acts of Inclosure; and for facilitating the Mode of proving the several Facts usually required on the passing of such Acts*: And whereas the Burgesses or Freemen of the Borough of *Tewkesbury* aforesaid, resident within the said Borough, for the Time being, and the Occupiers for the Time being of certain Houses situate within the said Borough, are entitled to a Right of Common for a limited Number of their own Cattle only, in, over, and upon the said Field called *Oldbury Field*, when the same is not sown with Corn or Grain, in the Meadows called *Oldbury Meadows*, *Lilly Croft*, and *Lilly Croft Meadow*, from the Fourth Day of *September* to the Second Day of *February*, both inclusive, and in the said Meadow called *Severn Ham*, from the Twelfth Day of *August* to the Thirteenth Day of *February* in every Year, both inclusive: And whereas the Rights of Common on the said Field, Meadows, and Lands, have become of little Value to the several Persons entitled to Rights of Common thereon, and it would be highly advantageous to all Parties interested therein, if such Rights of Common were altogether extinguished, and the said Field, Meadows, and Lands exonerated from Tithes upon a full Compensation being made for the same, and if such Field, Meadows, and Lands were divided and allotted, and if the same (except the said Meadow called *Severn Ham*) were inclosed, and if the after or latter Math of the said Meadow called *Severn Ham* were invested in Trustees for the several Purposes herein-after mentioned: But as such Purposes cannot be effected without the Authority of Parliament, may it therefore please Your Majesty, that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Thomas Fulljames*, of *Hasfield Court*, in the Parish of *Hasfield*, in the County of *Gloucester*, and *Thomas Smith*, of *Cheltenham* in the same County, Gentlemen, and their Successors, to be elected in Manner hereinafter mentioned, shall be and they are hereby appointed Commissioners for dividing and allotting the said Common Fields, Meadows, and Lands, and for inclosing the same (save and except the said Meadow called *Severn Ham*) and for carrying into Execution the several Powers and Authorities given to them by virtue of this Act, and also such of the Powers, Authorities, Directions, Clauses, and Provisions contained in the said recited Act passed in the Forty-first Year of the Reign of His present Majesty, as are not varied, altered, or otherwise provided for in and by this Act.

General Inclosure Act, 41 G. 3. c. 109.

Commissioners.

II. And be it further enacted, That in case the said *Thomas Fulljames* and *Thomas Smith*, or either of them, or any Person or Persons to be nomi-

Election of new Commissioners.

nated and appointed by virtue of this Act a Commiſſioner or Commiſſioners in his, their, or either of their Room or Stead, ſhall die, refuſe to act, or become incapable of acting in the Execution of this and the ſaid recited Act, then and in every ſuch Caſe the major Part in Value of the Perſons intereſted in the ſaid Diviſion, Allotment, and Incloſure reſpectively, who ſhall be preſent at a Meeting to be holden for that Purpoſe within Thirty Days next after any ſuch Death, Refuſal, or Incapacity as aforeſaid (of which Meeting at leaſt Ten Days previous Notice ſhall be given in the Borough of *Tewkeſbury* aforeſaid, and inſerted in ſome Newſpaper or Newſpapers printed and circulated within the ſaid County of *Glouceſter*), ſhall and may by any Inſtrument or Inſtruments in Writing under their Hands nominate and appoint another Perſon or Perſons (not intereſted in the ſaid intended Diviſion, Allotment, and Incloſure reſpectively) to be a Commiſſioner or Commiſſioners (as the Caſe may be) in the Room or Stead of ſuch Commiſſioner or Commiſſioners ſo dying, refuſing to act, or becoming incapable of acting as aforeſaid; and every Commiſſioner ſo to be nominated and appointed as aforeſaid ſhall, after taking the Oath preſcribed in that Behalf, have the like Power and Authority for carrying this and the ſaid recited 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.

Refuſal or Neglect of Commiſſioners to attend Meetings to vacate Appointments.

III. Provided always, and be it enacted, That if either of the ſaid Commiſſioners hereby appointed ſhall refuſe or neglect to attend at the Firſt Meeting directed to be holden for carrying this and the ſaid recited Act into Execution, and duly qualify himſelf by taking the Oath by the ſaid recited Act preſcribed in that Behalf, or if either of the ſaid Commiſſioners, or their Succeſſors to be appointed as aforeſaid, ſhall at any Time after the ſaid Firſt Meeting wilfully abſent himſelf from any Two following ſucceſſive Meetings appointed to be holden by virtue of this Act (ſuch Meetings being known to him either by his being preſent at the Appointment thereof, or 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 at ſuch 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 and the ſaid recited Act, at the Firſt Meeting after his Nomination or Appointment (ſuch Meeting to be appointed by the ſurviving or remaining Commiſſioner for carrying this and the ſaid recited Act into Execution) or ſhall thereafter wilfully abſent himſelf from any Two following ſucceſſive Meetings to be holden by virtue of this Act (ſuch Meetings being known to him either by his being preſent at the Appointment thereof, or 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 at ſuch Meetings), then and in every ſuch Caſe ſuch Abſence or Non-attendance ſhall be deemed and taken to be a Refuſal to act within the Intent and Meaning of this Act.

IV. And

Appointment of Umpire.

IV. And, for the Purpoſe of ſettling and determining any Diſpute or Difference that may ariſe between the ſaid Commiſſioners, touching or concerning any Matter or Thing to be by them done or executed in purſuance of the ſaid recited Act and this Act; be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, by any Writing under their Hands, to nominate ſome Perſon (not intereſted in the ſaid Diviſion, Allotment, and Incloſure reſpectively) as an Umpire; and all Differences and Diſputes that may ariſe between the ſaid Commiſſioners, touching or concerning any of the Matters or Things to be by them done or performed in the Execution of the ſaid recited Act and this Act, or either of them, ſhall be by them referred to the ſaid Umpire; and in caſe ſuch Umpire ſo nominated or appointed by the ſaid Commiſſioners, ſhall die, refuſe, or neglect to act as ſuch Umpire, within the Space of Fourteen Days after Application made to him for that Purpoſe, or ſhall become incapable of acting in the Execution of this Act, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners to nominate and appoint, by any Writing under their Hands, any other Perſon (not intereſted in the ſaid Diviſion, Allotment, and Incloſure reſpectively) to be ſuch Umpire; and ſo from Time to Time, as often as any Perſon ſo nominated and appointed an Umpire ſhall die, refuſe, or neglect to act, or become incapable of acting in the Execution of this Act; and if the ſaid Commiſſioners ſhall differ or diſagree in Opinion as to the Perſon ſo to be appointed an Umpire as aforeſaid, or whenever any ſuch Appointment of an Umpire ſhall be neceſſary, ſhall neglect or refuſe to appoint the ſame for the Space of Two Calendar Months, then and in every ſuch Caſe the major Part in Value of the Perſons intereſted in the ſaid Diviſion, Allotment, and Incloſure reſpectively, who ſhall be preſent at a Meeting to be holden for that Purpoſe (of which Meeting the like Notice ſhall be given as is herein-before directed in Caſes of Meetings for the Appointment of a new Commiſſioner or Commiſſioners) ſhall and may by Writing under their Hands, nominate and appoint ſome other Perſon (not intereſted in the ſaid Diviſion, Allotment, and Incloſure reſpectively) to be ſuch Umpire as aforeſaid; and every ſuch Umpire, ſo nominated and appointed, is hereby authorized and required to hear and determine all ſuch Differences and Diſputes; and the Judgment and Determination of the ſaid Umpire therein ſhall be deemed, conſidered, and taken to be the Determination of the ſaid Commiſſioners, and ſhall be final and concluſive upon the ſaid Commiſſioners, and upon all other Perſons concerned in the ſaid Diviſion, Allotment, and Incloſure reſpectively, ſo far as the Judgements and Determinations of the ſaid Commiſſioners are in ſuch and the like Caſes by the ſaid recited Act or this Act declared to be final and concluſive.

Umpire to be ſworn.

