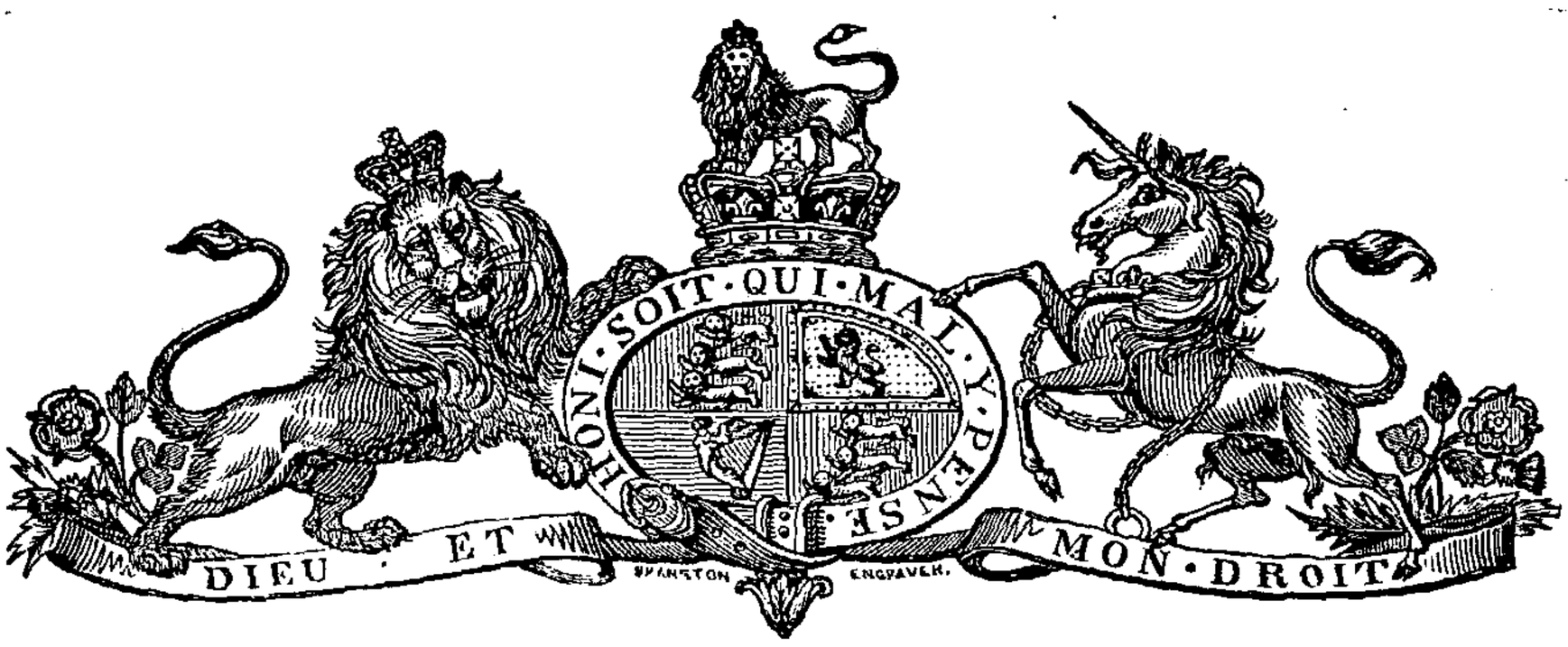


ANNO PRIMO

VICTORIÆ REGINÆ.

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1 & 2 G. 4. c. 32.

another Act was passed in the First and Second Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to amend the Laws respecting the inclosing of Open Fields, Pastures, Moors, Commons, and Waste Lands in* England: And whereas the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands in their present State yield but little Profit, but are capable of considerable Improvement; and if the same were divided and allotted among the several Persons and Parties interested therein in proportion to their several Rights, Properties, and Interests, and such Allotments inclosed, the same might be cultivated and improved to the manifest Advantage of the several Persons and Parties interested therein; but the same cannot be effected without the Aid and Authority of Parliament: 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 *James Croome* of *Acton Hall* in the Parish of *Berkeley* in the said County of *Gloucester*, Gentleman, shall be and he is hereby appointed the Commissioner for dividing, allotting, and inclosing the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands, and for putting this Act into execution, subject to the Rules, Orders, Directions, and Regulations contained in the said recited Acts, which shall be applied, deemed, and taken as Parcel of this Act, except in such Cases only where the same are hereby varied or altered, or where thesame are repugnant to or inconsistent with the Powers and Provisions of this Act.

Appointment of Commissioner.

Power of appointing new Commissioner.

II. And be it further enacted, That if the said *James Croome*, or any Commissioner to be appointed in his Stead as herein-after mentioned, shall die, or shall become incapable of acting, or shall refuse or neglect for the Space of One Calendar Month to act as a Commissioner in the Execution of this Act, it shall be lawful for the Majority in Value, to be ascertained by the Land Tax Assessment, of the Owners of or Persons interested in the Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands hereby directed to be divided, allotted, and inclosed, within Thirty Days next after such Death, Incapacity, Refusal, or Neglect shall happen or be known, or as soon after as conveniently may be, at a public Meeting to be called by any Two or more of the said Proprietors for that Purpose, of which Meeting Ten Days previous Notice shall be given by affixing such Notice on the principal Door of each of the Parish Churches of *Wickwar*, *Cromhall*, and *Tortworth* aforesaid, and inserting the same in the *Gloucester Journal*, and the *Gloucestershire Chronicle*, or such one of them as for the Time-being shall be published in the said County of *Gloucester*, by Writing under their Hands to appoint a proper Person (not interested in the said Division, Allotment, and Inclosure,) to be a Commissioner in the Room of the said *James Croome*, and in the Room of any Commissioner so to be appointed in his Stead who shall die, or become incapacitated, or refuse or neglect to act as aforesaid; and every Commissioner so to be appointed shall have the like Powers and Authorities for putting in execution this Act and the said recited Acts as if he had been named a Commissioner in and by this Act.

III. And

Commissioner to make a Declaration.

III. And be it further enacted, That no Person shall be capable of acting as Commissioner in the Execution of this Act (except for the signing and giving Notice for the First Meeting to be held for the Purpose of executing this Act) until he shall have made and subscribed the Declaration following before One of Her Majesty's Justices of the Peace for the County of *Gloucester*, which Declaration such Justice is hereby empowered to receive and administer; that is to say,

Form of Declaration.

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as Commissioner by virtue of an Act passed in the First Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*], according to Equity and good Conscience, and without Favour, Prejudice, Partiality, or Malice to any Person whomsoever.'

And such Declaration shall be in lieu of and as a Substitution for the Oath or Affirmation required by the said first-recited Act to be taken and subscribed by Persons acting as Commissioners in the Execution of any Act for dividing, allotting, or inclosing any Lands; which Declaration the Commissioner for the Time being, or any Justice of the Peace for the said County of *Gloucester*, is hereby empowered and required to administer or receive; and the said Declaration so made and subscribed by such Commissioner shall be annexed to and deposited with the Award of the said Commissioner.

Commissioner may employ a Surveyor.

IV. And be it further enacted, That it shall be lawful for the said Commissioner and he is hereby authorized and empowered to call to his Assistance and to employ such Person or Persons as he shall think proper as a Surveyor or Surveyors, Assistant or Assistants, in making the Valuations, Calculations, Surveys, and Allotments of the said Divisions and Inclosure, and from Time to Time to remove such Surveyor or Surveyors, Assistant or Assistants, and employ such other or others in his or their Stead as to the said Commissioner shall seem meet.

Surveyor to make a Declaration.

V. Provided always, and be it further enacted, That no Person shall be capable of acting as a Surveyor in the Execution of this Act until he shall have made and subscribed the Declaration following; (that is to say,)

Form of Surveyor's Declaration.

'I *A. B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Duties incumbent on me as a Surveyor by virtue of an Act passed in the First Year of the Reign of Queen *Victoria*, intituled [*here set forth the Title of this Act*], according to Equity and good Conscience, and without Favour, Prejudice, Partiality, or Malice to any Person or Persons whomsoever.'

Which Declaration the Commissioner for the Time being, or any Justice of the Peace for the said County of *Gloucester*, is hereby empowered and required to administer or receive; and the said Declaration so made and subscribed by any such Surveyor shall be annexed to and deposited with the Award of the said Commissioner.

Penalty on making false Declaration.

VI. And be it further enacted, That any Person making and subscribing a Declaration under the Authority of this Act who shall wilfully and corruptly

corruptly make and subscribe such Declaration, or who having made and subscribed such Declaration shall wilfully and corruptly act in contravention thereof, shall be subject to the like Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are or may be liable.

Allowance to Surveyor.

VII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the Person (if any) who shall for the Time being be employed or act under the Authority of the said Commissioner as Surveyor or Assistant for the Purposes of this Act shall be paid and allowed any Sum not exceeding One Shilling and Sixpence *per* Acre for his Time and Trouble in surveying, measuring, mapping, or planning the Lands and Grounds necessary to be surveyed for the Purposes of this Act; and when the Person (if any) so employed or acting as such Surveyor or Assistant shall not be occupied in surveying, mapping, measuring, or planning, but otherwise under the Authority of the Commissioner as a Surveyor or Assistant for the Purposes of this Act, the Sum of Two Pounds and Two Shillings *per* Day, and no more, shall be paid to such Person so employed as last aforesaid, in full Satisfaction for his Time and Trouble and for all travelling and other Expences of every Description to be incurred by him as such Surveyor or Assistant in and about the Execution of this Act.

Survey, &c. not to be made unless Commissioner shall deem it necessary.

