



ANNO QUARTO

# GULIELMI IV. REGIS.

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## Cap. 17.

An Act to amend the Corn Rent Schedules annexed to the Award made in pursuance of an Act of the Fifty-second Year of the Reign of His late Majesty King *George* the Third, for inclosing Lands in the Parish of *Longney* in the County of *Gloucester*. [16th June 1834.]

**W**HEREAS an Act was passed in the Fifty-second Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for inclosing Lands in the Parish of Longney in the County of Gloucester*, whereby, after reciting that there were within the said Parish certain Open Fields, Meadows, commonable and intermixed Lands and Waste Grounds; and that the Most Noble *Charles* Duke of *Norfolk*, *George* Viscount *Middleton*, and others, Trustees of the Manors, Lands, Tenements, and Hereditaments given and settled by *Henry Smith* Esquire, deceased, to charitable Uses, or otherwise purchased and settled by his Trustees since his Decease to such Uses, were Lords of the Manor of *Longney* aforesaid, and Owners of the Great Tithes arising within the greater Part of the said Parish, but that certain Lands in the said Parish were or were claimed to be Tithe-free, or subject only to the Payment of Moduses in lieu of Tithes; and that the King's most Excellent Majesty, in right of His Crown, was Patron of the Vicarage of *Longney* aforesaid; and that *Joseph Chester*, Doctor in Divinity, was the