V. Provided always, and be it enacted, That no Perſon ſhall be capable of acting as an Umpire in the Execution of this or the ſaid recited Act until he ſhall have taken and ſubſcribed an Oath in the Form or to the Effect following; (that is to ſay)

Oath.

'I *A. B.* 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 Forty-eighth Year of the Reign of King *George* the Third, intituled, [*here ſet forth the Title of this Act*]'

'*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 authorized and required to adminiſter to the ſaid Umpire; and the ſeveral Writings appointing ſuch new Umpire or Umpires ſhall be added or annexed to, and inrolled and depoſited with, the Award of the ſaid Commiſſioners, and a Copy of the Inrolment thereof ſhall be admitted as legal Evidence.

Notice of Meetings.

VI. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby required to give or cauſe to be given publick Notice in ſome Newſpaper or Newſpapers printed or circulated within the ſaid County of *Glouceſter*, and alſo Notice in Writing ſigned by them, by affixing or cauſing to be affixed the ſame on One of the principal outer Doors of the Pariſh Church of *Tewkeſbury* aforeſaid, on ſome *Sunday* immediately before Divine Service, of the Time and Place of their Firſt and every ſubſequent Meeting for executing the Powers of the ſaid recited Act and this Act, Fourteen Days at leaſt before every ſuch Meeting (Meetings by Adjournment only excepted); and all Meetings of the ſaid Commiſſioners ſhall be holden within the ſaid Borough of *Tewkeſbury*; and in caſe both of the ſaid Commiſſioners ſhall not attend at the Time and Place appointed for any ſuch Meeting, or to which ſuch Meeting ſhall be adjourned as aforeſaid, then and in every ſuch Caſe it ſhall and may be lawful to and for the Commiſſioner who ſhall attend, and to and for the Clerk or Clerks to the ſaid Commiſſioners, in caſe neither of the ſaid Commiſſioners ſhall attend, to adjourn ſuch Meeting to any future Day, not exceeding Fourteen Days from the Day of ſuch Adjournment, to be holden at the ſame Place, or at ſome other Place within the ſaid Borough, as to the Commiſſioner, Clerk or Clerks, making ſuch Adjournment, ſhall ſeem moſt convenient; and the ſaid Commiſſioner, Clerk or Clerks, making ſuch Adjournment, is and are hereby required to give Notice to the abſent Commiſſioner or Commiſſioners Ten Days at leaſt before the Day appointed for ſuch Meetings.

Other Notices, how to be given.

VII. Provided always, and be it enacted, That all other publick Notices neceſſary or requiſite to be given by the ſaid Commiſſioners, in purſuance of this or the ſaid recited Act, and the Manner of giving which is not hereby particularly directed, ſhall be given by Advertiſement in the Newſpapers called *The Glouceſter Journal* and *Glouceſter Herald*, or One of them if then publiſhed, and if not, then in ſome other Newſpaper printed or circulated in the ſaid County of *Glouceſter*.

Encroachments within a limited Period deemed Part of Lands to be divided.

VIII. And be it further enacted, That all Incloſures or Encroachments which at any Time within Twenty Years now laſt paſt have been made upon the ſaid Common Field, Meadows, and Lands, ſhall be deemed Part thereof, and ſhall be divided and allotted accordingly as Part thereof; and in caſe any Diſpute or Difference ſhall ariſe touching any ſuch Incloſure or Encroachments, or the Extent thereof, ſuch Diſpute ſhall be determined by the ſaid Commiſſioners.

Commiſſioners to ſettle Diſputes.

IX. And be it further enacted, That if any Diſpute or Difference ſhall ariſe between any of the Perſons intereſted or claiming to be intereſted in

the ſaid Common Field, Meadows, and Lands, or in any Part or Parts thereof, or in the ſaid Diviſion or Allotment, or touching or concerning the reſpective Rights and Intereſts which they, or any of them, ſhall have or claim to have in, over, and upon the Lands and Grounds to be divided, allotted, and incloſed reſpectively by virtue of this Act, or touching or concerning any other Matter or Thing relating to the ſaid Diviſion, Allotment, and Incloſure reſpectively, it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and empowered to examine into, hear, and determine the ſame: Provided always, that nothing in this Act contained ſhall authorize or empower the ſaid Commiſſioners to determine the Title to any Meſſuages, Lands, Tenements, or Hereditaments whatſoever.

Commiſſioners may award Coſts.

X. 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 this or the ſaid recited Act, ſee Cauſe to award any Coſts, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid Commiſſioners, and they are hereby empowered, upon Application made to them for that Purpoſe, to ſettle, aſſeſs, and award ſuch Coſts and Charges as they ſhall think reaſonable, to be paid to the Party or Parties in whoſe Favour any Determination of the ſaid Commiſſioners ſhall be made, by the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, whoſe Claim or Claims, Objection or Objections, ſhall be thereby diſallowed or over-ruled; and in caſe the Perſon or Perſons, Body or Bodies Politick, 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 and may be lawful to and for the ſaid Commiſſioners, and they are hereby authorized and required, by Warrant under their Hands directed to any Perſon or Perſons whomſoever, to cauſe ſuch Coſts and Charges to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, ſo neglecting or refuſing to pay the ſame, rendering the Overplus (if any) upon Demand, to the Perſon or Perſons, Body or Bodies Politick, 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.

Parties may try their Rights by an Iſſue at Law.

XI. And be it further enacted, That in caſe any Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, intereſted or claiming to be intereſted in the ſaid intended Diviſion, Allotment, and Incloſure, reſpectively, ſhall be diſſatisfied with any Determination of the ſaid Commiſſioners, or of the ſaid Umpire, touching or concerning any Claim or Claims of the Right to the Soil of the ſaid Common Field, Meadows, and Lands, or of any Rights of Common, or other Rights or Intereſts, in, over, or upon the ſaid Field, Meadows, and Lands hereby directed to be divided, allotted, and incloſed reſpectively, or any Part thereof, then and in every ſuch Caſe it ſhall and may be lawful to and for the Perſon or Perſons, Body or Bodies Politick, Corporate or Collegiate, ſo diſſatisfied, to proceed to a Trial at Law of the Matters ſo determined by the ſaid Commiſſioners, or by the ſaid Umpire, at the then next or at the following Aſſizes to be holden for the County of *Glouceſter*; and for that Purpoſe the Perſon or Perſons, Body or Bodies Politick, Corporate, or Collegiate, who ſhall be diſſatisfied with the Determination of the ſaid Commiſſioners,

missioners, or of the said Umpire, shall cause an Action or Actions to be brought upon a feigned Issue, against the Person or Persons, Body or Bodies Politick, Corporate or Collegiate, in whose Favour such Determination shall have been made, within Six Calendar Months next after such Determination of the said Commissioners, or of the said Umpire; and the Defendant or Defendants in such Action or Actions shall, and he, she, and 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 or Officers 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 final, binding, and conclusive upon all and every Person or Persons whomsoever, unless the Court wherein such Action or Actions shall be brought shall set aside such Verdict or Verdicts, and order a new Trial to be had therein, which it shall be lawful for the Court to do, as is usual in other Cases, and 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 new Trial or Trials: Provided always, that in case the Determination of the said Commissioners or Umpire, touching any Claim or Claims, or any Rights of Common, or other Interests in, over, or upon the said Field, Meadows, and Lands hereby directed to be divided, allotted, and inclosed respectively, or any Part thereof, shall not be objected to, or being objected to, such Action or Actions at Law shall not be brought and proceeded in within the Time, and in the Manner for that Purpose mentioned, such Determination shall be final and conclusive upon all Parties.

Actions not to impede Proceedings of Commissioners.

XII. Provided always, and be it further enacted, That no such Difference, Suit, Action, or Proceeding, as aforesaid, nor any Difference, Suit, Action, or Proceeding, touching or concerning the Title to any Lands, Tenements, or Hereditaments, shall impede, delay, or hinder the said Commissioners from proceeding in the Execution of the Powers vested in them by the said recited Act and this Act; but the said Division, Allotment, and Inclosure respectively shall be proceeded in notwithstanding such Difference, Suit, Action, or Proceeding.