VIII. Provided always, and be it further enacted, That nothing in the said recited Acts or this Act contained shall extend to require the said Commissioner, or any Surveyor to be employed by the said Commissioner, to make or cause to be made any Survey, Admeasurement, or Plan of any inclosed Lands or Grounds within the said Parishes of *Wickwar*, *Cromhall*, and *Tortworth*, or either of them, unless the said Commissioner shall deem such Survey, Admeasurement, or Plan necessary or expedient for the Purposes of the said recited Acts or this Act; and it shall be lawful for the said Commissioner, if he shall think it expedient and necessary, to use for the Purposes of the said recited Acts and this Act any Survey, Admeasurement, or Plan which shall have been made previously to the passing of this Act.

Commissioner may appoint a Clerk.

IX. And be it further enacted, That the Commissioner shall have a Clerk to assist him in the Execution of this Act, and *Thomas Lediard* of *Cirencester* Gentleman is hereby appointed such Clerk; and in case of the Death, Incapacity, Refusal to act, or Neglect of Duty of him the said *Thomas Lediard*, or of any succeeding Clerk, the Commissioner shall without Delay appoint another proper and sufficient Person to be such Clerk in his Room.

Meetings and Notices thereof.

X. And be it further enacted, That the said Commissioner shall and he is hereby required to give or cause to be given public Notice in Writing to be affixed upon the outer Door of each of the Parish Churches of *Wickwar*, *Cromhall*, and *Tortworth* aforesaid, on some *Sunday* before Divine Service, of the Time and Place of his first and every other Attendance or Meeting for the Execution of this Act, or of the Powers contained in the said recited Acts, at least Ten Days before any such Attendance or Meeting (Meetings by Adjournment only excepted); and the said Com-

Commissioner shall and may adjourn his Attendance or Meeting, or in case of his Absence, the Clerk to the said Commissioner shall and may adjourn any such Attendance or Meeting from Time to Time, as there shall be Occasion, for the further Execution of this Act: Provided always, that all Attendances or Meetings of the said Commissioner for executing this Act shall be given or held at some convenient Place within the Distance of Eight Miles from the Parish of *Wickwar*.

Other Notices how to be given.

XI. Provided always, and be it further enacted, That all other Notices requisite or necessary to be given by the said Commissioner in pursuance of the said recited Acts or of this Act shall be given by Advertisement, to be inserted in the *Gloucester Journal* and *Gloucestershire Chronicle*, or such one of them as for the Time being shall be published in the said County of *Gloucester*.

Allowance to Commissioner and Clerk.

XII. And be it further enacted, That out of the Monies which shall be raised for defraying the Expences of obtaining and passing this Act, and executing the same and the said recited Acts, the said Commissioner and the Clerk hereby appointed or to be appointed by him as hereinbefore directed shall respectively be paid for each and every Day they shall travel or be employed in any Business relating to the Execution of this Act or the said recited Acts, during the first Year next after the passing of this Act the Sum of Four Pounds and Four Shillings, and no more, and after the Expiration of the said One Year, until the Powers granted by this Act to the said Commissioner shall be fully executed and performed, the Sum of One Pound and One Shilling, and no more, in full Satisfaction for their Time and Trouble, and for the several Expences which they shall be put unto during their several Journies and Attendances in the Execution of this Act or the said recited Acts, other than and except the Expences for the Use of the Room in which the Meetings shall be holden for carrying this Act and the said recited Acts into execution, and the Costs and Expences of Agreements, Notices, and Advertisements, and of drawing, copying, engrossing, and enrolling the Award of the said Commissioner, or in any Manner attendant thereupon or connected therewith or preparatory or incidental thereto.

Proprietors to pay their own Expences.

XIII. And be it further enacted, That the said Proprietors, their Attornies and Agents, shall pay their own Expences when they or any of them shall attend the said Commissioner at any of his Sittings or Meetings to be holden for putting this Act and the said recited Acts into execution.

For regulating the Duration of Meetings.

XIV. And, for regulating the Duration of all Meetings to be held for the Purposes of this Act, be it enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings to be held between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and of Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*, and that any Meeting to be holden for the Purposes of this Act of a less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said Commissioner and the said Clerk shall be paid accordingly; and a Book shall be kept by the said Commissioner or his Clerk, in which shall be entered the several Days on which the said Commissioner shall hold his Meetings, and in such Book shall also be entered at what Hour the said Commissioner

was present at such Meeting and at what Hour he left the same, and such Book shall be signed by such Commissioner and his Clerk at the Termination of each Meeting, and shall be open to the Inspection of every Person interested in the said Inclosure, or his, her, or their Agents or Attornies, during all the Meetings to be held in pursuance of this Act; and all such Persons shall and may take Copies of or Extracts from such Book without paying any thing for the same: Provided also, that it shall not be lawful for the said Commissioner to retain or to pay himself or such Clerk out of any Monies to be received by him or over which he may have any Control in the Execution of this Act any Sum or Sums of Money on account of the Allowance herein-before directed to be made to such Commissioner and Clerk respectively beyond One Third of such Allowance as they shall be entitled to as aforesaid, until after the Expiration of Six Calendar Months from the Day of the Date of the Award to be made in pursuance of this Act, or in case the Accounts of the said Commissioner shall be appealed against, then not until such Appeal shall have been heard and decided: Provided nevertheless, that in case of the Decease of the said Commissioner or the said Clerk previous to the Execution of the said Award, the Commissioner for the Time being shall, after the Expiration of the Period allowed for Appeal against the Accounts herein-after directed to be made and stated, pay to the Executors or Administrators of such deceased Commissioner, or of such deceased Clerk, such Sum of Money as shall appear by the said Accounts to be due to them.

Commissioner may settle Disputes, but not determine Titles nor molest Possession.

XV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties interested or claiming to be interested in the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands, touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the same, or touching or concerning the Right to the Soil of the said Commons, Heaths, Downs, Commonable Places, and Waste Lands, or any or either of them, or touching or concerning any Allotment or Allotments to be made in lieu thereof, or touching or concerning any other Matter or Thing relating to the Division, Allotment, or Inclosure hereby directed to be made, it shall be lawful for the said Commissioner and he is hereby authorized and required to examine into, hear, and determine the same: Provided always, that nothing in this Act contained shall authorize or empower the said Commissioner to determine any Difference or Dispute touching the Title of any Person or Persons to any Messuages, Lands, Tenements, or Hereditaments whatsoever, nor to determine any Rights between any Parties contrary to the Possession of any of such Parties (except in Cases of Encroachment made within the Period of Twenty Years, as herein-after mentioned); but in case the said Commissioner shall be of opinion against the Right of any Person or Persons so in Possession, he shall forbear to make any Determination thereupon until the Possession shall have been given up by such Person or Persons, or shall have been recovered from such Person or Persons by Ejectment or other due Course of Law.

Commissioner may award Costs.

XVI. And be it further enacted, That in case the said Commissioner shall, upon the Hearing or Determination of any Claim or Claims, or Objection or Objections, to be delivered to him in pursuance of this Act

or

or the said recited Acts, see Cause to award any Costs, it shall be lawful for the said Commissioner and he is hereby empowered, upon Application made to him for that Purpose, to settle, assess, and award such Costs and Charges as he shall think reasonable to be paid to the Party or Parties in whose Favour any Determination of the said Commissioner shall be made by the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Claim or Claims or Objection or Objections shall be thereby disallowed or over-ruled; and in case the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be liable to pay such Costs and Charges, shall neglect or refuse to pay the same on Demand, then and in such Case it shall be lawful for the said Commissioner and he is hereby authorized and required, by Warrant under his Hand and Seal, 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, Party or Parties so neglecting or refusing to pay the same, together with the Costs and Charges of such Distress and Sale, rendering the Overplus (if any), upon Demand, to the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, whose Goods and Chattels shall have been distrained and sold.

Parties may try their Rights at Law.

XVII. Provided always, and be it further enacted, That in case any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, interested or claiming to be interested in the said intended Division, Allotment, and Inclosure, shall be dissatisfied with any Determination of the said Commissioner touching or concerning the respective Rights and Interests which they or any of them shall have or claim to have in the said Open and Common Meadows, Common Fields, Common Heaths, Downs, Commonable Places, and Waste Lands, then and in every such Case it shall be lawful for the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, so dissatisfied with the Determination of the said Commissioner, to cause an Action to be brought upon a feigned Issue against the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, in whose Favour such Determination of the said Commissioner shall have been made, within the Space of Three Calendar Months next after such Determination of the said Commissioner shall have been notified in Writing to the Party or Parties against whom such Determination shall have been so made, or to his, her, or their known Agent or Attorney, and thereupon the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, who shall be dissatisfied with the Determination of the said Commissioner, shall proceed to a Trial at Law of the Matter so determined by the said Commissioner at the next or at the second Assizes to be holden for the said County after such Action or Actions shall have been so commenced; and the Defendant or Defendants in such Action shall, and he, she, or they is and are hereby required to name an Attorney or Attornies who shall appear thereto or file Common Bail, and accept One or more Issue or Issues whereby the Claim or Claims and the Right or Rights thereby insisted on may be tried and determined, such Issue or Issues to be settled by the proper Officer of the Court in which such Action or Actions shall be commenced, in case the Parties differ about the same; and the Verdict or Verdicts which shall be given in such Action or Actions shall be final, binding, and conclusive upon all and every Person and Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, unless the Court in which such Action

or

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 given, and final Judgment obtained thereon, the said Commissioner is hereby required to act in conformity thereto, and to allow or disallow the Claim or Claims thereby determined according to the Event of such Trial or Trials: Provided always, that the Determination of the said Commissioner touching any such Claim or Claims as aforesaid, or touching or concerning any other Matter or Thing relating to the said Division, Allotment, or Inclosure which shall not be objected to (the Party or Parties objecting not causing such Action or Actions at Law to be brought and proceeded in within the Time and in manner aforesaid), shall be final and conclusive on all Parties.

