ANNO TRICESIMO QUARTO

Georgii III. Regis.

CAP. CVIII.

An Act for regulating the Manner of ſtocking and uſing the *Marſh Common*, otherwiſe *Salt Marſh*, in the Pariſh of *Almondſbury*, in the County of *Glouceſter*. [23d *May* 1794.]



WHEREAS there is, within the Pariſh of *Almondſbury*, in the County of *Glouceſter*, a certain Tract of Ground called *The Marſh Common*, otherwiſe *Salt Marſh*, containing Six hundred and twenty-four Acres or thereabouts, upon and over which the Owners and Occupiers of Rights therein, called *Cottages* or *Cottage Rights*, have had, and at preſent have, in reſpect of and as Part and Parcel of certain Meſſuages, Lands, and Hereditaments, in the ſaid Pariſh of *Almondſbury*, and in the adjoining Tything of *Tockington*, within the Pariſh of *Olveſton*, in the ſaid County of *Glouceſter*, ſeparate and excluſive Rights of feeding and depaſturing there, in Manner following; (that is to ſay) for each Cot or Cottage Right, Thirty Sheep, and One Mare and Colt, and Horned or Neat Cattle without Stint or Number, and that during the Whole of the Year: And whereas *Edward Sacheverell Sitwell* Eſquire is Lord of the Manors of *Tockington* and *Over*; and the Mayor, Burgeſſes, and Commonalty of the City of *Briſtol*, are the Lords of the Manor of *Gaunts Earthcott* and *The Lee*, in the ſaid County of *Glouceſter*, Preamble.

in which ſaid Manors the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, lies: And whereas the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, lies near the River *Severn*, and by Reaſon thereof was heretofore frequently overflowed by ſuch River, (being Salt Water), and the Paſture was thereby rendered beneficial and improving to the Sheep fed thereon; but ſince the ſaid River has been by Embankments prevented from overflowing the ſame as heretofore, the Herbage thereof has been found (during the Summer Months in particular) to bane or rot, and thereby to be deſtructive to the Sheep fed thereon; and the ſaid Tract of Ground has been alſo found very inſufficient to depaſture the Sheep and Cattle which, by the preſent Mode of ſtocking, may be put and kept there, and for the Reaſons aforeſaid to be now of very ſmall Value to the ſeveral Perſons intereſted therein: And whereas it would be of great Advantage to the ſeveral Perſons intereſted in the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, if the preſent Mode and Manner of ſtocking and depaſturing the ſame was entirely aboliſhed, and a new and more proportionable Mode eſtabliſhed, and proper Regulations and Proviſions made for improving thereof in future: But the ſame cannot be done without the Aid and Aſſiſtance of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame,

The preſent Mode of ſtocking to be diſcontinued.

That, from and immediately after the paſſing of this Act, the preſent Mode and Manner of ſtocking, uſing, and enjoying, the aforeſaid Tract of Ground called *Marſh Common*, otherwiſe *Salt Marſh*, ſhall for ever ceaſe, determine, and be diſcontinued.

Truſtees appointed till 24th Day of *June* 1801.

II. And be it further enacted, That *George Daubeney*, *Samuel Peach Peach*, *William Hayward Winſtone*, and *Henry Bengough*, Eſquires, *William Oſborne*, *John Player*, and *George Rolph*, Gentlemen, ſhall be, and they are hereby appointed Truſtees for putting this Act into Execution, from and immediatly after the paſſing thereof, until the Twenty-fourth Day of *June* which ſhall be in the Year of our Lord One thouſand eight hundred and one, and no longer, unleſs they, or either of them, ſhall be elected or choſen a Truſtee or Truſtees in Manner herein-after mentioned.

Appointing new Truſtees.