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then Vicar of the said Parish ; and that certain Persons therein named, and others, were the Owners and Proprietors of the Lands and Grounds within the said Parish ; it was (amongst other Things) enacted, that *Thomas Fulljames* and *Robert Wright Hall*, therein described, should be and they were thereby appointed Commissioners for dividing, allotting, and inclosing the said Open Fields, Meadows, commonable and intermixed Lands, and Waste Grounds, and for putting the said Act into execution ; and it was thereby further enacted, that the said Commissioners, after having set out all the public and private Roads and Ways, Droughs, Cribs, Ditches, Drains, and Watercourses, should set out and allot unto the said Trustees, as Rectors Impropriates, and to the said Vicar and his Successors, Vicars of the said Parish, for and in lieu and satisfaction of all Tithes, both Great and Small, Compositions and other Payments in lieu of Tithes, issuing, arising, or renewing within the said Parish, certain Portions of the Lands and Grounds thereby directed to be divided and allotted, as a Compensation for the Tithes, Moduses and other Compositions in lieu of Tithes, issuing or payable out of all such Lands and Grounds within the said Parish of *Longney* as were subject and liable to the Payment of Tithes, Moduses or other Compositions in lieu of Tithes ; and it was thereby further enacted, that if any Proprietor or Proprietors of any Messuages, Gardens, Orchards, inclosed Lands, or Common Field Lands, in the said Parish, should be desirous of making Compensation for the Tithes issuing, arising, or payable thereout, or out of any Part thereof, by a Corn Rent, to be ascertained as therein-after is directed, and of such Desire should give Notice in Writing under his or their Hand or Hands at the First or Second Meeting of the Commissioners under the now-reciting Act, and the said Impropriators or Vicar respectively should consent to accept the same, then the said Commissioners should and they were thereby required to make a just and true Valuation of all the Tithes, both Great and Small, arising, issuing, or payable out of, for, or in respect of such Messuages, Gardens, Orchards, inclosed Lands, or Common Field Lands which were subject to the Payment of Tithe in Kind to the said Impropriators and Vicar, or either of them, according to the Value and Proportion therein directed ; and such yearly Sum of lawful Money of *Great Britain* as, according to the Valuation aforesaid, was equivalent to such Tithes, should in all such Cases be charged upon such last-mentioned Messuages, Gardens, Orchards, inclosed Lands, or Common Field Lands, as yearly Rents payable thereout to the said Impropriators and their Heirs, and to the said Vicar and his Successors, in lieu of the Tithes thereof ; and the same Rents should be and they were thereby charged on the said several Messuages, Gardens, Orchards, inclosed Lands, and Common Field Lands of such Proprietors respectively ; and the said Commissioners were thereby authorized and required, after having made an Estimate of the Value of the Tithes of such Lands, to ascertain in manner therein mentioned the average Price of good marketable Wheat in the County of *Gloucester* during the Term of Fourteen Years next preceding the passing of the said Act, and by their Award, or by any Schedule to be annexed thereto, to ascertain and distinctly set forth the estimated annual Value of the Tithes arising or due or payable  
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out of or for the said Lands; and what Quantity of such Wheat should in their Judgment (according to such average Price as aforesaid) be equal in Value to the said Tithes; and that there should be issuing and payable from Time to Time and for ever to the Persons entitled thereto, their several and respective Heirs and Successors, such respective yearly Corn Rents or Sums of Money out of such Lands as should be by the said Commissioners set forth as aforesaid, and which should be equal in Value to the Quantity of Wheat so to be ascertained and set forth as aforesaid, which said several and respective yearly Corn Rents or Sums of Money should be paid by the Person or Persons who for the Time being should be in Possession or Occupation of the Lands and Grounds out of which the said several and respective yearly Rents or Sums should be issuing, and should be payable in such Proportions and Manner, and upon such Day or Days in every Year, as the said Commissioners should by their said Award direct and appoint, and which Corn Rents should be divided or apportioned between the said Trustees as Rectors as aforesaid and the said Vicar and his Successors, in such Shares and Proportions as the said Commissioners should judge and determine to be equal in Value to their respective Rights and Interests in such Tithes or Payments respectively; and Power was given by the said Act to the Person or Persons entitled to such Corn Rents or Sums of Money, and to the Owners or Proprietors of the Lands charged therewith, from Time to Time to cause such Corn Rents to be re-ascertained and regulated according to the Price of Wheat at the Expiration of every Fourteen Years, in manner therein particularly mentioned; and the said Commissioners were also directed by a Schedule to their Award to describe and specify the several Messuages, Gardens, Orchards, inclosed or Common Field Lands, and Tenements, which by their Award should be charged with such yearly Rents or Sums, the Names of the respective Owners of the same, the Quantity thereof in Statute Measure, the yearly Rents or Sums charged thereupon and the Rate by the Acre or otherwise by which the same should be charged with the said yearly Rents or Sums, and such other Particulars as they should judge proper for facilitating the Apportionment of the said yearly Rents or Sums and the Recovery thereof; and it was in and by the said Act further enacted, that within Three Years from the passing of the now-reciting Act the said Commissioners should form and draw up, or cause to be formed and drawn up, an Award or Instrument in Writing, with One or more proper Plan or Plans and Schedule or Schedules thereto annexed, which should be deemed Part thereof, and which should be fairly engrossed or written on Parchment, and be signed by such Commissioners, and that the same should, within Twelve Calendar Months, or as soon after as conveniently might be, after the same should have been signed as aforesaid, be deposited with the Clerk of the Peace for the said County of *Gloucester*, who was thereby required to receive, keep, and deposit the same among the Records of the said County: And whereas the said *Thomas Fulljames* and *Robert Wright Hall* proceeded to carry the said Act into execution, and many of the Proprietors of Messuages, Gardens, Orchards, and Lands within the said Parish of *Longney* having given due Notice that they were desirous of making Compensation for the Tithes issuing, arising, or payable out of