Actions not to abate by Death of Parties.

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

If Parties die before Action brought, the same may be brought as if they had not died.

XIX. 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, or Body or Bodies Politic, Corporate, or Collegiate, who might have brought such Action or Actions against the Person or Persons so dying, to bring the same within the Time so limited as aforesaid against such Person or Persons as if actually living, and to serve the said Commissioner or his Clerk with Process for commencing such Action or Actions in the same Manner as the Party or Parties so dying might have been served therewith if living; and the said Commissioner or his Clerk shall serve the Heir or other Person or Persons who shall claim the Benefit of such Determination as aforesaid forthwith, or as soon as he, she, or they may be ascertained or known; and on such Service being made by the said Clerk it shall be incumbent on the Heir or Heirs, or other Person or Persons who shall claim the Benefit of such Determination as aforesaid, to appear and defend such Action or Actions in the Name or Names of the Person or Persons so dead; and Proceedings shall be had therein in the same Manner as if such Person or Persons had been actually living, and the Rights of all Parties shall be equally bound and concluded by the Event of such Action or Actions.

Suits not to impede the Act.

XX. Provided also, and be it further enacted, That if any Suit or Suits shall be commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Persons in or to any Messuages, Lands, Tenements, or Hereditaments whatsoever for or in respect of which any Right of Common or other Rights or Interests in, over, or upon the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands hereby directed or intended to be divided, allotted, and inclosed, or any Part thereof, shall be claimed, such Suit or Suits shall not impede, delay, or hinder

the said Commissioner from proceeding in the Execution of the Powers vested in him by this Act or the said recited Acts, but the Division, Allotment, and Inclosure of the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands, shall be proceeded in notwithstanding such Suit or Suits, and the Commissioner may award that the Allotment or Allotments in respect of the Hereditaments to which such Suit or Suits shall relate shall follow the Event of any Suit or Suits, and may be had and taken by the Person or Persons, Party or Parties who upon the Determination of such Suit or Suits shall become entitled to the same.

Deaths not to impede the Act.

XXI. And be it further enacted, That if any Person or Persons interested in the said intended Division, Allotment, and Inclosure shall die before the Execution of the Award of the said Commissioner, or before the said Division, Allotment, and Inclosure shall be completed, the Powers and Authorities hereby given to the said Commissioner shall not be thereby determined or suspended, but the said Commissioner shall proceed in the Execution of the Power given to him by this Act and the said recited Acts in such Manner as he might have done in case such Person or Persons were still living.

Encroachments made upwards of Twenty Years to be the Property of the Persons occupying or receiving Rent for the same.

XXII. And be it further enacted, That all Inclosures which shall have been at any Time or Times before the passing of this Act made upon or from the said Commons, Heaths, Downs, Commonable Places, or Waste Lands, which are now held by Lease under the Lord of the said Manors, and all other Inclosures and Encroachments which shall have been made upon or from the said Commons, Heaths, Downs, Commonable Places, or Waste Lands for Twenty Years or upwards before the passing of this Act, shall, with the Cottages and Buildings thereon, be deemed, for the Purposes of this Act, to belong to and be the Property of the Person or Persons possessing, occupying, or receiving Rent for the same in his, her, or their own Right: Provided always, that no Allotment shall be made for or in lieu of any Common Right which shall be claimed in respect of any such Cottages, Buildings, Encroachments, and Inclosures.

Other Encroachments.

XXIII. And be it further enacted, That all Inclosures which have been at any Time or Times within Twenty Years next before the passing of this Act made upon or from the said Commons, Heaths, Downs, Commonable Places, or Waste Lands, by any Person or Persons whomsoever, shall be deemed Part of the Commons, Heaths, Downs, Commonable Places, and Waste Lands to be divided, allotted, and inclosed by virtue of this Act: Provided always, that it shall be lawful for the said Commissioner and he is hereby required to allot such Inclosures or Encroachments to the Person or Persons possessing, occupying, or receiving Rent for the same, as and for the Whole or as and for Part of the Allotment or Allotments to which such Person or Persons may otherwise be entitled by virtue of this Act, in case any such Person or Persons shall be so otherwise entitled; and in case the Allotment or Allotments to which such Person or Persons shall be so otherwise entitled shall not be equal in Value to such his, her, or their Inclosure or Encroachment, or in case such Person or Persons shall not be entitled to any Allotment by virtue of this Act, then and in either of such Cases it shall be lawful for the said Commissioner to sell the Whole or any Part of such Inclosures or

or Encroachments respectively to the Person or Persons so possessing, occupying, or receiving Rent for the same, at such Price or Prices as the same, in the Estimation of the said Commissioner, shall be worth, having regard to the Value of the Waste Lands adjoining, but without taking into account the Value of any Building or other Improvements made upon any of such Encroachments; and upon such Person or Persons paying such Price or Prices to the said Commissioner at such Time or Times as he shall appoint for that Purpose, and taking his Receipt or Receipts for the same, every such Encroachment, or such Part thereof as shall be so purchased, shall be awarded to such Person or Persons, and shall be holden and enjoyed by him, her, or them accordingly; and the said Commissioner shall and he is hereby required to apply such Purchase Money in such and the like Manner as is herein directed of and concerning the Monies to arise by Sale of Lands; and in case any Dispute or Difference whatsoever shall arise touching such Encroachments or the Extent thereof, such Dispute or Difference shall be investigated and determined by the said Commissioner.

Encroachments from Common Meadows within Twenty Years to be allotted.

XXIV. And be it further enacted, That all Inclosures or Encroachments made from or out of any of the Common Fields and Common Meadows by this Act directed to be divided, allotted, and inclosed, within Twenty Years next before the passing of this Act, shall be deemed and taken to be Part of the said Common Fields and Common Meadows, and be divided and allotted accordingly.

The Poor's Land in Cromhall allotted.

XXV. And whereas an Act was passed in the Second Year of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Fifty-ninth Year of His Majesty King* George *the Third for the Relief and Employment of the Poor:* And whereas under the Authority and Provisions of that Act the Churchwardens and Overseers of the Poor of the said Parish of *Cromhall* have inclosed from the Waste or Common Land of the same Parish a certain Part or Portion of such Waste or Common Land for the Purposes in that Act specified: And whereas the Situation of such Portion of Land so inclosed as aforesaid will interfere with the beneficial Purposes of this Act, and an equal Quantity of Land may be conveniently substituted for the said Portion of Land so enclosed as aforesaid within the said Parish of *Cromhall;* be it therefore inacted, That the said Part or Portion of the said Waste or Common Land which has been so inclosed as aforesaid in the said Parish of *Cromhall* shall be deemed and taken to be Part of the Commons, Heaths, Downs, Commonable Places, and Waste Lands by this Act intended to be divided, allotted, and inclosed.

Allotment to be made in lieu thereof.

XXVI. Provided always, and be it further enacted, That the Commissioner aforesaid shall in some convenient Situation set out and allot to the Churchwardens and Overseers of the said Parish of *Cromhall*, to be by them held in like Manner as and in lieu of the said last-mentioned Portion of inclosed Land, such Part or Portion of the Commons, Heaths, Downs, Commonable Places, and Waste Lands hereby intended to be divided, allotted, and inclosed within the same Parish as shall in the Estimation of such Commissioner be equal in Size and Value to the Size and Value of the Land so inclosed as aforesaid under the Authority of the said last-recited Act.

XXVII. Pro-

Expences of fencing such Allotment.

XXVII. Provided always, and be it further enacted, That the said last-mentioned Allotment so to be set out by the said Commissioner as aforesaid shall be fenced in such Manner as the said Commissioner shall deem expedient and shall direct, and the Costs, Charges, and Expences of such Fencing shall be paid by the said Commissioner out of the general Funds to be raised for the Purpose of passing this Act and carrying the same into execution.

Such Allotment not to be liable to any Part of the Expences of this Act.

XXVIII. Provided also, and be it further enacted, That the Allotment so to be made to the Churchwardens and Overseers of the Poor of the said Parish of *Cromhall* shall not be deemed an Allotment in respect of which any Liabilities to any Share of the Costs and Charges of this Act shall be incurred by the Proprietors or Parties claiming to be Proprietors thereof, any thing in this Act to the contrary in anywise notwithstanding.

Commissioner may discontinue or alter Roads.

XXIX. And be it further enacted, That it shall be lawful for the said Commissioner, if he shall think it necessary or proper, with the Consent and under the Order in Writing of any Two Justices of the Peace for the said County of *Gloucester*, to continue or discontinue, stop up, divert, turn, or alter any of the Carriage Roads, Highways, Bridle Roads, or Footways within the said Parishes respectively (other than and except Turnpike Roads); and the Soil of the Roads and Ways so to be discontinued and stopped up, and which may pass through or over any of the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands, but not otherwise, shall be deemed and taken to be Part of the Lands to be divided, allotted, and inclosed by virtue of this Act; and the Soil of the Roads and Ways so to be discontinued and stopped up, and which may pass through or over any of the old inclosed Lands in the said Parishes or in either of them, shall vest in the Owner of the Lands adjoining thereto in the following Proportions; that is to say, One Moiety thereof in the Owner of the Lands on the one Side thereof, and the Remainder in the Owner of the Lands on the other Side thereof.

Power to widen Roads, making Compensation.