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

XIII. Provided always, and be it further enacted, That if any Person or Persons in whose Favour any such Determination as aforesaid shall have been made, and against whom any such Action or Actions might have been brought if living, shall die before any such Action or Actions shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action or Actions, it shall be lawful for the Person or Persons, Bodies Politick or Corporate, 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 have been served therewith if living; and it shall therein also be incumbent on the Heir or Heirs or other Person or Persons who shall claim the Benefit of such Determi-

nation 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.

XIV. Provided also, and be it further enacted, That nothing in this Act contained shall extend to enable the said Commissioners to determine any Right between any Parties contrary to the Possession of any such Parties, except in Cases of Encroachments made within the Period of Twenty Years, as herein-before mentioned; but in case the said Commissioners shall be of Opinion against the Rights of the Person or Persons so in Possession, they shall forbear to make any Determination thereupon until the Possession shall have been given up or recovered from such Person or Persons by Ejectment or other due Course of Law.

For making Drains, Fences, &c.

XV. And be it further enacted, That it shall and may be lawful for the said Commissioners to set out, appoint, order, and direct all such Arches, Ditches, Fences, Common Drains, and Water-courses, as they shall think useful and necessary to be made in, through, or upon the said Field, Meadows, and Lands hereby intended to be divided, allotted, and inclosed respectively, and of such Dimensions, with such Materials, and of such Depth and Width, and in such Directions as they shall think proper; and the said Commissioners shall and they are hereby required, in and by their Award, to order, direct, and appoint by whom and at whose Expence, at what Times and in what Manner, the said Arches, Ditches, Fences, Common Drains, and Water-courses shall be made, and thereafter repaired, scoured, cleansed, and maintained.

XVI. And be it further enacted, That no Lease or Leases to be made by virtue of the said recited Act of the said Land in the said Field called *Oldbury Field*, or of any Allotment to be made to the said Vicar in lieu thereof, or in Right of his Vicarage, shall be good, valid, or effectual, unless the Consent of the King's most Excellent Majesty, his Heirs and Successors, as Patron of the Vicarage of *Tewkesbury* aforesaid, shall be had and obtained thereto previous to the Execution of such Lease or Leases.

Such Proportion of Expences to be paid by Proprietors of Lands as Commissioners shall direct.

XVII. And be it further enacted, That the several Owners and Proprietors of, and Persons interested in the said Field, Meadows, and Lands to be divided, allotted, inclosed, or exonerated from Tythes respectively, or of any Lands, Tenements, or Hereditaments to be exchanged by virtue of this Act, shall pay, bear, and defray such Part or Proportion of the Costs, Charges, and Expences incident to and attending the obtaining and passing of this Act, and of preparing and depositing the said Award, and of the Copies thereof, and of surveying, admeasuring, planning, valuing, draining, dividing, fencing, allotting, and inclosing the said Field, Meadows, and Lands to be divided, allotted, and inclosed respectively by virtue thereof, and of all the Charges of the said Commissioners, their Assistants, and Servants, and of all the other necessary Expences of the several Persons to be employed by the said Commissioners in and about the said Field, Meadows, and Lands, and of all the Expences of forming, completing, and repairing the publick Carriage Roads and Highways to be set out and appointed by the said Commissioners, to, over, or upon the said Field,

Field, Meadows, and Lands (not hereby otherwiſe provided for) to ſuch Perſon and Perſons, and at ſuch Time and Times, either before or after the Execution of the ſaid Award, as ſhall be ſettled, adjuſted, determined, and directed by the ſaid Commiſſioners by any Writing under their Hands, to be affixed on One of the principal outer Doors of the Pariſh Church of *Tewkeſbury* aforeſaid, on ſome *Sunday*, at leaſt Ten Days before the Time appointed for Payment thereof, and the Determination of the ſaid Commiſſioners ſhall be final and concluſive; and if any or either of ſuch Owners or Proprietors, or Perſons aforeſaid, ſhall refuſe or neglect to pay his, her, or their Share or Proportion, or reſpective Shares or Proportions of ſuch Charges and Expences, or any Part thereof, within the Time to be limited by the ſaid Commiſſioners for the Payment thereof, to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame, then and in ſuch Caſe the ſaid Commiſſioners ſhall and may, and they are hereby authorized, by Warrant under their Hands and Seals directed to any Perſon or Perſons whomſoever, to cauſe the ſame to be levied by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo refuſing or neglecting to pay, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the Coſts and Charges of taking and ſelling ſuch Diſtreſs; or otherwiſe it ſhall be lawful for the ſaid Commiſſioners, or ſuch other Perſon or Perſons as they ſhall appoint, to enter into and upon the Meſſuages, Lands, Tenements, or other Hereditaments of ſuch Perſon or Perſons ſo refuſing or neglecting to pay as aforeſaid, and to receive and take the Rents, Iſſues, and Profits thereof reſpectively, until thereby or therewith, or otherwiſe, the Share or Shares, Proportion or Proportions of the ſaid Coſts and Charges ſo to be directed, ordered, or appointed by the ſaid Commiſſioners to be paid by ſuch Perſon or Perſons as aforeſaid, and alſo all the Coſts, Charges, and Expences occaſioned by or attending ſuch Entry upon, or Perception of, the Rents and Profits of the ſame Premiſes, ſhall be reſpectively paid and ſatisfied: Provided always, that the Proprietors of Lands in the ſaid Meadow called *Severn Ham* ſhall not, as ſuch Proprietors, be liable to the Payment of any Part of the Expences of incloſing the ſaid Field called *Oldbury Field*, and the ſaid Meadows called *Oldbury Meadows*, *Lilly Croft*, and *Lilly Croft Meadow*, or any or either of them.

Allotment in lieu of Great and Small Tythes of Tythable Parts of Oldbury Field and Meadows.

XVIII. And be it further enacted, That the ſaid Commiſſioners ſhall and they are hereby authorized and required, after ſetting out the ſeveral Roads and Ways in Manner directed by the ſaid recited Act, to ſet out, allot, and award unto and for the ſaid *Robert Knight*, or the Perſon or Perſons being Impropriator or Impropriators of the Great and Small Tythes yearly ariſing, iſſuing, renewing, and payable out of and from ſuch Part or Parts of the ſaid Field called *Oldbury Field*, and of the ſaid Meadows called *Oldbury Meadows*, as is or are ſubject and liable to the Payment of Tythes to the ſaid *Robert Knight*, as ſuch Impropriator as aforeſaid, ſuch Plot or Plots (Part of the Land ſo ſubject to Tythes as aforeſaid, or of other Lands in the ſame Field and Meadows belonging to the ſame Proprietors) as in the Judgement of them the ſaid Commiſſioners (Quantity, Quality, and Situation conſidered) ſhall be equal in Value to One-fifth Part of the Arable or Tillage Lands, and One-ninth Part of the Meadow or Paſture Lands ſo ſubject to Tythes as aforeſaid; and ſuch Allotment or Allotments ſhall be and be deemed and taken to be, and ſhall be had and holden by the ſaid *Robert Knight* or the Perſon or Perſons being ſuch Impropriator or Impropriators as aforeſaid, for and in lieu of, and

as a Compenſation and Satisfaction for all the Great and Small Tythes ariſing, iſſuing, renewing, and payable out of or from ſuch Part or Parts of the ſaid Field called *Oldbury Field*, and of the ſaid Meadows called *Oldbury Meadows*, as is or are ſubject and liable to the Payment of Tythes to the ſaid *Robert Knight* as ſuch Impropriator as aforeſaid.

Allotment in lieu of Great Tythes of Tythable Part of Severn Ham.