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of such Messuages, Gardens, Orchards, and Lands by a Corn Rent, and the said Impropiators and Vicar having consented to accept the same, the said Commissioners, agreeably to the Directions of the said Act, proceeded to make a Valuation of all the Tithes, both Great and Small, arising, issuing, or payable out of, for, and in respect of such Messuages, Gardens, Orchards, and Lands, and of the Quantity of Wheat equal in Value to such Tithes; and certain Schedules, showing the estimated Value of all such Tithes, and the Quantity of Wheat equal thereto, were thereupon prepared; but it appearing that certain of the Lands in such Schedules mentioned were Tithe-free, or subject only to Moduses in lieu of Tithes, and that in the Calculation of the Value of the Tithes payable out of such Lands no Deduction or Allowance had been made on that Account, the said Commissioners afterwards caused amended Schedules to be prepared, in which the proper Deductions were made on account of those Lands which were not subject to the Payment of Tithes in full, which said amended Schedules were directed to be delivered by the Surveyor to the Clerks employed by the said Commissioners, in order to be engrossed and annexed to the Award of the said Commissioners when the same should be prepared; and Copies or Statements of the Amount charged on the several Estates by such amended Schedules were also delivered to the Impropiators and Vicar respectively, as showing the Amount of the Corn Rents to be received by them respectively in lieu of Tithes: And whereas after the said *Thomas Fulljames* and *Robert Wright Hall* had fully set out and completed the several Allotments by the said Act directed to be made, and caused the said amended Schedules of Corn Rents to be prepared, and directed the same to be annexed to their said Award as aforesaid, the said *Robert Wright Hall*, one of the said Commissioners appointed by the said Act, suddenly died before the Award could be made and executed, *videlicet*, on the Twenty-ninth Day of *July* One thousand eight hundred and fifteen, and thereupon *Richard Hall* of *Cirencester* in the said County, Gentleman, was shortly afterwards, under the Powers of the same Act, duly appointed a Commissioner in the Room of the said *Robert Wright Hall* for the Purpose of completing the said Award: And whereas the said *Thomas Fulljames* and *Richard Hall*, as the Commissioners under the said Act, made and executed their Award in Writing, bearing Date the Eleventh Day of *November* One thousand eight hundred and fifteen, whereby, after reciting that the several Persons whose Names were contained in the First Column of the Two several Corn Rent Schedules thereunto annexed were respectively Proprietors of the Messuages, Gardens, Orchards, or Lands within the Parish of *Longney* aforesaid, in the Second and Third Columns of such Schedules numbered and specified, and that such Persons being desirous of making Compensation for the Tithes issuing, arising, or payable out of such Messuages, Gardens, Orchards, and Lands by a Corn Rent, and having given Notice of such their Desire agreeably to the Directions of the said Act, and the Impropiators and Vicar respectively having consented to accept the same, the said Commissioners had, agreeably to the Directions of the same Act, proceeded to make a Valuation of all the Tithes, both Great and Small, arising, issuing, or payable out of, for, or in respect of such Messuages, Gardens, Orchards, and Lands subject to the

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Payment of Tithes in Kind to the said Impropriators and Vicar respectively, according to the Value and Proportions in the said Act directed, and had charged such Messuages, Gardens, Orchards, and Lands in the Second and Third Columns of the said Two several Corn Rent Schedules numbered and specified with the Payment of such yearly Corn Rents or Sums of Money to the said Impropriators and Vicar respectively as were equal to the Valuation of the Tithes payable to them respectively out of such respective Messuages, Gardens, Orchards, and Lands, according to the Proportions directed by the said Act, the several Amounts of which were set forth and declared in the Fourth Column of the said Corn Rent Schedule; and that the said Commissioners had also in the Fifth Column of the said Corn Rent Schedules set forth and ascertained, against each such Messuage, Garden, Orchard, and Parcel of Land, what Quantity of Wheat in Bushels and decimal Parts of a Bushel, at the then Average Price taken by them, was, according to their Judgment, equal in Value to such respective Tithes; and the said Commissioners by their said Award subjected and charged all and singular the Messuages, Gardens, Orchards, and Lands numbered and specified in the Second and Third Columns of the First Corn Rent Schedule thereunto annexed, marked (A), with the Payment to the said Trustees, as Impropriators as aforesaid, of the several and respective yearly Corn Rents or Sums of Money in the Fourth Column of the said First Schedule specified against each such Messuage, Garden, Orchard, and Parcel of Land, which said several Rents or Sums they the said Commissioners did thereby award and direct to be paid unto the said Impropriators, the same being according to their Judgment equal in Value to so many Bushels and decimal Parts of a Bushel of Wheat as were expressed in the Fifth Column of the said First Corn Rent Schedule against each such Messuage, Garden, Orchard, and Parcel of Land, according to the average Value of Wheat estimated as therein mentioned; and the said Commissioners did also by their said Award subject and charge all and singular the Messuages, Gardens, Orchards, and Lands, numbered and specified in the Second and Third Columns of the Second Corn Rent Schedule thereunto annexed, marked (B), with the Payment to the said *Joseph Chester*, as Vicar as aforesaid, of the several and respective yearly Corn Rents or Sums of Money in the Fourth Column of such Second Schedule specified against each such Messuage, Garden, Orchard, and Parcel of Land, which said several Rents or Sums they the said Commissioners did thereby award and direct to be paid unto the said *Joseph Chester* and his Successors, as Vicars of the said Parish, the same being, according to their Judgment, equal in Value to so many Bushels and decimal Parts of a Bushel of Wheat as were expressed in the Fifth Column of the said Corn Rent Schedule against each such Messuage, Garden, Orchard, and Parcel of Land, according to the average Value of Wheat estimated as therein mentioned; and the said Commissioners did thereby also award, order, and direct that the said yearly Corn Rents or Sums of Money should be issuing and payable from Time to Time and for ever thereafter to the said Trustees, as Impropriators, and to the said *Joseph Chester* and his Successors, as Vicars of the Parish of *Longney* aforesaid, (subject to the Power for regulating and ascertaining the same after the Expiration