XXX. And be it further enacted, That it shall be lawful for the said Commissioner, when he shall see it necessary, to widen any of the Highways within the said Parishes respectively, and for that Purpose to take a sufficient Quantity of the inclosed Lands adjoining to such Highways, (the same not being a Yard, Garden, Orchard, Park, Paddock, Plantation, or Avenue to any House,) and to make a full Compensation for the Value of the Land so to be taken for the widening of such Highway by a Payment in Money, or by allotting and awarding unto the Person from whom such ancient inclosed Land shall be so taken an adequate Part of the said Commons, Heaths, Downs, Commonable Places, and Waste Lands, at the Option of the Person whose Land shall be so taken, and also to make good and substantial Fences on each Side of all such widened Highways for or in lieu of the Fences which shall be injured or destroyed by means of such widening.

Proceedings previous to diverting and stopping Highways.

XXXI. Provided always, and be it further enacted, That before such Order as is herein-before mentioned shall have been made, or any Highway shall be discontinued, stopped up, diverted, or altered by the said Commisssioner, the said Commissioner shall cause to be affixed at each End of the Highway so proposed to be discontinued, stopped up, diverted,

diverted, or altered, as the Case may be, a Notice thereof signed by the said Commissioner, and the said Commissioner shall also cause a like Notice to be inserted in such Newspapers or Newspaper as aforesaid for Three successive Weeks, and shall also cause a like Notice to be affixed on the principal outer Doors of the Churches of each of the said Parishes on the Three *Sundays* of the said Three successive Weeks; and after the making of the said Order, and after the several Notices shall have been so affixed and published as aforesaid, the said Highway shall be and shall be deemed to be discontinued, stopped up, diverted, or altered, as the Case may be, subject however to such Appeal to the Court of General Quarter Sessions for the said County as is herein-after mentioned.

Persons aggrieved by any Road being diverted, &c. may appeal.

XXXII. Provided also, and be it further enacted, That it shall be lawful for any Person who may think that he or she would be injured or aggrieved if any such Highway shall be discontinued, stopped up, diverted, or altered, to make his or her Complaint thereof by Appeal to the Justices at any General Quarter Sessions of the Peace to be holden for the said County, within Four Calendar Months next after the Date of such Notice, giving to the Clerk to the said Commissioner Twenty Days Notice in Writing of such Appeal, together with a Statement in Writing of the Grounds thereof: Provided also, that it shall not be lawful for the Appellant to be heard in support of such Appeal unless such Notice and Statement shall have been so given as aforesaid, nor on any Hearing of Appeal to give Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

In case of Appeal, Jury at Sessions to determine.

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

hereby authorized and required to award to the Party appealing such Costs and Expences as shall be incurred in prosecuting such Appeal, and such Costs and Expences shall be paid by the said Commissioner, and shall be raised by him in such and the same Manner as he is hereby directed or empowered to raise the Money necessary for discharging the Costs, Charges, and Expences of this Act.

On dismissal of Appeal, Order of Commissioner to be final.

XXXIV. Provided always, and be it further enacted, That from and after the Dismissal of any such Appeal as aforesaid the Order or Award of the said Commissioner for discontinuing, stopping up, diverting, or altering any such Highway shall be final and conclusive, and be of full Force and Effect; and the Charges and Expences of the discontinuing, stopping up, diverting, altering, or widening of such Roads or Highways, and the making of such Fences as aforesaid, shall be raised and paid in such and the like Manner as the Expences of passing and executing this Act are hereby directed to be raised and paid.

Commissioner empowered to straighten Boundaries.

XXXV. And be it further enacted, That for the Purpose of rendering straight any Boundary Fence between the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands, and the Lands, in any adjoining Manor, it shall be lawful for the said Commissioner (with the Consent of the Lord or Lords of the Manor or Manors, and of the Owner or Owners of the Lands or Grounds liable to be affected thereby, testified by Writing under their respective Hands, or under the Common Seal of any of them being a Corporation Aggregate,) to set out and ascertain the Boundaries between the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands, and the Lands lying in such adjoining Manor, in such Manner as he shall judge proper for the Purposes aforesaid; and after such Boundaries shall have been set out and ascertained as aforesaid, the same shall be fenced by such Person, in such Manner, and at or during such Times as the said Commissioner shall direct, and shall for ever thereafter be deemed the Boundaries between the said Open and Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands, and such adjoining Manor; any Law, Usage, or Custom to the contrary thereof notwithstanding.

Proportionate Allotments in each Parish to be set out to pay Expences.

XXXVI. And be it further enacted, That the said Commissioner shall mark, set out, and allot in each of the said Parishes, in proportion or as near as may be to the Quantity and Value of the said Common Fields, Commons, Heaths, Downs, Commonable Places, and Waste Lands intended to be hereby inclosed in each of the said Parishes respectively, such Parts and Parcels thereof as taken collectively in the said Parishes he shall judge fit and sufficient in Value to defray the Costs, Charges, and Expences preparatory or incident to or attending the applying for and obtaining and passing this Act, and carrying the same and the said recited Acts into full Effect, and shall from Time to Time, when and as he shall find it expedient, sell and dispose of such Allotments, either by public Auction or private Contract, in the Manner and subject to the Regulations mentioned and contained in the said first-recited Act; and the said Commissioner shall, on Receipt of the respective Purchase Monies for such Allotments so to be sold for the Purposes aforesaid, and he is hereby authorized

authorized and empowered, by Indenture or Indentures under his Hand and Seal duly executed and attested (such Conveyance or Conveyances to be prepared at the Expence of the Purchaser or Purchasers), to convey, assure, and confirm, by way of Lease and Release, or by Deed of Feoffment, the same Allotments unto and to the Use of the respective Purchasers thereof, his, her, or their Heirs and Assigns for ever, or unto such Person or Persons, and to and for such Uses, Ends, Intents, and Purposes, and upon and for such Trusts as such respective Purchasers shall by any such Deeds of Lease and Release or Feoffment direct or appoint; and every such Conveyance shall be valid and effectual in the Law according to the Form and Effect of such Conveyance or Conveyances; and the Receipt of the said Commissioner for such respective Purchase Monies shall be a sufficient Discharge to the respective Purchasers of the same, and such respective Purchasers shall not be liable to see to the Application or be answerable for the Misapplication of such Purchase Monies or any Part or Parts thereof respectively; and the Money arising by such Sale or Sales shall, after Payment of the Charges and Expences attending such Sale or Sales, be applied by the said Commissioner for the Purposes aforesaid; and in case any Surplus shall remain after Payment of all such Costs, Charges, and Expences as aforesaid, then and in such Case such surplus Money shall be divided and apportioned between the several Proprietors and Persons interested in the Lands hereby directed to be divided, allotted, and inclosed, in such Shares as shall be in proportion to their respective Rights and Interests, and the Shares of such of them as shall be Tenants in Fee Simple shall be paid to them respectively, and the Shares of all others of such Proprietors and Persons shall be paid, applied, and disposed of in manner directed by this Act in Cases where any Money to be paid for the Purchase or Exchange of Land is directed to be paid into the Bank of *England*, and to be laid out in the Purchase or Exchange of other Lands, Tenements, or Hereditaments, to be settled to the same Uses.

Application of Surplus.

Deficiency of Sales how to be raised.

XXXVII. Provided always, and be it further enacted, That if the Monies to be produced by such Sale or Sales as aforesaid shall not be sufficient to pay all the Charges and Expences aforesaid, then the Deficiency shall be borne, defrayed, and paid by the several Persons interested in the said Lands and Grounds hereby directed to be divided, allotted, and inclosed, in proportion and according to their respective Rights and Interests therein (such Proportion to be settled and ascertained by the said Commissioner), and shall be raised by a Rate or Rates, and be paid by them to such Person or Persons, in such Manner, and at such Time or Times as the said Commissioner shall by Writing, to be fixed on the principal outer Door of each of the Parish Churches of *Wickwar*, *Cromhall*, and *Tortworth* aforesaid, Fourteen Days at the least previous to the Day of Payment, order and direct; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of the said Deficiency as aforesaid, then the same shall be levied and recovered in the Manner directed by the said recited Acts in case the Expences of obtaining and executing this Act had been directed to be paid in proportion by the Proprietors of Lands or Grounds to whom Allotments shall be made instead of being raised by Sale of Land as by this Act is directed.

XXXVIII. And

Allotments to the Lord of the Manor.

XXXVIII. And be it further enacted, That the said Commissioner shall set out and allot unto and for the Lord of the said Manors so much and such Part or Parts of the said Commons, Heaths, Downs, Commonable Places, and Waste Lands by this Act authorized to be divided, allotted, and inclosed as shall, in the Judgment of the said Commissioner, be equal in Value, Quality and Situation considered, to One Eighteenth Part of the whole of the Common and Waste Lands which are subject to the Operation of this Act, in lieu of and as a full Compensation and Satisfaction for the Rights and Interests of the Lord of the said Manors in and to the Soil of the said Commons, Heaths, Downs, Commonable Places, and Waste Lands, and other his Rights and Interests, in respect of Common, Forest, and other Rights in, over, or upon the said Commons, Heaths, Downs, Commonable Places, and Waste Lands, but not to exclude him from taking or receiving any other Allotment or Allotments to which he may be entitled under the Provisions herein-after contained.

Allotments of Residue to Persons interested in lieu of Right.