III. And be it further enacted, That in caſe the ſaid *George Daubeney* and *Samuel Peach Peach*, or either of them, or the Perſon or Perſons to be appointed in his or their Stead, in Manner herein-after mentioned, ſhall, before the End of the ſaid Term, die, refuſe, or neglect to act, or by Sickneſs or otherwiſe become incapable of acting in the Premiſes, that then, and in either of ſuch Caſes, the ſaid *Edward Sacheverell Sitwell*, and the ſucceeding Lord or Lords of the Manor of *Tockington* for the Time being, ſhall and may, at the next Annual Meeting to be held as herein-after mentioned, by Writing under his or their Hand or Hands, appoint another or other fit Perſon or Perſons to be a Truſtee or Truſtees in the Room of him or them the ſaid *George Daubeney* and *Samuel Peach Peach*, as ſhall ſo die, refuſe or neglect to act, or by Sickneſs or otherwiſe become incapable of acting as a Truſtee or Truſtees, and ſo *toties quoties*, as often as Occaſion may require, until the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and one, and that in caſe the ſaid *Henry Bengough*, or the Perſon or Perſons to be appointed in his Stead in Manner

Manner herein-after mentioned, shall, before the End of the said Term, die; refuse or neglect to act, or by Sickness or otherwise shall become incapable of acting in the Premises; that then, and in either of such Cases, the Mayor, Burgesses, and Commonalty, of the said City of *Bristol*, shall and may, at the next Annual Meeting to be held as herein-after mentioned, by Writing under their Common Seal, appoint another fit Person to be a Trustee in the Room of the said *Henry Bengough*, and so *toties quoties*, as often as Occasion may require, until the said Twenty-fourth Day of *June* One thousand eight hundred and one; and that in case the said *William Hayward Winstone*, *William Osborne*, *John Player*, and *George Rolph*, or either of them, or the Person or Persons to be appointed in his or their Stead in Manner herein-after mentioned, shall, before the End of the said Term, die, refuse or neglect to act, or by Sickness or otherwise shall become incapable of acting in the Premises, that then, and in either of such Cases, the Survivors or Survivor of them the said Four last-named Trustees, shall and may, from Time to Time, at their then next Annual Meeting to be held as herein-after directed, by Writing under their or his Hands or Hand, appoint another or other fit Person or Persons to be a Trustee or Trustees, with like Powers and Authorities, in the Room or Place of such of them so dying, refusing, neglecting, or becoming incapable of acting as aforesaid, and so *toties quoties*, as Occasion may require, until the said Twenty-fourth Day of *June* One thousand eight hundred and one.

Survivors to elect others for the first Seven Years.

IV. And be it further enacted, That it shall and may be lawful to and for the said Trustees, or the major Part of them, and they are hereby authorized and required, by Deed or Writing, Deeds or Writings, under their Hands and Seals, or by Parol Agreements, if they shall think proper, to grant, demise, or let, the said *Marsh Common*, otherwise *Salt Marsh*, or the Feed thereof, to any Person or Persons whomsoever, for One whole Year, or for any less or longer Term, (not exceeding in the Whole Two Years), as for the Purposes after-mentioned they shall find to be needful and necessary, for the greatest Rent which can be gotten for the same, and under and subject to such Covenants and Agreements as they the said Trustees, or the major Part of them, shall think proper; and out of the Money to arise thereby, the said Trustees shall in the First Place pay all the Costs and Charges incident to and attending the obtaining of this Act, and carrying the same into Execution, and also as well in erecting and setting up a Fold or Pen, Folds or Pens, for the Purposes herein-after mentioned, as also the Gates of the said *Marsh Common*, otherwise *Salt Marsh*, and other necessary Erections, and shall apply the Overplus (if the same shall not exceed the Sum of Two hundred Pounds) in such further Improvements of the said *Marsh Common*, otherwise *Salt Marsh*, by draining or otherwise, in such Manner as they the said Trustees, or the major Part of them, shall think most proper and beneficial; but if such Overplus shall exceed the Sum of Two hundred Pounds, then the same shall be equally divided amongst the several then Proprietors or Owners of the said *Marsh Common*, otherwise *Salt Marsh*, proportionably, according to their several and respective Rights therein, within Twelve Months next after the Payment of such Costs and Charges, and of such Erections and Improvements as aforesaid, but the Twelve Cottage Rights herein-after created shall not be considered to have any Right thereto.