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of every Fourteen Years from the Commencement of such Rents,) on the Twenty-ninth Day of *September* yearly, such Rents, by virtue of the Order and Direction of the said Commissioners, having first commenced from the Twenty-ninth Day of *September* in the Year One thousand eight hundred and thirteen, from which Time the Payment of all Tithes had ceased and determined agreeably to such Order and Direction: And whereas, although the said Commissioners had directed that the Corn Rent Schedules, amended by them as before mentioned, should be the Schedules to be engrossed and annexed to their said Award, yet the Corn Rent Schedules, which had been originally prepared without any Deductions on account of Tithe-free Land and Moduses, were by Mistake delivered to the Clerks employed by them to draw up and prepare their Award, instead of the amended Schedules intended to have been annexed to the said Award, in consequence whereof the Schedules so originally prepared, instead of the amended Schedules, were engrossed and annexed to the said Award, and such Award and Schedules were shortly afterwards deposited with the Clerk of the Peace for the said County of *Gloucester*, agreeably to the Directions of the said Act; but the Payments from Time to Time made to the said Impropiators and Vicar respectively on account of such Corn Rents were regularly made to them according to the respective Amounts charged in the said amended Schedules, and in consequence thereof the Mistake made by annexing the wrong Schedules to the said Award was not discovered until the Year One thousand eight hundred and twenty-seven, when a new Average of the Price of Wheat for the Fourteen Years preceding was taken by the Court of Quarter Sessions for the said County of *Gloucester*, agreeably to the Provisions of the said Act: And whereas the said *Richard Hall*, one of the Commissioners appointed as hereinbefore mentioned, is dead since the making the said Award; but the said *Thomas Fulljames*, the other Commissioner, is still living: And whereas the said *Joseph Chester* is also dead since the making of the said Award, and the Reverend *Powell Colchester Guise* Clerk is now the Vicar of the said Parish of *Longney*: And whereas the Trustees of the Manors, Lands, Tenements, and Hereditaments given and settled by the said *Henry Smith* to charitable Uses, or otherwise purchased and settled by his Trustees since his Decease to such Uses, the Impropiators of the Great Tithes within the said Parish of *Longney*, and the said *Powell Colchester Guise* the Vicar of the said Parish, being fully satisfied of the Error committed in affixing the wrong Schedules to the said Award as before mentioned, are desirous that the said Error may be corrected, and that in lieu of the said Schedules so as aforesaid annexed to the said Award by Mistake the Schedules which were intended to have been annexed to the said Award shall be substituted and be annexed to the said Award as Part thereof; but the same cannot be effected without the Aid of Parliament: And whereas the said Schedules which were so as aforesaid intended to have been annexed to the said Award have been signed by the said *Thomas Fulljames*, and are now deposited at the Office of the Clerk of the Peace for the County of *Gloucester*: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Corn Rent Schedules so as aforesaid annexed by Mistake to the said Award, and now remaining annexed thereto in the Office of the Clerk of the Peace for the said County of *Gloucester* as Part and Parcel thereof, shall be no longer deemed or taken as Part of the same Award, and shall within the Space of One Calendar Month from the passing of this Act be severed from the said Award by the said Clerk of the Peace, and be cancelled; and that in lieu of and substitution for the same the Two Schedules marked A and B, signed by the said *Thomas Fulljames*, and now deposited at the Office of the Clerk of the Peace for the said County of *Gloucester*, being the Corn Rent Schedules which were intended by the said Commissioners to have been annexed to the said Award as before mentioned, shall be by the said Clerk of the Peace annexed to the said Award; and that thenceforth the said Schedules marked A and B shall be deemed and taken to be Part and Parcel of the said Award, to all Intents and Purposes whatsoever, in the same Manner in all respects as if the same had been originally annexed to the said Award at the Time of the Execution thereof, and shall be kept by the Clerk of the Peace for the said County of *Gloucester* among the Records of the said County; and that the said Corn Rent Schedule marked A shall for ever thereafter be the proper, correct, and only Schedule of Corn Rents payable and to be payable to the said Trustees as Improprators as aforesaid by virtue of the said Act, and the said Award made in pursuance thereof; and that the said Corn Rent Schedule marked B shall for ever thereafter be the proper, correct, and only Schedule of Corn Rents payable and to be payable to the Vicar of the said Parish for the Time being by virtue of the said Act, and the said Award made in pursuance thereof.