XXXIX. And be it further enacted, That the said Commissioner shall and he is hereby authorized to apportion, set out, allot, and award the Residue of the said Commons, Common Meadows, Common Fields, Heaths, Downs, Commonable Places, and Waste Lands hereby directed to be divided, allotted, and inclosed, unto and amongst the several Persons, and Bodies Politic, Corporate, or Collegiate, interested therein, according to their several or respective Rights and Interests therein respectively; and in setting out the several Allotments to be made under and by virtue of this Act the said Commissioner shall and he is hereby required to have due Regard to the Situation and Convenience, as well as to the Quantity and Quality of the Lands to be allotted, so as that the Allotment or Allotments of each Person be laid as contiguous to their Farms and Estates as conveniently may be consistently with the general Convenience of the Parties interested in the said Division, Allotment, and Inclosure: Provided always, that the said Commissioner may and he is hereby authorized to allot the Right or Share of any Person or Persons in all or any of the said Common Meadows, Common Fields, Commons, Heaths, Downs, and Commonable Places in any One or more of such Common Fields, Common Meadows, Heaths, Downs, and Commonable Places within either of the said Parishes: Provided also, that no Allotment shall be made or set out by the said Commissioner in respect of any Interest which the Churchwardens or Overseers of the Poor of the Parishes of *Wickwar*, *Cromhall*, and *Tortworth* respectively, or the Poor of the said Parishes respectively, may have or claim to have in the Common Heaths, Downs, Commonable Places, and Waste Lands, in respect of their Proprietorship of any Portion of Waste or Common Land which may have been inclosed under the Authority of the herein-before mentioned Act of the First and Second Year of the Reign of King *William* the Fourth, intituled *An Act to amend an Act of the Fifty-ninth Year of His Majesty King* George *the Third for the Relief and Employment of the Poor*. 1 & 2 W. 4. c. 42.

Allotment for Recreation of the Poor.

XL. And be it further enacted, That the said Commissioner shall and he is hereby required to set out and allot to the Lord of the said Manors so much and such Parts of the said Commons, Heaths, Downs, Commonable Places, and Waste Lands as in the Judgment of the said Commissioner shall be sufficient and convenient (not less than Three Acres) for

for a Place of Recreation and Exercise for the Inhabitants of the said Parishes and of the Neighbourhood of such Commons, Heaths, Downs, Commonable Places, and Waste Lands, and such Allotment shall be holden by the Lord for the Time being of the said Manor of *Wickwar* for the Purposes aforesaid.

Rhines, Drains, &c. to be made.

XLI. And be it further enacted, That the said Commissioner shall and may and he is hereby empowered to make or cause to be made (if necessary) Rhines or Drains of a sufficient Depth and Width to drain the said Heaths, Downs, Waste Lands, Common Meadows, and Commonable Places hereby intended to be inclosed, and also cause to be erected and made such Bridges over the said Rhines or Drains as shall be necessary for the Use and Convenience of the several Proprietors of Allotments to be made as aforesaid; and that the said Commissioner shall and may scour, widen, and repair all ancient Rhines, Drains, Watercourses, and Bridges in, through, or by the Side of any of the said Lands, or of any old Inclosure within the said Parish, as he shall deem necessary for the more effectually draining the Lands hereby intended to be inclosed, and also for the better and more effectually draining any old Inclosures within the said Parishes of *Wickwar*, *Cromhall*, and *Tortworth*, or either of them; and that the said Commissioner shall and may and he is hereby required to direct in his Award at whose Expence and by whom the said Rhines, Drains, Bridges, and Watercourses shall be thereafter cleansed, repaired, and maintained: Provided always, that where any such Rhines or Drains shall be made for the exclusive Benefit of any old Inclosures, the same shall be done at the Expence of the Proprietor of such old Inclosures, to be paid and borne by them respectively in such Proportions, at such Time or Times, and in such Manner as the said Commissioner shall, by any Writing under his Hand, order or direct; and in case any Person or Persons shall refuse or neglect to pay his, her, or their Share or Proportion of such Expences accordingly, the same shall be levied and recovered in such and the same Manner as is herein-before mentioned for levying and recovering the Expences of this Act in case the Money to arise from the Sale or Sales herein-before directed shall be insufficient for that Purpose: Provided also, that nothing in this Act contained shall extend or be construed to extend to abridge or lessen the Powers and Authorities of the Commissioners of the Court of Sewers holden for the Lower Level of the County of *Gloucester*, wherein the said Parishes of *Wickwar*, *Cromhall*, and *Tortworth* are situate.

Parties may pay their Share of Costs in Money, instead of same being paid by Sale of Land.

XLII. Provided always, and be it further enacted, That in case any Proprietor or Proprietors of the said Commons, Heaths, Downs, and Waste Lands or Allotments shall be desirous of paying his, her, or their respective Shares of the said Expences in Money instead of sustaining a Loss of Land for that Purpose, and shall give Notice to the Commissioner in Writing within Three Calendar Months from the Time of the passing of this Act of such his, her, or their Desire, then and in all such Cases such Expences shall be paid, borne, and defrayed by such respective Proprietor or Proprietors or Persons interested in the said Lands or Allotments, in and by such Shares and Proportions and at such Time or Times and to such Person or Persons as the said Commissioner shall, by Writing under his Hand to be given to such Proprietor or Proprietors, or left for him, her, or them at his, her, or their last or usual Place of Abode, at least Ten Days before

before such Time or Times of Payment, order and direct; and in case any such Proprietor or Proprietors shall refuse or neglect to pay his, her, or their Proportion or Proportions of such Expences within the Time or Times directed by the said Commissioner, the same shall or may be levied and recovered in manner directed or provided by the said first-recited Act for Recovery of any Charges or Expences.

Meeting for determining Objections to Allotments.

XLIII. Provided always, and be it further enacted, That when and as soon as the said Commissioner shall have ascertained the respective Rights and the Shares and Interests of the Proprietors of the Lands and Grounds to be divided and inclosed by virtue of this Act, and also the respective Shares and Proportions by him proposed to be allotted to such Proprietors respectively in lieu thereof, he the said Commissioner shall give Fourteen Days Notice at the least, as well by Notice to be affixed on the principal outer Church Doors of each of the said Parishes as by Advertisement in such Newspapers or Newspaper as aforesaid, of some convenient Time and Place when and where all Persons interested therein may inspect a Map or Plan whereon the same shall be sketched out and delineated; and as some Persons may on such Inspection be dissatisfied with their intended Allotments, the said Commissioner shall give Notice of One Meeting at least to be held by him for receiving Complaints and Objections; and the Determination of the said Commissioner with respect to such Allotments, being reduced into Writing and signed by the said Commissioner, shall be binding, final, and conclusive upon all Parties.

Fencing.

XLIV. And be it further enacted, That all and every Persons and Person to whom any such Allotment or Allotments shall be so made and set out shall, at his, her, and their own Costs and Charges, inclose and fence in the same on such Sides within such Time, and in such Manner, as the said Commissioner shall by his Award or by any other Writing under his Hand order and direct.

Proprietors not obliged to fence where there are old Fences standing.

XLV. And be it further enacted, That nothing in this Act shall extend or be construed to extend to compel or oblige any Person whose Allotment or Share in the intended Inclosure shall lie next to any old inclosed Ground, or to any Land in any other Parish whereon there is now standing, growing, or being any Wall, Hedge, or any Brook or Rivulet, as a Boundary Fence to the same, to make any Fence or Fences next or adjoining to any such old inclosed Ground or Land for inclosing such Allotment or Share, but that the ancient Mound or Fence which divides such inclosed Ground or Land from such Allotment shall (except in Cases where the ancient Mounds and Fences shall have been moved for the Purpose of straightening any Boundary Fence under the Power hereinbefore contained) for ever be and remain as a Boundary Fence for the Purpose of such Division, and shall from Time to Time be maintained, cleansed, and repaired at the Costs and Charges of the respective Proprietors in the same Manner as if this Act had not been passed.

Power to erect dead Fences to preserve Quicksets.

XLVI. And be it further enacted, That it shall be lawful for the Owners or Proprietors of the several Allotments to be made by virtue of this Act, at any seasonable Times within the Space of Seven Years next after the Date of the Commissioner's Award, to set up, erect, and make Posts, Rails, or other dead Fences on the Outside of the Ditches bounding their

their several Allotments, not exceeding Three Feet from such Ditches, for the Preservation of their Quicksets or other Hedges, and at any seasonable Times within the said Term to take and carry away the Materials thereof.

Power to erect Swing Gates.

XLVII. And be it further enacted, That the Proprietors of the Allotments to be made by virtue of this Act shall, from the Time of making or setting out the same, have Power to erect and continue for the Space of Seven Years any Swing Gate or Gates across any of the Roads or Lanes to be set out and appointed by virtue of the said first-recited Act or this Act which shall adjoin or go through their respective Allotments, for the Purpose of separating such Allotments, or for the keeping out Cattle to prevent their destroying any Quicksets or new planted Hedges for making such Allotments, so that the respective Persons for whose Use and Convenience any such Gate or Gates shall be so erected do and shall, before they erect the same, at their Expence make substantial covered Drains and Bridges over or across the Passages or Gateways, if necessary, and sufficiently keep in repair such Drains and Bridges, and also the Roads and Lanes for the Space of Twenty Feet on each Side of such Gate or Gates.

Alterations may be made in the Allotments before the Award.

XLVIII. Provided also, and be it further enacted, That it shall be lawful for the said Commissioner, at any Time before the executing his final Award, to make any such Alterations in the Allotments or in the Fences which he may have set out and ordered, or in any of the Orders and Directions relating thereto, which he may have made in pursuance of this Act or the said recited Acts, as he may think right and expedient; and in case any Person or Persons shall be injured by any such Alteration on account of any Expences he, she, or they may have been at, or otherwise, the said Commissioner shall ascertain and determine what Recompence shall be made to him, her, or them for such Injury, and shall order and direct by whom and in what Manner such Recompence shall be made, to be levied and recovered, in case of Nonpayment, in the same Manner as the Costs and Charges of obtaining and executing this Act might be levied and recovered by virtue of the said recited Act of the Forty-first Year of the Reign of King *George* the Third in case the same had been directed to be raised by a Rate upon the Proprietors.

Omissions in Award may be remedied by a supplementary Instrument.