XIX. And be it further enacted, That the ſaid Commiſſioners ſhall in the next Place ſet out, allot, and award unto and for the ſaid *John Dipper*, or the Perſon or Perſons being Impropriator or Impropriators of the Great Tythes yearly ariſing, iſſuing, renewing, and payable out of and from ſuch Part or Parts of the ſaid Meadow called *Severn Ham*, as is or are ſubject and liable to the Payment of Great Tythes to the ſaid *John Dipper*, as ſuch Impropriator as aforeſaid, ſuch Plot or Plots (Part of the Lands ſo ſubject to Tythes as aforeſaid), or of other Lands in the ſame Meadow belonging to the ſame Proprietors, as in the Judgement of them the ſaid Commiſſioners (Quantity, Quality, and Situation conſidered) ſhall be equal in Value to One-ninth Part of the Lands in the ſaid Meadow called *Severn Ham*, ſo ſubject to Great Tythes as aforeſaid; and ſuch Allotment or Allotments ſhall be and be deemed and taken to be, and ſhall be had and holden by the ſaid *John Dipper*, and the Perſon or Perſons being ſuch Impropriator or Impropriators as aforeſaid, for and in lieu of, and as a Compenſation and Satisfaction for all the Great Tythes ariſing, iſſuing, renewing, and payable out of and from ſuch Part or Parts of the ſaid Meadow called *Severn Ham*, as is or are now ſubject to the Payment of ſuch Tythes to the ſaid *John Dipper*, as ſuch Impropriator as aforeſaid.

Lands ſet out for Tythes to be ſettled to the ſame Uſes.

XX. And be it further enacted, That the Lands and Grounds ſo ſet out, allotted, and awarded for and in lieu of and as a Compenſation and Satisfaction for ſuch Great and Small Tythes reſpectively as aforeſaid, ſhall be limited, ſettled, and aſſured, to, for, and upon ſuch and the ſame Eſtates, Uſes, Truſts, Limitations, Intents, and Purpoſes, as ſuch Great and Small Tythes reſpectively ſhall ſtand limited, ſettled, and aſſured, and be ſubject and liable to at the Time of making ſuch Allotments reſpectively.

Expences of Ring-fencing Tythe Allotment in Oldbury to be conſidered General Expences.

XXI. And be it further enacted, That the Expences of making and keeping in Repair, for the Space of Seven Years, the Boundary Fences for the Incloſing and Ring-fencing the Allotment or Allotments to be ſet out to the ſaid *Robert Knight*, or ſuch Impropriator or Impropriators as aforeſaid, in lieu of the ſaid Great and Small Tythes ariſing, iſſuing, and renewing out of and from ſuch Part or Parts of the ſaid Field called *Oldbury Field*, and of the ſaid Meadows called *Oldbury Meadows*, as is or are ſubject to the Payment of Tythes to the ſaid *Robert Knight* (except on ſuch Part or Parts as the ſaid Commiſſioners ſhall order and direct to be fenced by ſome other Proprietor or Proprietors) ſhall be deemed and conſidered as Part of the Expences of carrying this Act into Execution, and be borne and paid accordingly, by the Perſons reſpectively intereſted in the ſaid Incloſure.

Allotment in lieu of Rights of Common on Oldbury Field, &c.

XXII. And be it further enacted, That the ſaid Commiſſioners ſhall, and they are hereby required, in the next Place, to mark and ſet out ſuch Part or Parts of the ſaid Field called *Oldbury Field*, and of the ſaid Meadows called *Oldbury Meadows*, *Lilly Croft*, and *Lilly Croft Meadows* as will in the

Judgement of the ſaid Commiſſioners be equal in Value to the Rights of Common in, over, and upon the ſame, by this Act directed to be extinguiſhed; and the ſaid Commiſſioners ſhall and may, and they are hereby authorized and required, to ſell (in ſuch Allotment or Allotments as to them ſhall ſeem right and proper,) to any Perſon or Perſons for the beſt Price or Prices that can be gotten for the ſame, by publick Auction or Auctions to be holden for that Purpoſe (of which Auction or Auctions reſpectively Six Weeks previous Notice ſhall be given) ſuch Part or Parts of the Lands and Grounds ſo marked and ſet out, as will by the Sale thereof, in the Judgement of the ſaid Commiſſioners, raiſe Money ſufficient to defray and diſcharge the Reſidue and Remainder of the Coſts, Charges, and Expences incident to and attending the obtaining and paſſing of this Act, and putting the ſeveral Powers thereof into Execution as aforeſaid, which ſhall not be directed by the ſaid Commiſſioners to be paid by the Proprietors of the ſaid Field, Meadows, and Lands; and the Perſon or Perſons ſo purchaſing the ſame at ſuch publick Auction, ſhall immediately pay (by way of Depoſit) into the Hands of the ſaid Commiſſioners, or ſuch Perſon or Perſons as they ſhall direct and appoint, One-tenth Part of his, her, or their Purchaſe Money, and pay the Remainder thereof within Six Calendar Months next after the ſaid Sale, or at ſuch other Time as the ſaid Commiſſioners ſhall appoint; and in Default thereof the Money ſo depoſited ſhall be forfeited, and ſhall be applied in carrying this Act into Execution; and the Allotment or Allotments for which the Whole of ſuch Purchaſe Money ſhould not have been ſo paid, or for which there ſhall be no Bidding at ſuch Auction, ſhall be again put up for Sale, and ſold by publick Auction, in Manner aforeſaid, for the beſt Price or Prices that can be gotten for the ſame; and every Allotment for which the full Purchaſe Money ſhall be paid, ſhall immediately thereupon be abſolutely diſcharged of and from all Common and other Rights thereon or therein, and be veſted in Fee Simple in and be incloſed and thenceforth held in Severalty by ſuch Purchaſer or Purchaſers thereof reſpectively, as his, her, or their private and abſolute Property, and ſhall be allotted accordingly by the ſaid Commiſſioners; and the Purchaſe Money ſhall be applied by the ſaid Commiſſioners in defraying ſuch Proportion of the ſaid Coſts, Charges, and Expences, as the ſaid Commiſſioners ſhall not, as aforeſaid, have directed to be paid by the Proprietors of the ſaid Field, Meadows, and Lands.

Part thereof to be ſold for paying Proportion of Expences.

XXIII. And be it further enacted, That in caſe ſuch Part or Parts of the ſaid 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 Proportion of the ſaid Coſts, Charges, and Expences, then and in ſuch Caſe ſuch Surplus Money ſhall be paid to the Truſtees herein appointed, or to their Treaſurer or Treaſurers for the Time being, to be by them applied in the ſame Manner, and for the ſame Purpoſes, as the Rents and Profits of the Allotment or Allotments herein-after directed to be made to them, and as the Rents and Profits of the After or Latter Math of the ſaid Meadow called *Severn Ham*, are in and by this Act directed to be applied; and in caſe the Money to be raiſed by the Sale of the ſaid Lands and Grounds herein directed to be ſold, ſhall be inſufficient to defray ſuch Proportion of the ſaid Coſts, Charges, and Expences, the Deficiency thereof ſhall be by the ſaid Truſtees paid out of the Firſt Monies to be received by

Application of Surplus Money.

Deficiency how to be ſupplied.

by them by virtue of this Act, from the Rents and Profits of the said Allotment or Allotments herein-after directed to be made to them, or of the After or Latter Math of the said Meadow called *Severn Ham*.

Remainder of Allotments in lieu of Rights of Common on Oldbury, &c. and also the Aftermath of Severn Ham, vested in Trustees.

XXIV. And be it further enacted, That the said Commissioners shall then allot and award the Residue and Remainder of such Part or Parts of the said Field called *Oldbury Field*, and of the said Meadows called *Oldbury Meadow*, *Lilly Croft*, and *Lilly Croft Meadow*, hereby directed to be marked and set out as aforesaid, unto the Trustees by this Act nominated and appointed, or the Survivors of them, by the Name and Style of 'The 'Trustees for the Burgesses or Freemen, and principal Householders of 'the Borough of *Tewkesbury*, in the County of *Gloucester*, appointed by 'an Act passed in the Forty-eighth Year of the Reign of King *George* the 'Third,' and such Land and Ground, so set out and allotted, and also the After or Latter Math of the said Meadow called *Severn Ham*, shall be, and the same are hereby declared to be, vested in the said Trustees and their Successors, to be appointed by virtue of this Act, for ever freed and discharged of and from all Right, Title, Interest, Claim, and Demand whatsoever, which any Person or Persons could or might have in or to the same, or any Part or Parts thereof, upon such Trusts nevertheless, and to and for such Uses, Intents, and Purposes, as are mentioned, expressed, or declared of and concerning the same in and by this Act.