Corn Rent Schedules annexed to the Award to be cancelled, and the amended Schedules deposited with the Clerk of the Peace to be substituted for the same.

II. And be it further enacted, That all the Powers contained in the said Act relating to the re-ascertaining, regulating, and apportioning of the several yearly Corn Rents or Sums by the said Act authorized to be charged, and for enforcing the due Payment thereof, and all Orders of the Court of Quarter Sessions for the said County of *Gloucester* made or to be made by virtue of the said Act, shall be deemed to extend and be applied to the several yearly Corn Rents or Sums in the said several Schedules hereby directed to be annexed to the said Award, in the same Manner as if the same had been originally annexed to the said Award as a Part thereof.

All Powers for re-ascertaining and enforcing Payment of the Corn Rents to be according to the amended Schedules.

III. And be it further enacted, That all the Costs, Charges, and Expences of soliciting and passing this Act, and of carrying the same into execution, shall be borne and defrayed by the several Persons at present possessed of the Messuages, Gardens, Orchards, and Lands specified in the said Two several Schedules to be annexed to the said Award by virtue of this Act, not being Rack-rent Tenants, according and in proportion to the Amount of Corn Rents payable by them respectively, such Amount and Proportions to be calculated by the said *Thomas Fulljames*, and to be set forth and declared in and by a Rate to be made and signed by him, and affixed against the Door of the Church of *Longney* aforesaid, the same to be paid to such Person

For defraying the Expences.

or

or Persons, and at such Time and Place, as the said *Thomas Fulljames* shall by Writing at the Foot of the said Rate order and direct; and in case any of such Persons shall refuse or neglect to pay his or her Proportion of the said Rate so to be made as aforesaid within One Calendar Month after the Time by the said *Thomas Fulljames* appointed for Payment thereof, being lawfully demanded, it shall be lawful for any Justice of the Peace acting for the said County of *Gloucester*, upon the Application of the said *Thomas Fulljames*, by any Warrant or Warrants under his Hand and Seal directed to any Person or Persons whomsoever, to cause the Proportion of such Rate payable by any such Person or Persons who shall make default as aforesaid to be levied by Distress and Sale of the Goods and Chattels of the Person or Persons so making default in Payment as aforesaid, wheresoever the same shall be found, and to cause the Amount thereof to be paid to the said *Thomas Fulljames*, rendering the Overplus (if any), on Demand, to the Owner or Owners of such Goods and Chattels, the reasonable Charges of such Warrant, Distress, and Sale being first deducted.

Act to be  
printed by  
the King's  
Printers.

IV. And be it further enacted, That this Act shall be printed by the several Printers to the King'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.

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LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,  
Printers to the King's most Excellent Majesty. 1834.