XLIX. And be it further enacted, That if for Want of Information or any other Cause the said Commissioner shall have omitted to distinguish in his Award the several Tenures under which any of the said Lands or other Hereditaments are or shall be holden, or the several Rents, Payments, Fines, Heriots, Customs, or Services to which the same are or shall be held, or to set out and award several and distinct Allotments, it shall be lawful for the said Commissioner and he is hereby authorized, at any Time within Twelve Calendar Months after the Date and Execution of his Award, upon Request in Writing to him made by the respective Proprietors of any such Allotments, Lands, and other Hereditaments, or other Persons interested therein, or their Agents, to do all such Acts as shall be necessary for supplying such Omission, and for that Purpose to examine Witnesses, and proceed as if his Award had not been made, and by any Deed or Instrument under his Hand and Seal to distinguish, ascertain, and set out the Allotments, Lands, and Hereditaments held by different Tenures,

Tenures, and the several Rents, Payments, Fines, Heriots, Customs, and Services to which the same respectively are subject, and also the Allotments, Lands, and Hereditaments held by, for, or under different Estates or Titles respectively, in the same Manner as he is hereby authorized to do in his Award; and every such separate Instrument shall be enrolled and deposited with the Award of the Commissioner, and shall thenceforth be deemed and taken to be Part thereof to all Intents and Purposes whatsoever; and all Expences which shall be reasonably incurred in or about any such subsequent Inquiry or separate Instrument as aforesaid, and the Enrolment thereof, shall be paid by the Person or Persons who shall have requested the said Commissioner to make and execute the same, or his, her, or their Heirs, Executors, or Administrators.

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

L. And be it further enacted, That if any Person hath sold, or shall at any Time before the Execution of the Award of the said Commissioner sell, his or her Right, Interest, and Property in the said Commons, Heaths, Downs, Commonable Places, and Waste Lands hereby directed to be divided and allotted, or any Part thereof, to any Person, then and in every such Case it shall be lawful for the said Commissioner and he is hereby authorized and required, upon such Sale being notified to him in Writing, to make an Allotment of Land unto the Vendee or Purchaser in every such Sale, or to his or her Heirs and Assigns, for and in respect of such Right, Interest, and Property so sold as aforesaid, and every such Vendee or Purchaser, or his or her Heirs or Assigns, shall and may from and after the Execution of the said Award hold and enjoy the Land so to be allotted to him or her as aforesaid in the same Manner to all Intents and Purposes as the Vendor in every such Sale might, could, or ought to have held and enjoyed the same in case such Sale had not been made, or such Right, Interest, or Property had been vested in such Vendor at the Time of making such Allotments as aforesaid; and it shall be lawful for any Person or Persons who shall be entitled to any Allotment or Allotments under or by virtue of this Act to give, grant, bargain, sell, surrender, demise, mortgage, limit, appoint, convey, and assure the same Allotment or Allotments, or all or any Part of his, her, or their Estate or Interest therein or Right thereto, at any Time before the Execution of the said Award, and every such Gift, Grant, Sale, Surrender, Demise, Mortgage, Limitation, Appointment, Conveyance, and Assurance shall be of the same Force and Validity as if the same had been made after the Execution of the said Award; and it shall be lawful for any Person or Persons entitled to any Allotment as aforesaid to sell, dispose of, and convey the Estate in right of which he, she, or they may be entitled to any such Allotment separate and apart from and retaining to himself, herself, or themselves such Allotment, Common Right, and Interest, and the said Commissioner is hereby required to award such Allotment or Allotments accordingly.

Lands to be of the same Tenure as those in right of which they may be allotted.

LI. And be it further enacted, That all and every the Lands and Hereditaments which shall be allotted by virtue of this Act or the said recited Acts shall be holden and shall be deemed and taken to be under and subject to the same Tenures, Customs, Heriots, Fines, Rents, and Services as the respective Messuages, Lands, Tenements, and Hereditaments in respect whereof such allotted Lands shall be made are now subject to.

LII. And

Power to extinguish Rights of Common, and regulate Course of Husbandry.

LII. And be it further enacted, That it shall be lawful for the said Commissioner, at any Time when he in his Judgment shall think it convenient and proper, by Notice for that Purpose under his Hand to be affixed on the principal outer Door of the said Parish Churches of *Wickwar*, *Cromhall*, and *Tortworth* aforesaid, on some *Sunday* before Divine Service, to order the Right of Common in, upon, and over the Lands and Grounds hereby directed to be divided and inclosed, or any of them, to be extinguished either in the whole or in part, or to be suspended; and from and after the Time or Times to be mentioned in and appointed by any such Notice all such Right of Common as shall thereby be directed to be extinguished or suspended shall be extinguished according to and as shall be expressed in and directed by such Notice; and until such Division and Allotment as is hereby directed shall have been made of the Lands and Grounds to be divided and allotted, all such Lands and Grounds shall be stocked with such Cattle, and at such Times, and in such Manner only, and the Tillage Lands shall be sown by the Occupiers thereof, or by such other Persons as the said Commissioner shall appoint, with such Sorts of Corn and Grain, and with such Kinds, Quantities, and Qualities of Grass, Turnips, and other Seeds, and shall be kept, ordered, and continued in such Course of Husbandry and Tillage, as the said Commissioner shall by Writing under his Hand in that Behalf direct, any Usage or Custom to the contrary notwithstanding; and that no Meadow, Pasture, or fresh Ground, Part of the Lands and Grounds hereby directed to be divided and allotted, and not in Tillage at the Time of passing this Act, shall be, without the Consent in Writing of the said Commissioner, before the Allotment thereof, ploughed, broken up, or converted into Tillage; and every Occupier of any such Land or Ground who shall refuse or neglect to comply with any such Direction of the said Commissioner, or who shall plough, break up, or convert into Tillage any such Meadow, Pasture, or fresh Ground, without the Consent in Writing of the said Commissioner, shall forfeit and pay the Sum of Five Pounds for every Acre of such Tillage Land with respect to which such Refusal or Neglect shall happen, and of every Acre of such Meadow, Pasture, or fresh Ground which shall be ploughed, broken up, or converted into Tillage, and so in proportion in each Case for a greater or less Quantity than an Acre.

Penalty on Persons stocking Lands after Extinguishment of Right of Common.

LIII. And be it further enacted, That if any Person or Persons, after any Right of Common or Feeding shall be suspended or extinguished under or by virtue of this Act or the said recited Acts, and before the Execution of the Award of the said Commissioner, shall during such Suspension or Extinguishment thereof stock or depasture with Cattle, Sheep, or other Stock any Part of the said Grounds on which such Right of Common or Feeding shall be so directed to be suspended or extinguished as aforesaid, it shall be lawful for any Person or Persons by the said Commissioner to be appointed from Time to Time to distrain all such Cattle, Sheep, and other Stock then being or depasturing upon any Part of the said Lands and Grounds after the said Right of Common or Feeding shall be suspended or extinguished, and the same to impound as Cattle Damage feasant.

Cattle not to be turned into Lanes.

LIV. Provided always, and be it further enacted, That no Person shall at any Time after the Execution of the said Award turn or put or cause

to be turned or put any Horses, Cattle, Asses, Mules, Sheep, Swine, or Lambs into any of the Roads or Ways to be set out by virtue of this Act or the said recited Acts.

Exchanges.

LV. And be it further enacted, That it shall be lawful for the said Commissioner to set out, allot, and award any Lands, Tenements, or Hereditaments within the said Parishes of *Wickwar*, *Cromhall*, and *Tortworth*, or either of them, in lieu of and in exchange for any other Lands, Tenements, or Hereditaments within either of the said Parishes, or within any adjoining Parish, Township, or Place, provided all such Exchanges be ascertained, specified, and declared in the Award of the said Commissioner, and be made with the Consent of the Owner or Owners of the Lands, Tenements, or Hereditaments which shall be so exchanged, whether such Owner or Owners be a Body or Bodies Politic, Corporate, or Collegiate, or a Tenant or Tenants in Fee Simple, or in Fee Tail, General or Special, or for One or more Life or Lives, or by the Curtesy of *England*, or for Years determinable on a Life or Lives (by and with the Consent of the Lessor or Lessors, and not otherwise), or with the Consent of the Guardians, Trustees, Feoffees for charitable or other Uses, Husbands, Committees, or Attornies of or acting for any such Owners as aforesaid who at the Time of making such Exchange or Exchanges shall be respectively Infants, FemesCovert, Lunatics, 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 Politic, Corporate, or Collegiate, and under the Hands of the other consenting Parties respectively; and all and every Exchange and Exchanges so to be made shall be good and effectual in the Law to all Intents and Purposes whatsoever: Provided nevertheless, that no Exchange shall be made of any Lands, Tenements, or Hereditaments held in right of any Church, Chapel, or other Ecclesiastical Benefice, without the Consent testified as aforesaid of the Patron thereof, and of the Lord Bishop of the Diocese in which such Lands, Tenements, or Hereditaments so to be exchanged shall be and be situate.

Expences of Exchanges and Partitions by whom to be paid.

LVI. Provided always, and be it further enacted, That the Costs, Charges, and Expences attending the making of any Exchange or Exchanges, Partitions, Sale or Sales, to be made by virtue of this Act or the said recited Acts (other than Sales of Common or Waste Grounds for the Expences of this Act), shall be borne, paid, and defrayed by the several Persons making such Exchanges, Partitions, or Purchases, in such Shares and Proportions as shall be agreed upon by the exchanging Parties, and the said Commissioner shall in and by his said Award order and direct.

Leases at Rack Rent to be void.