Power to extinguish Rights of Common.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and directed, at any Time or Times before the Execution of the said Award by Notice in Writing under their Hands to be affixed upon One of the principal outer Doors of the Parish Church of *Tewkesbury* aforesaid, to order and direct the Rights of Common in, over, and upon the said Common Field, Meadows, and Lands, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended; and that 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 of affixing such Writing on the said Church Door, respectively cease, determine, and be extinguished, or the Exercise thereof be suspended accordingly; any Law, Usage, or Custom, to the contrary thereof notwithstanding.

Exchanges.

XXVI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to set out, allot, and award any Lands, Tenements, or Hereditaments whatsoever, within the said Parish of *Tewkesbury*, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments whatsoever, within the said Parish, or within any adjoining Parish, Hamlet, Township, or Place, provided that all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioners, and be made with the Consent of the Owner or Owners, Proprietor or Proprietors of the Lands, Tenements, or Hereditaments, which shall be so exchanged, whether such Owner or Owners, Proprietor or Proprietors, shall be a Body or Bodies Politick, Corporate, or Collegiate, or Tenant or Tenants in Fee Simple or for Life, or in Fee Tail General or Special, or by the Courtesy of *England*, or for Years determinable on any Life or Lives, or with the Consent of the Guardians, Trustees, Feoffees for charitable

ritable or other Purpoſes, Huſbands, Committees, or Attornies of or acting for any ſuch Owners or Proprietors as aforeſaid, who at the Time of making ſuch Exchange or Exchanges ſhall be reſpectively Infants, Femes-covert, Lunaticks, or under any other legal Diſability, 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 Politick, Corporate, or Collegiate, and under the Hands of the other conſenting Parties reſpectively; and all and every ſuch Exchange and Exchanges ſo to be made ſhall be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever: Provided nevertheleſs, that no Exchange ſhall be made of any Lands, Tenements, or Hereditaments, held in Right of any Church, Chapel, or other Eccleſiaſtical Benefice, without the Conſent (teſtified as aforeſaid) of the Patron thereof, and of the Biſhop of the Dioceſe in which ſuch Lands, Tenements, or Hereditaments ſo to be exchanged, ſhall lie and be ſituated.

Money advanced to be repaid with Intereſt.

XXVII. And be it further enacted, That if any Perſon ſhall advance and pay any Money in Diſcharge of the Expences of obtaining and executing this Act, the Money ſo paid and advanced ſhall be repaid and ſatisfied by the Direction of the ſaid Commiſſioners, together with lawful Intereſt for the ſame.

Accounts.

XXVIII. 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 received or 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 thereto, ſhall be by them laid before One of His Majeſty's Juſtices for the Time being for the ſaid County of *Glouceſter*, to be by him examined and balanced, and ſuch Balance ſhall be by ſuch Juſtice ſtated in the Book of Accounts to be kept in the Office of the Clerk or Clerks of the ſaid Commiſſioners; and no Charge or Item in ſuch Account ſhall be binding on the Parties concerned, or valid in Law, unleſs the ſame ſhall have been duly allowed by ſuch Juſtice.

Proprietors to pay their own Expences.

XXIX. Provided always, and be it further enacted, That the ſaid Proprietors, their Attornies and Agents, ſhall pay and defray their own Charges and Expences when they or any of them ſhall attend the ſaid Commiſſioners at any of their Meetings to be holden in purſuance of this Act.

Wills and Settlements not to be affected.

XXX. And be it further enacted, That nothing in this or the ſaid recited Act contained, ſhall extend, or be conſtrued to extend, to revoke, make void, alter, or annul, any Will or Settlement, or to prejudice any Perſon or Perſons having any Right or Claim of Dower, Jointure, Portion, Debts, or Incumbrances, out of, upon, or affecting any of the Lands or Grounds to be divided, allotted, incloſed, or exchanged, in purſuance of this or the ſaid recited Act, or any Part or Parts thereof reſpectively, but that the reſpective Perſons to whom any Lands or Hereditaments ſhall be allotted or given in Exchange by virtue of this Act, ſhall be ſeiſed thereof to ſuch and the ſame Uſes, and for ſuch and the ſame Eſtates, and ſubject to

to ſuch and the ſame Wills, Jointures, Charges, and Incumbrances, and no other, as the Meſſuages, Buildings, Lands, Grounds, Tenements, and Hereditaments, whereof ſuch Perſon was ſeiſed or poſſeſſed at or immediately before the Execution of the Award of the ſaid Commiſſioners, or for which or in reſpect whereof ſuch Allotments or Exchanges ſhall be made, could have been ſubject to, charged with, or affected by, in caſe this Act had not been made.

Award to be depoſited.

XXXI. And it further enacted, That the Award to be made by the ſaid Commiſſioners, when inrolled in Manner directed by the ſaid recited Act, ſhall be depoſited among the Records of the Borough of *Tewkeſbury* aforeſaid.

Appeal.

XXXII. And be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Thing done by the ſaid Commiſſioners in purſuance of this or the ſaid recited Act (other than and except ſuch Orders and Determinations of the ſaid Commiſſioners as are by the ſaid recited Act or this Act directed to be final or concluſive, and except in ſuch Caſes where an Iſſue at Law is herein-before directed to be tried), then and in every ſuch Caſe he, ſhe, or they may appeal to the General Quarter Seſſions of the Peace which ſhall be holden for the ſaid County of *Glouceſter* within Four Calendar Months next after the Cauſe of Complaint ſhall have ariſen, on giving to the ſaid Commiſſioners, and the Party or Parties concerned, Ten Days Notice in Writing of ſuch Appeal, and of the Matter thereof; and the Juſtices (not intereſted in the Premiſes) at their ſaid General Quarter Seſſions are hereby required to hear and determine the Matter of every ſuch Appeal, and to make ſuch Order therein, and award ſuch Coſts and Damages as to them in their Diſcretion ſhall ſeem reaſonable, and by their Order and Warrant to levy the Coſts and Charges which ſhall be ſo awarded, by Diſtreſs and Sale of the Goods and Chattels of the Party or Parties liable to pay the ſame, rendering the Overplus (if any) on Demand, to the Owner or Owners of ſuch Goods and Chattels, after deducting the reaſonable Charges of ſuch Warrant, Diſtreſs, and Sale; and the Determination of the ſaid Juſtices therein ſhall be final and concluſive to all Parties concerned, and ſhall not be removed or removeable by *Certiorari*, or any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; but in caſe ſuch Appeal ſhall appear to the ſaid Juſtices to be frivolous, vexatious, or without Foundation, then and in ſuch Caſe the ſaid Juſtices ſhall award ſuch Coſts to be paid by the Appellant or Appellants as to them in their Diſcretion ſhall ſeem reaſonable, and be levied in Manner aforeſaid.

General Saving.

XXXIII. Saving always to the King's moſt Excellent Majeſty, and to all and every Perſon and Perſons, and Bodies Politick, Corporate, or Collegiate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, all ſuch Rights, Title, and Intereſt (other than and except ſuch as is and are hereby meant and intended to be barred, deſtroyed, and extinguiſhed), as they, every, or any of them had or enjoyed or exerciſed, or ought to have had or enjoyed or exerciſed, of, in, to, or out of the Field, Meadows, and Lands hereby directed to be divided, allotted, or incloſed, in caſe this Act had not been made.

XXXIV. And

Trustees.

XXXIV. And be it further enacted, That the Bailiffs, principal Burgesses, High Steward, Recorder, Justices, Town Clerk, Coroner, and Chamberlain of the Borough of *Tewkesbury* in the County of *Glouceſter*, and their Succeſſors for the Time being, *Chriſtopher Codrington* and *Charles Hanbury Tracy* Esquires, *Jacob Allis*, *Thomas Andrews*, *Iſaac Butterfield*, *John Burrows*, *Charles Banaſter* junior, *Joſeph Buckle*, *Samuel Barnes*, *Thomas Caddic*, *John Clarke*, *George Dumble*, *Robert Edwards*, *William Seale Evans*, *Thomas Eaſthope*, *John Eaſthope*, *Henry Hooper Fryer*, *Moſes Goodere*, *James Gorle*, *Nathaniel Hartland*, *John Allis Hartland*, *John Doddridge Humphreys*, *Benjamin Holland*, *Thomas Holland*, *Samuel Healing*, *William Hughes* Grazier, *William Hughes* Hoſier, *Abraham Harris*, *John Jenkins*, *Robert Knight* Clerk, *John Kedwards*, *Omwell John Lloyd*, *William Lloyd*, *Thomas Dawſon Lewis*, *William Martin*, *John Martin*, *William Moore*, *Charles Moore*, *Edward Moore*, *John Moore* Maltſter, *John Mayo*, *Thomas Oſborne*, *William Proſſer* Clerk, *Henry Prior*, *George Prior*, *William Procter*, *Nicholas Player*, *Daniel Hook Pargitter*, *Edward Reddell*, *John Richardſon*, *Thomas Spilſbury*, *James Spilſbury*, *John Stephens*, *Thomas Jelf Sandilands*, *William Smith*, *Robert Smith*, *John Terrett* junior, *Iſaac Turner*, *Samuel Turner*, *William Thomas*, *Daniel Trotman*, *William Vevers*, *Andrew Woollams*, *Henry White*, *Henry Welling*, *Thomas Whithorn*, *Matthew Wright* and *Thomas Waldron*, being qualified as herein directed, and their Succeſſors to be elected as herein directed, ſhall be and they are hereby declared to be Truſtees for carrying into Execution the ſeveral Powers and Authorities given and granted to or veſted in them by virtue of this Act.

No Act valid unleſs at a Meeting.

XXXV. And be it further enacted, That no Act of the ſaid Truſtees ſhall be or be deemed to be good, valid, or effectual, unleſs the ſame be done at ſome Meeting to be holden in purſuance of this Act (except as may be herein excepted), and that all the Powers and Authorities by this Act granted to the ſaid Truſtees, ſhall and may be exerciſed from Time to Time by the major Part of them who ſhall attend at any Meeting to be holden in purſuance of this Act (the Number of Truſtees preſent at ſuch Meeting not being leſs than Five); and all the Orders and Proceedings of the major Part of the ſaid Truſtees preſent at ſuch their ſeveral Meetings ſhall have the ſame Force and Effect as if the ſame were made or done by all the ſaid Truſtees for the Time being (ſave and except as may be herein excepted); and at every Meeting of the ſaid Truſtees, a Chairman ſhall and may be appointed; and when and as often as it ſhall ſo happen that there ſhall be an Equality of Votes at any ſuch Meeting upon any Queſtion (including the Vote of the Chairman), then and in every ſuch Caſe it ſhall and may be lawful to and for the Chairman to give the deciſive or caſting Vote.

Majority preſent may act, the whole Number not being leſs than Five.

Chairman to be appointed, and to have the caſting Vote.

Election of new Truſtees.

XXXVI. And be it further enacted, That when and ſo often as any Truſtee hereby appointed, or who may be appointed in purſuance of this Act, (ſave and except ſuch ſeveral Perſons as are herein appointed by reaſon or by virtue of their reſpective Offices) ſhall die, or deſire to be diſcharged from, or decline to act or become incapable of acting in the Execution of the Truſts of this Act, it ſhall be lawful for the other of the Truſtees for the Time being, or any Five or more of them, to elect One other Perſon (being a Burgeſs or Freeman, or a principal Houſeholder of the ſaid Borough, and who would have been entitled to Right of Common in, over, and upon the ſaid Field, Meadows, and Lands, if this Act had not paſſed into a Law) to be a Truſtee in the room of each Truſtee ſo dying,

dying, desiring to be discharged, declining or becoming incapable of acting as aforesaid, so that Notice in Writing of the Time and Place of Meeting for every such Election shall be affixed upon One of the principal outer Doors of the Parish Church of *Tewkesbury* aforesaid, at least Fourteen Days before every such Meeting; and every Person who shall be so elected is hereby invested with the same Powers of putting this Act in Execution as the Persons into whose Places they respectively shall be chosen were invested with.

New Trustees may be elected by the Persons entitled to Right of Common, where Election has not been made by acting Trustees.

XXXVII. And be it further enacted, That if it shall happen at any Time after the passing of this Act, that more than Six Months shall be suffered to elapse after the Death, Discharge, or declining to act of any Ten or more of the Trustees appointed or to be appointed in pursuance of this Act, (except such several Persons as are herein appointed by reason or by virtue of their respective Offices) without an Election of a sufficient Number of Trustees in the room of such Trustees so dying, being discharged, or declining to act as aforesaid, being made according to the true Intent and Meaning of this Act, then and so often it shall and may be lawful to and for the Burgesses or Freemen, and such principal Householders of the said Borough who would respectively have been entitled to Rights of Common in, over, and upon the said Field, Meadows, and Lands hereby directed to be divided, allotted, and inclosed respectively as aforesaid, if this Act had not passed into a Law, or the major Part of them, at a Meeting to be held from Time to Time for that Purpose, to elect and appoint such a Number of Burgesses or Freemen, and principal Householders of the said Borough for the Time being who would respectively have been entitled to Rights of Common as aforesaid if this Act had not passed into a Law, to be Trustees for the Purposes aforesaid, as will be sufficient to supply the then Vacancies; and Notice of the Time and Place of the Meeting for every such Election shall, by the Clerk or Clerks to the said Trustees for the Time being, be given by such Clerk or Clerks at least Thirty Days before such Meeting; and in case such Clerk or Clerks shall neglect or refuse to give such Notice, the same shall and may be given by any Ten or more of the Persons who would respectively have been entitled to Right of Common in, over, and upon the said Field, Meadows, and Lands, if this Act had not passed into a Law; and the Trustees so to be appointed shall and may act in all Respects, and as effectually, and with such and the same Powers and Authorities, as if they had been elected in Manner herein-before mentioned.

Qualification of Trustees.

XXXVIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in the Execution of this Act, unless at the Time of his acting therein, he shall have or be seised of in his own Right, or in the Right of his Wife, and be in the actual Possession, Enjoyment, or Receipt of the Rents and Profits of a Real Estate in Law or Equity of the clear yearly Value of Thirty Pounds above Reprizes, or be possessed of or entitled to a Personal Estate to the Amount or Value of Six Hundred Pounds; and every Person shall, before he acts as a Trustee, take and subscribe the Oath or Affirmation following, before any Two or more of the said Trustees (who are hereby empowered to administer the same) 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 truly and *bonâ fide* in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Lands, Tene-

'ments,

'ments, or Hereditaments, of the clear yearly Value of Thirty Pounds 'above Reprizes, or poſſeſſed of a Perſonal Eſtate to the Amount or 'Value of Six hundred Pounds, and that I will faithfully, honeſtly, and 'impartially, according to the beſt of my Skill and Judgement, execute and 'perform the ſeveral Truſts, Powers, and Authorities veſted and repoſed 'in me as a Truſtee by virtue of an Act made in the Forty-eighth Year 'of the Reign of *George* the Third, intituled [*here inſert the Title of this 'Act*] without Favour or Affection, Malice or Prejudice, to any Perſon or 'Perſons whomſoever.

'So help me GOD.'

Penalty for acting, if not qualified.

And if any Perſon, not being ſo qualified, ſhall act as a Truſtee in the Execution of this Act, every ſuch Perſon ſhall for every ſuch Offence forfeit and pay the Sum of Fifty Pounds to any Perſon or Perſons who ſhall ſue for the ſame in any of His Majeſty's Courts of Record at *Weſtminſter* by Action of Debt or on the Caſe, or by Bill, Suit, or Information, wherein no Eſſoign, Protection, or Wager of Law, or more than One Imparlance ſhall be allowed; and every ſuch Perſon ſo ſued or proſecuted ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the ſaid Penalty without any other Proof on the Part of the Plaintiff or Proſecutor than that ſuch Perſon had acted as a Truſtee in the Execution of this Act: Provided nevertheleſs, that all Acts and Proceedings of any Perſon or Perſons acting as a Truſtee or Truſtees in the Execution of this Act, though not duly qualified as aforeſaid previous to his or their being convicted of the ſaid Offence, ſhall, notwithſtanding ſuch Conviction, be as good, valid, and effectual, as if ſuch Perſon or Perſons had been qualified according to the Directions of this Act.