LVII. And be it further enacted, That every Tenant and Occupier under any Lease or Agreement for any Term of Years at Rack Rent now subsisting on any Lands or Hereditaments which shall be allotted or exchanged by virtue of this Act within either of the said Parishes shall, immediately after the signing of the Award of said Commissioner, or within such further Time as the said Commissioner shall appoint, and whereof Notice in Writing shall be given to such Tenant or Occupier for that Purpose, deliver up the full and peaceable Possession of such allotted or exchanged Lands and Hereditaments to the Person or

Persons to or with whom the same shall be allotted or exchanged; but the Tenants or Occupiers of such allotted or exchanged Lands and Hereditaments shall receive from the respective Owners and Proprietors thereof such Satisfaction as the said Commissioner shall ascertain, order, and direct to be paid to such Tenants respectively as an Equivalent for the Loss or Losses they may respectively sustain thereby; and if the Money to be ascertained as aforesaid shall not be paid to the Person or Persons entitled to receive the same within Ten Days after Demand thereof, it shall and may be lawful to and for the said Commissioner and he is hereby required to raise and levy the same for the Use and Benefit of the Person or Persons entitled thereto by such Ways and Means as the Costs, Charges, and Expences of executing this Act can or may be raised or levied: Provided always, that nothing herein contained shall be considered to extend to vacate any Lease or Leases otherwise than as aforesaid.

Wills and Settlements not to be affected.

LVIII. And be it further enacted, That nothing in this Act contained shall extend, or be construed, deemed, adjudged, or taken to revoke, make void, impeach, annul, alter, or prejudice any Settlement, Will, Mortgage, or Deed, or other Instrument whatsoever, or to prejudice any Person or Persons having or claiming any Dower, Freebench, Jointure, Rent Service, Debt, Charge, Mortgage, or Incumbrance whatsoever in, out of, upon, or affecting any of the Lands or Grounds to be divided, allotted, and inclosed as aforesaid, or any Messuages, Lands, Tenements, or Hereditaments which shall be exchanged or divided in pursuance of this Act or the said recited Acts, or Part or Parcel thereof respectively; but that the several Lands so to be allotted or exchanged or divided as aforesaid shall, from and after making of such Allotments and Exchanges, Partitions, or Divisions respectively, be, remain, and enure, and be held and enjoyed by, and the several Persons to whom the same shall be allotted or given in exchange shall from thenceforth stand, be seised, and possessed thereof respectively to such and the same Uses, and for such and the same Estates, and with such and the same Powers and Authorities, and subject to the same Wills, Limitations, Conditions, Settlements, Provisions, Remainders, Reversions, Mortgages, Uses, Trusts, Powers, Provisoes, Rents, Debts, Charges, and Incumbrances as the several Messuages, Lands, Tenements, and other Hereditaments in respect or lieu whereof such Allotments and Exchanges shall be respectively made were or would have stood severally limited or affected by or charged with or subject and liable to in case this Act had not been passed.

Application of Compensation Money when amounting to 200*l.*

LIX. And be it further enacted, That whenever any Sum of Money is, under the Provisions of the said recited Act of the Forty-first Year of the Reign of King *George* the Third or this Act, to be paid for the Purchase or Exchange of any Lands, Tenements, or Hereditaments, or of any Timber or Wood growing thereon, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, and which Money ought to be laid out in the Purchase of other Lands, Tenements, or Hereditaments,

ditaments, to be settled to the same Uses, it shall and and may be lawful to and for the said Commissioner, out of such Sum, to defray such Proportion of the Expence of passing this Act and of carrying the same and the said recited Acts into execution as shall (if any) be charged upon any of the Lands, Tenements, or Hereditaments of the Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee in Possession of the Lands, Tenements, or Hereditaments so purchased or exchanged, or on which such Timber or Wood actually grew, and also the Expence of any permanent Improvement, such as building, subdividing, draining, or planting, and the like, which shall in the Judgment of the said Commissioner be proper to be made, and shall be made under his Direction, upon any Lands to be by virtue of this Act allotted to such Person or Persons, Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, Feoffee, Executor, Administrator, Husband, Guardian, Committee, or Trustee respectively; and in case the Surplus of such Money shall amount to or exceed the Sum of Two hundred Pounds, the same shall with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Exchequer, to be placed to his Account there *ex parte* the Commissioner for executing this Act, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Payment or Discharge of any Debt or Debts, or other Incumbrances, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith or to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or redeemed or paid or discharged, or such Part or Parts thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the aforementioned Lands, Tenements, or Hereditaments stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order shall be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or Government or Real Securities; and in the meantime, and until the said Bank Annuities or Government or Real Securities shall be

1 G. 4. c. 35.

ordered

ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest and annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by the Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled.

When under 200*l.* and amounting to 20*l.*

LX. Provided always, and be it further enacted, That in case the Surplus of such Money shall be less than the Sum of Two hundred Pounds, and shall exceed or amount to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Commissioner, to be signified in Writing under his Hand, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, such Nomination to be approved of by the said Commissioner, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

When under 20*l.*

LXI. Provided also, and be it further enacted, That in case the Surplus of such Money shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased or exchanged, for his, her, or their own Use and Benefit; or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

What Lands shall be allotted and divided with Consent.

LXII. And be it further enacted, That all Fields or Inclosures, either Arable, Meadow, or Pasture, containing the Property of Two or more Parties within One Fence, whether such Properties belong to Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, or Tenants in Fee Simple or for Life, or in Fee Tail, General or Special, or different Lords or Land Owners in Fee, or are held of One Lord or Land Owner, or Leases for long Terms of Years determinable on the Death of One or more Life or Lives, or by any other Mode whatsoever, whereby the

the Duration of Interest is indefinite or uncertain, and also all Pieces or Parcels of Land subject to any Right of Common during any Part of any One or more Year or Years, and also all Inclosures, Messuages, Lands, Tenements, and Hereditaments whatsoever within the said Parishes of *Wickwar*, *Cromhall*, and *Tortworth*, and each of them, the Owner or Owners whereof shall signify to the said Commissioner his, her, or their Consent in Writing to have the same or any Part thereof deemed Part of allottable Lands and Premises under this Act, shall be respectively deemed Part of the Lands to be divided and allotted by virtue of this Act, and shall be divided and allotted accordingly; and such Allowance shall be made to the respective Owners of such Inclosures, Messuages, Lands, Tenements, and Hereditaments on account of Situation or other beneficial Circumstances thereof as the said Commissioner shall adjudge to be just and reasonable; and the said Commissioner shall and he is hereby required to set out, allot, and award unto and for the respective Owners of such Inclosures, Messuages, Lands, Tenements, and Hereditaments so consented to be deemed allottable Lands for and in lieu thereof such other Inclosures, Messuages, Lands, Tenements, and Hereditaments, or so much and such Part or Parts of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, or consented so to be, or both or either of them, as he shall think reasonable and just, subject to the Rules, Orders, and Directions in this Act and the said first-recited Act mentioned.

Commissioner to distinguish Allotments in respect of Lands held under different Tenures.

LXIII. And be it further enacted, That in case the Proprietor or Proprietors of any Lands or other Hereditaments by this Act or the said recited Acts authorized to be allotted or exchanged shall hold their respective Messuages, Lands, or Hereditaments for different Estates, or subject to different Trusts, Charges, or Incumbrances, the said Commissioner, on being requested in Writing so to do, shall ascertain and distinguish the Messuages, Lands, or Hereditaments so held, and shall also set out and distinguish the different Allotments or other Hereditaments to be accepted and taken as an Equivalent in respect of each of them so circumstanced; and the said Commissioner shall and he is hereby authorized and empowered to set forth and declare, in and by his Award, in right of what Messuage, Land, or Hereditaments in particular such Allotments shall have been respectively made, and therein also separately describe and ascertain the Situation and Boundaries of every such Allotment.

Commissioner may deduct Land to defray Expences.

LXIV. Provided always, and be it further enacted, That it shall be lawful for the Commissioner and he is hereby authorized and required (if requested in Writing, at his second or any subsequent Meeting, by any Person or Persons empowered to borrow Money on Mortgage of any Allotment or Allotments,) to deduct from the said Allotment or Allotments so much of such Allotment or Allotments as in the Judgment of the said Commissioner shall be equal in Value to the Money which such Person or Persons is or are authorized to borrow on Mortgage of such Allotment or Allotments, not exceeding Five Pounds for each and every Acre thereof, and in every Case of such Deduction by Deed to convey in Fee Simple the Land so deducted to any Person or Persons who shall be willing to purchase the same, or to such Uses and in such Manner as the Purchaser or Purchasers, or his, her, or their Heirs or Assigns shall direct,

direct, freed and absolutely discharged from all Estates, Rights, Interests, Incumbrances, Claims, and Demands whatsoever; and the Receipt of the said Commissioner for the Purchase Money or Purchase Monies shall be an effectual Discharge or effectual Discharges to all Intents and Purposes, and the Person or Persons who shall pay the same shall not be answerable for the Misapplication or Nonapplication of such Money or Monies or any Part thereof, or to inquire into the Propriety or Necessity of the Sale or Sales: Provided always, that in all Cases where any Land shall be so deducted as aforesaid from the Allotment or Allotments of any of the said Proprietors or Persons, it shall not be lawful for the Proprietor or Person from whose Allotment or Allotments Land shall be so deducted to charge his, her, or their Lands, Tenements, or Hereditaments, by virtue of the said first-recited Act or this Act, with any Money towards Payment of any Charges and Expences authorized to be charged upon the Allotments by virtue of the said first-recited Act, unless the Money to be raised by means of such Deduction shall not be equal to the Sum of Five Pounds *per* Acre, and then and in every such Case the Excess or Difference may be raised by borrowing or charging under the other Powers or Provisions of this Act.

Power to borrow Money to execute the Act.

LXV. And be it further enacted, That it shall be lawful for the said Commissioner to borrow and take up at Interest of or from any Person or Persons willing to advance or lend the same such Sum and Sums of Money as shall from Time to Time be necessary for defraying the Charges and Expences of passing this Act and executing the same and the said recited Acts, and otherwise relating thereto, until the same shall be raised by such Sale or Sales as herein-before mentioned.

Money advanced to be repaid with Interest.

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

Commissioner to lay Accounts before a Justice.

LXVII. And be it further enacted, That the said Commissioner shall not at any Time permit or suffer any just Claims upon him as such Commissioner to remain unpaid for a longer Period than Three Calendar Months, except such Sums as may from Time to Time be due and owing to the said Clerk for Attendances at Meetings to be held in pursuance of this Act; and once at least in every Three Calendar Months during the Execution of this Act, to be computed from the Day of passing this Act, the said Commissioner shall and he is hereby required to make a true and just Statement and Account of all Monies by him received and expended, or due to him or to the Clerk for their respective Trouble and Expences in the Execution of this Act or the said rectited Acts, and in such Statement or Account shall be particularly stated and specified the several Items and Articles for which each particular Sum has been paid and disbursed; and such Statement or Account when so made,

together with the Vouchers relating thereto, shall be by him laid before any One or more of Her Majesty's Justices of the Peace for the said County of *Gloucester*, who shall not be interested in the said Commons, Heaths, Downs, Commonable Places, and Waste Lands, or the Division, Allotment, or Inclosure thereof, to be by him or them examined and balanced, and such Balance shall be by such Justice or Justices stated in the Books of Accounts to be kept in the Office of the Clerk to the said Commissioner; and an Abstract of such Account so examined and balanced shall from Time to Time, within Fourteen Days after such Account shall have been so examined and settled, be published in some Newspaper circulated in the said County; and no Charge or Item in such Accounts shall be binding on the Parties concerned or valid in Law until the same shall have been duly allowed by such Justice or Justices, and until such Account or the Abstract thereof shall have been published in such Newspaper as aforesaid, subject nevertheless to the Power of Appeal herein-after contained.

Award to be deposited in the Hands of the Clerk of the Peace and in the Parish Church.

LXVIII. And be it further enacted, That the Award to be made by the said Commissioner under the Authority of this Act and the said first-recited Act shall be executed and published within Three Years from the passing of this Act, and, together with a proper Map or Plan of the said Open Common, Common Meadows, Common Fields, Commons, Heaths, Downs, Commonable Places, or Waste Lands thereto annexed, shall within Fourteen Days next after the Execution thereof be delivered to the Clerk of the Peace for the said County of *Gloucester*, who is hereby required to deposit and keep the same among the Records of the said County, so that Recourse may be had thereto by any Person or Persons interested in the Premises, for the Reception whereof the Fee of Two Pounds and Two Shillings shall be paid, and no more, and for the Inspection and Perusal whereof the Sum of One Shilling, and no more, shall be paid; and the said Award shall from and after the Delivery thereof to the said Clerk of the Peace be deemed and taken to be enrolled according to the Directions and within the Meaning of the said recited Act; and a Copy of the said Award fairly transcribed in a Book, with a proper Map or Plan of the Allotments to be set out to the Proprietors of Estates in the said Parishes, attested and signed by the said Commissioner, shall within the Time aforesaid be deposited in each of the Parish Churches of *Wickwar*, *Cromhall*, and *Tortworth* aforesaid, and there kept in a proper Tin Box to be provided for that Purpose; and the said Award, and each Copy thereof so attested, and any other Copy of the said Award, or of any Part or Parts thereof attested by the said Clerk of the Peace for the Time being of the said County or his Deputy (for every Sheet of which containing One hundred Words Sixpence, and no more, shall be paid), shall from Time to Time and at all Times thereafter be admitted and allowed as legal Evidence of the Matters and Things therein contained in all Courts whatsoever.

Appeal to the Quarter Sessions.

LXIX. And be it further enacted, That if any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, shall think himself, herself, or themselves aggrieved by any thing done or omitted to be done

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in pursuance of this Act or the said recited Acts (other than and except as to such Claims, Matters, and Things as shall be ascertained, settled, tried, or determined by the Verdict of a Jury under the Power and Authority herein-before contained), or where by any of the Provisions or Clauses of the said recited Acts or this Act the Determination, Orders, Acts, and Proceedings of the said Commissioner are declared or directed to be final and conclusive, then and in every such Case he, she, or they may appeal to the Justices at the General or Quarter Sessions of the Peace which shall be held for the said County of *Gloucester* within Four Calendar Months next after the Cause of Complaint shall have arisen, on giving to the Clerk of the said Commissioner and the Party or Parties concerned Fourteen Days Notice in Writing of such Appeal and of the Matter thereof, (except with respect to the Accounts of the Commissioner, which, notwithstanding the same shall have been examined and balanced and published as aforesaid, may be appealed against at any Time within Six Calendar Months after the Delivery of the said Award in manner aforesaid to the Clerk of the Peace for the said County of *Gloucester*, on giving to the Commissioner such Notice as last aforesaid); and the Justices (not interested in the Premises) at the said General or Quarter Sessions are hereby required to hear and determine the Matter of every such Appeal, and to make such Order and award such Costs and Damages as to them in their Discretion shall seem reasonable, and by their Order or Warrant to levy the Costs and Damages which shall be so awarded by Distress and Sale of the Goods and Chattels of the Party or Parties liable to pay the same, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, after deducting the reasonable Charges of such Warrant, Distress, and Sale; and the Determination of such Justices shall be final and conclusive on all Parties concerned, and shall not be removed or removeable by Certiorari or any other Writ or Process whatsoever into any of Her 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 sufficient Foundation, then the said Justices shall award such Costs to be paid by the Appellant or Appellants as to the said Justices in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Saving of Rights of the Lord of the Manor.

LXX. Provided always, and be it further enacted, That nothing in this Act contained shall prejudice, lessen, or defeat the Right, Title, or Interest of the said Lord of the said Manors respectively, and his Lessee or Lessees, respecting his and their Rights of, in, and to all Coal Mines, and all other Mines and Minerals of what Nature and Kind soever, lying and being within or under the said Commons, Heaths, Downs, Commonable Places, or Waste Lands inclosed by virtue of this Act; and that the Lord of the said Manors for the Time being shall and may from Time to Time and at all Times for ever hereafter have, hold, and enjoy all Quit Rents, Fee Rents and other Rents, Reliefs, Dues, Customs, Suits, and Services, and all Fines, Amerciaments, Courts Leet, and View of Frankpledge, Courts Baron, and all Profits and Perquisites of Courts and Leets, and all Things which to Courts Leet and View of Frankpledge and Courts Baron do belong and appertain, and all Goods and

and Chattels of Felons, of Fugitives, Felons of themselves and put in Exigent, Deodands, Treasure Trove, Waifs, Estrays, Forfeitures, Escheats, Fairs, Markets, Tolls, Customs, Stallages, Dues, Rights, Royalties, Immunities, Jurisdictions, Franchises, Privileges, Profits, Commodities, Advantages, and Emoluments whatsoever to the said Manors or to the Lord or Lords thereof for the Time being incident, belonging, or appertaining (other than and except such as are intended to be barred or extinguished by this Act), in as full, ample, and beneficial a Manner to all Intents and Purposes as the said Lord or Lords respectively could or might have held or enjoyed the same if this Act had not been passed; and that the said Lord or Lords for the Time being of the said Manors, or either of them, and his or their respective Heirs and Assigns, shall from Time to Time and at all Times hereafter have, hold, work, and enjoy exclusively all Coal Mines, and all other Mines and Minerals of what Nature and Kind soever, within and under the said Commons, Heaths, Downs, and Commonable Places and Waste Lands, and every Part thereof, and the several Allotments thereof to be made in pursuance of this Act, together with all convenient Liberty for working the said Mines and Minerals, and loading and carrying away Coal, Ore, and other Things to be gotten thereout, and of making Pits, Shafts, Drifts, Levels, and Watercourses, and of repairing, amending, and upholding the same, and of doing, executing, and performing all such other Works, Acts, Deeds, Matters, and Things either now in use or hereafter to be invented, as shall or may be necessary or convenient for the full and complete working, Use, and Enjoyment of such Mines and Minerals hereby reserved, in as full, ample, and beneficial a Manner to all Intents and Purposes as he or they respectively might or could have done in case this Act had not been passed: Provided always, that the Lord of the said Manors or his Lessee shall be obliged to pay and shall from Time to Time pay to the respective Owners and Occupiers of such Allotments respectively such Sum or Sums of Money as shall be a reasonable and adequate Recompence and Satisfaction for all such Damages as shall from Time to Time be done to the Herbage or Soil of such Allotments in the working of any such Mines: Provided also, that all Quarries of Stone, Slate, or Gravel in, under, or upon any or either of such Allotments shall be the Property of and belong to the Persons to whom such Allotments shall be respectively made.

General Saving of Rights.

LXXI. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to the Right Honourable *William Fitzhardinge* Lord *Segrave* as Lord Royal of *Cromhall*, and to the Lord Royal of *Cromhall* aforesaid for the Time being, and to all and every other Persons and Person, and Bodies Politic, Corporate, and Collegiate, his, her, and their Heirs, Successors, Executors, and Administrators respectively, all such Estate, Right, Title, and Interest (other than such as are meant and intended to be barred and destroyed or extinguished by virtue of this Act) as She, they, every or any of them could or ought to have had and enjoyed of, in, to, or in respect of the Lands and Grounds hereby directed to be divided, allotted, and inclosed, in case this Act had not been passed.

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

LXXII. And be it further 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 EYRE and ANDREW SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1838.