All Acts of Truſtees not qualified, if done before Conviction, valid.

XXXIX. And be it further enacted, That ſuch of the ſaid Truſtees as are or ſhall be Juſtices of the Peace ſhall and may, in their reſpective Juriſdictions, and they are hereby empowered to act as Juſtices of the Peace in the Execution of this Act, notwithſtanding their being Truſtees, except only in ſuch Caſes where they ſhall be perſonally intereſted.

Truſtees may act as Juſtices, except where intereſted.

XL. And be it further enacted, That the ſaid Truſtees ſhall hold their Firſt Meeting at the Town Hall or Tolſey in the ſaid Borough, on the Fourth *Monday* next after the paſſing of this Act, between the Hours of Ten in the Forenoon and Two in the Afternoon; and in caſe none of the ſaid Truſtees ſhall attend at ſuch Meeting, then ſuch Meeting ſhall be and be deemed to be adjourned to the next Day (*Sunday*, *Good Friday*, *Chriſtmas Day*, and Faſt Days and Thankſgiving Days by Proclamation only excepted, and then to the next following Day), and ſo *toties quoties*, until a ſufficient Number of Truſtees ſhall attend at ſuch Meeting, to act in the Execution of this Act, or until a Truſtee or Truſtees ſhall attend ſo as to adjourn ſuch Meeting; and the ſaid Truſtees ſhall and may at ſuch Meeting, and at their ſeveral Meetings to be holden for the Purpoſe of carrying this Act into Execution, from Time to Time adjourn themſelves, and appoint their next Meeting to be holden there, at ſuch Time as to them ſhall ſeem proper; and if it ſhall ſo happen that there ſhall not appear at any ſuch Meeting a ſufficient Number of Truſtees to act in the Execution of this Act, the Truſtee or Truſtees then preſent, or the Clerk or

First Meeting of the Truſtees.

Clerks to the said Trustees, shall from Time to Time, as often as the Case shall happen, adjourn such Meeting to some other Day within One Calendar Month then next following to be holden at the same Place, and the said Clerk or Clerks shall cause Notice thereof to be given by him Seven Days before the Day to which such Meeting shall be so adjourned; and the said Trustees shall at their several Meetings defray their own Expences; and no Person shall be capable of acting as a Trustee in the Execution of any of the Powers hereby granted who is a Victualler, or sells Ale, Wine, Cyder, or Spirituous Liquors by Retail, or who shall hold any Place of Profit under this Act.

Trustees to defray their own Expences.

Meetings on Emergencies.

XLI. And be it further enacted, That if after any Adjournment of any Meeting as aforesaid, it shall at any Time be thought necessary that a Meeting of the Trustees should be appointed on an earlier Day than the Day to which such Meeting shall have been adjourned, then and in such Case the Clerk or Clerks to the said Trustees (an Order in Writing signed by Five or more of the said Trustees, mentioning the Time, Place, and Purpose of such earlier Meeting, being given to him or them, or left at his or their last or usual Place or respective Places of Abode) shall forthwith give Notice of such earlier Meeting in Manner before directed, and of the Time and Place which shall be mentioned in the Order of the said Trustees, such Time not being less than Seven Days after such Notice; and all the Proceedings of the said Trustees at such earlier Meeting, shall be as good and valid as they would have been in case the said Trustees had met in pursuance of any Adjournment.

No Order to be revoked unless Nine Trustees shall be present, and a Majority of Three concur.

XLII. And be it further enacted, That no Order, Appointment, or Proceeding, made at any Meeting of the Trustees holden in pursuance of this Act, shall be revoked or altered at any subsequent Meeting, unless at a Meeting to be holden for that express Purpose, and at which Nine Trustees at the least shall be present, nor unless Notice, specifying the Revocation or Alteration intended to be made, be given by their said Clerk or Clerks at least Ten Days before such subsequent Meeting, nor unless a Majority of Three of the Trustees present at such subsequent Meeting shall decide in favour of such Revocation or Alteration.

Proceedings to be entered.

XLIII. And be it further enacted, That the said Trustees shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein, of all their Acts, Orders, and Proceedings relative to the Execution of this Act, and of the Names of all such Trustees as shall be present at their several Meetings; and all Entries in such Book or Books being signed by the Chairman and the Clerk or Clerks then present, or either of them, shall be deemed Originals, and shall be allowed to be read as Evidence in all Cases, Suits, and Actions, touching or concerning any Thing done in pursuance of this Act; and such Book or Books shall at all of the Meetings of the said Trustees be open and liable to the Inspection of all and every of the said Trustees, and of all other Persons having any Right or Interest in the said Meadow called *Severn Ham*, or who would have been entitled to any Right of Common on the said Field, Meadows, and Lands, if this Act had not passed into a Law; and

and that any of the ſaid Truſtees, and all ſuch other Perſons, ſhall and may have and take Copies thereof, paying for every Copy not exceeding Seventy-two Words, the Sum of Sixpence, and ſo in Proportion for any greater or leſs Number of Words.

Truſtees to appoint Officers, and may allow them Salaries.

XLIV. And be it further enacted, That the ſaid Truſtees may and they are hereby empowered, by Writing under their Hands, to appoint One or more Treaſurer or Treaſurers, Clerk or Clerks, and alſo One or more Hayward or Haywards, and ſuch other Officers and Perſons, for the Execution of the ſeveral Powers and Authorities given and granted to the ſaid Truſtees by virtue of this Act, as they the ſaid Truſtees ſhall think proper, and from Time to Time to remove ſuch Treaſurer or Treaſurers, Clerk or Clerks, Haywards, Officers, and Perſons reſpectively, as they ſhall ſee Occaſion; and out of the Monies to be received by them the ſaid Truſtees by virtue of this Act, to allow and pay ſuch Salaries, Wages, and Allowances to the ſaid Officers and other Perſons as the ſaid Truſtees ſhall think reaſonable; and the ſaid Truſtees ſhall and they are hereby required to take ſuch ſufficient Security from every ſuch Treaſurer or Treaſurers, and other Officers, for the due Execution of his or their Office, as they ſhall think proper; and all ſuch Officers ſo to be appointed, ſhall under their Hands, at ſuch Time or Times, and in ſuch Manner as the ſaid Truſtees ſhall direct, deliver to the ſaid Truſtees, or to ſuch Perſon or Perſons as they ſhall appoint, true and perfect Accounts in Writing of all Matters and Things committed to their Charge by virtue of this Act; and alſo of all the Monies which ſhall have been by ſuch Officers reſpectively received by virtue and for the Purpoſes of this Act, and how much thereof hath been expended and diſburſed, and for what Purpoſe, together with proper Vouchers for ſuch Payments; and ſhall pay all ſuch Monies as ſhall remain due from them reſpectively to the ſaid Truſtees, or their Treaſurer or Treaſurers, or to ſuch Perſon or Perſons as they ſhall appoint to receive the ſame; and ſuch Treaſurer or Treaſurers ſhall in the Month of *March* yearly, or at the Firſt Meeting of the ſaid Truſtees then next following (although not thereunto required by the ſaid Truſtees) lay his or their Accounts before the ſaid Truſtees, in order that the ſame may be audited, paſſed, and allowed, if approved of by them.

Truſtees to take Security from the Treaſurer.

Officers to account.

Treaſurer to account annually.

Actions to be be brought in the Name of the Treaſurer or Clerk, or One of the Truſtees, who are not liable to the Payment of Coſts.

XLV. And be it further enacted, That whenever any Action ſhall be brought by the Order of the ſaid Truſtees againſt any Perſon or Perſons by virtue or in purſuance of this Act, the ſame may be brought in the Name or Names of their Treaſurer or Treaſurers, Clerk or Clerks, or in the Name of any One of the ſaid Truſtees, on Behalf of the ſaid Truſtees; and no ſuch Action ſhall abate or be diſcontinued by the Death or Removal of the Perſon or Perſons in whoſe Name or Names the ſame ſhall be brought, nor by the Act of ſuch Perſon or Perſons, without the Conſent of the ſaid Truſtees, or any Five or more of them, at a Meeting to be holden in purſuance of this Act; but no ſuch Treaſurer or Treaſurers, Clerk or Clerks, or Truſtee, or any or either of them, ſhall be ſubject to the Payment of any Coſts or Expences on Account thereof; but all ſuch Coſts and Expences ſhall be defrayed out of the Money ariſing by virtue of this Act collected or received by the ſaid Truſtees.

XLVI. And

Power to let Allotments and After-math.

XLVI. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Truſtees, or any Nine or more of them, at any of their Meetings to be holden in purſuance of this Act, and they are hereby empowered to let and ſet annually the ſaid Allotment or Allotments, and alſo the After or Latter Math of the ſaid Meadow called *Severn Ham*, ſo reſpectively allotted and awarded to and veſted in them as aforeſaid, or any Part or Parts thereof, to any Perſon or Perſons whomſoever, at the beſt and moſt improved yearly Rent or Rents that can be reaſonably had or obtained for the ſame; and alſo to let and ſet the After or Latter Math of the ſaid Meadow called *Severn Ham* in Paſtures for Horſes, Cattle, and Sheep, to different Perſons, at ſuch Rates, and ſubject to ſuch Rules and Regulations, as they the ſaid Truſtees, or any Nine or more of them ſhall (ſubject to the Reſtrictions in this Act contained) from Time to Time appoint, or by Writing under their Hands and Seals, to leaſe or demiſe the ſaid Allotment or Allotments, or any Part or Parts thereof, and alſo the After or Latter Math of the ſaid Meadow called *Severn Ham*, (ſubject to ſuch Reſtrictions as aforeſaid) to any Perſon or Perſons whomſoever, for any Term or Number of Years not exceeding Twenty-one Years at any one Time, to commence in Poſſeſſion and not in Reverſion, or by way of future Intereſt, ſo that in every ſuch Leaſe there be reſerved and made payable to the ſaid Truſtees for the Time being, their Treaſurer or Treaſurers, by Four equal Quarterly Payments in every Year, the beſt and moſt improved yearly Rent or Rents that can be reaſonably had and obtained for the ſame reſpectievly, without taking any Fine, Premium, or Foregift, in conſideration of granting ſuch Leaſe or Leaſes, and ſo that in every ſuch Leaſe or Leaſes there be contained the uſual Covenants and Stipulations between Leſſors and Leſſees, and ſuch other Covenants and Stipulations, and ſuch Security for the Performance of the ſame as the ſaid Truſtees, or any Nine or more of them, at any of their Meetings to be holden in purſuance of this Act, ſhall think moſt proper to be inſerted therein; and the Rents and Profits ariſing from the ſaid Allotment or Allotments, and from the After or Latter Math of the ſaid Meadow called *Severn Ham*, ſhall, from Time to Time, be applied and diſpoſed of in Manner by this Act directed.

Reſtrictions in ſtocking Severn Ham.

XLVII. Provided always, and be it further enacted, That it ſhall not be lawful for the ſaid Truſtees, their Tenant or Tenants, Leſſee or Leſſees, to ſtock or depaſture at any Time or Times whatſoever, on the ſaid Meadow called *Severn Ham*, any Horſes of His Majeſty's Regiments of Dragoons, or any Bulls or Pigs; and that from the Tenth Day of *October* to the Twentieth Day of *November* in every Year, it ſhall not be lawful for the ſaid Truſtees, their Tenant or Tenants, Leſſee or Leſſees, to ſtock or depaſture any Horſes or Neat Cattle on the ſaid Meadow called *Severn Ham*, unleſs there ſhall at the ſame Time be ſtocked or depaſtured thereon Three Sheep at the leaſt for every Acre of which the ſaid Meadow called *Severn Ham* conſiſts; and that from the Twentieth Day of *November* to the Thirteenth Day of *February* in every Year, it ſhall not be lawful for the ſaid Truſtees, their Tenant or Tenants, Leſſee or Leſſees, to ſtock or depaſture any Horſes or Neat Cattle whatſoever on ſuch Meadow, but that the ſame ſhall annually, during the ſaid laſt mentioned Period, be ſtocked or depaſtured with Sheep exclusively.

XLVIII. Pro-

Act to be printed by the King's Printer.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1808.

Proprietors of Lands in Ham not to ſtock the ſame after Hay Harveſt.

XLVIII. Provided alſo, That nothing in this Act contained ſhall extend or be conſtrued to extend to authorize or empower the Owner or Owners, Proprietor or Proprietors of the Lands in the ſaid Meadow called *Severn Ham*, their Tenant or Tenants, Leſſee or Leſſees reſpectively, to ſtock or depaſture any Horſes, Cattle, or Sheep whatſoever on ſuch Meadow or any Part thereof, between Hay Harveſt and the Day on which the ſame would have become ſubject to Common if this Act had not paſſed into a Law, but that from the Time the Graſs to grow thereon ſhall be annually mowed or cut, the ſaid Meadow ſhall, as heretofore, remain unſtocked until the Time the ſame would have become ſubject to Common as aforeſaid; nor to authorize or empower the Owner or Owners, Proprietor or Proprietors, of the Lands in the ſaid Meadow called *Severn Ham*, their Tenant or Tenants, Leſſee or Leſſees reſpectively, to mow or cut the Graſs or Herbage annually to grow thereon after the Twelfth Day of *July* in any Year after the paſſing of this Act, if the ſame ſhall have been eaten off or grazed by the Horſes, Cattle, or Sheep, of ſuch Owner or Owners, Proprietor or Proprietors, or of their Tenant or Tenants, Leſſee or Leſſees reſpectively, in the preceding Part of the ſame Year, but that the Graſs and Herbage to grow upon ſuch Part or Parts of the ſaid Meadow, which ſhall have been ſo eaten off or grazed as aforeſaid, ſhall, from and after the ſaid Twelfth Day of *July* in every ſuch Year, be veſted in the Truſtees by this Act appointed, their Tenant or Tenants, Leſſee or Leſſees reſpectively, and be ſold, applied, and diſpoſed of by them in the ſame Manner, and to and for the ſame Intents and Purpoſes, as the Rents and Profits of the ſaid Allotment or Allotments, and the After or Latter Math of the ſaid Meadow called *Severn Ham* is and are hereby directed to be ſold, applied, and diſpoſed of.

Applications of Rents and Profits.

XLIX. And be it further enacted, That the ſaid Truſtees ſhall and may, and they are hereby authorized and required, after Payment of all Coſts, Charges, and Expences incident to and attending the Execution of the ſeveral Powers to be by them exerciſed by virtue of this Act, in the Month of *April* in every Year, to pay and divide the annual Rents and Profits of the ſaid Allotment or Allotments, and of the After or Latter Math of the ſaid Meadow called *Severn Ham*, and alſo of all other Monies to be received by them under the Authority of this Act, unto and between ſuch Burgeſſes or Freemen of the Borough of *Tewkeſbury* aforeſaid, and ſuch Occupiers of Houſes within the ſaid Borough as would reſpectively have been entitled to Rights of Common, in, over, and upon the ſaid Field, Meadows, and Lands, if this Act had not paſſed into a Law, according to their reſpective Rights and Intereſts.

Truſtees to ſtate and publiſh an annual Account.

L. And be it further enacted, That the ſaid Truſtees ſhall at their Meeting to be held in each Year for the Payment and Diviſion of the Money by this Act directed to be paid and divided, cauſe an Account to be ſtated and made up in as full, clear, and diſtinct a Manner as may be, of all Sums of Money by them or their Treaſurer or Treaſurers received the preceding Year, and how the ſame have been paid, laid out, and expended, which Account ſhall be printed and diſtributed amongſt the Inhabitants of the ſaid Borough.