Trustees to lease *Marsh Common*, otherwise *Salt Marsh*, for a Term not exceeding Two Years.

To defray the Expence of the Act, &c.

New Mode of ſtocking.

V. And be it further enacted, That, from and after the Expiration of the Time or Term for which the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall be let, in Manner and for the Purpoſes aforeſaid, the Mode and Manner of ſtocking, uſing, enjoying, and haining the ſame, ſhall be as follows, and not otherwiſe; (that is to ſay); For or in reſpect of each Cot or Cottage Right, the Owner or Occupier thereof ſhall and may feed or depaſture thereon Two Cows or other Neat Cattle, from the Eighth Day of *May* to the Firſt Day of *November*, both incluſive, (and for the Prevention of Diſputes, it is hereby declared, that each Horned or Neat Beaſt ſhall be conſidered as One in Number, of what Age ſoever the ſame may be), and from the ſaid Firſt Day of *November* to the Firſt Day of *March*, Five Sheep; and that all Calves and Lambs yeaned or dropped thereon ſhall be allowed to run with their Dams, ſuch Calves for Two Months only, from the Time of their being calved; and that, from the Firſt Day of *March* to the Eighth Day of *May*, in every Year, the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall be wholly hained, freed, and cleared, of and from all Manner of Cattle; and that if any Horſe, Mare, Gelding, Mule, or Aſs, or any Horned or Neat Cattle, or any Sheep, Pigs, or Geeſe, of or belonging to any Perſon or Perſons whatever, ſhall be found feeding or depaſturing in or upon the ſaid *Marſh Common* otherwiſe *Salt Marſh*, (ſave only and except the Cows or Neat Cattle and Sheep, herein-before allowed during the Times aforeſaid), the ſame ſhall be, and is and are hereby declared to be Treſpaſſers, and ſhall be impounded, or treated in like Manner as by the Common Laws of this Realm Treſpaſſers may or can be treated.

Creation of 12 Cottage Rights.

VI. And be it further enacted, That, from and after the Expiration of the Term or Terms for which the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall be ſo let as aforeſaid, there ſhall be, and be deemed, acknowledged, and allowed to be, Twelve Cottage Rights upon the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, beſides and in Addition to the preſent exiſting Cottage Rights thereon; and the ſaid Twelve Cottage Rights, hereby conſtituted or created, ſhall be and are hereby veſted in the Truſtees for the Execution of this Act, and their Succeſſors, for the Time being, and ſhall be let annually by them, or the major Part of them, to any One or more Perſon or Perſons, at the beſt Price or Rent that can be reaſonably gotten for the ſame; and that the Money to ariſe thereby ſhall be applied annually by the ſaid Truſtees in the Payment of a Salary to a Bailiff or Herdſman, to ſuperintend the Stock which ſhall thereafter be kept on the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, and in ſupporting the aforeſaid Fold or Pen, Folds or Pens, for the Conveniency of the Bailiff or Herdſman for the Time being, in penning, marking, ſeparating, and dividing, the Cattle and Sheep to be depaſtured thereon, and alſo in ſupporting and keeping in Repair the Gates of and belonging to the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, and ſuch other Erections and Improvements as ſhall have been or may be made thereon, and as the ſaid Truſtees, or the major Part of them, for the Time being, ſhall from Time to Time think proper or neceſſary for the mutual Benefit and Advantage of the ſeveral Perſons intereſted therein.

To be annually let for paying the Herdſman's Salary, &c.

General Meeting to be held on the 24th of *June* 1801, and ſo annually for ever.

VII. And be it further enacted, That a General Meeting of the Owners of Cottage Rights on the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall be held on the ſaid Twenty-fourth Day of *June* One thouſand eight hundred

hundred and one, and alſo annually on the Twenty-fourth Day of *June* for ever afterwards, (unleſs ſuch Day ſhall happen to be *Sunday*, and then on the Day after), at Eleven of the Clock in the Forenoon, at ſome convenient Place in or near the ſaid *Marſh Common*, otherwiſe *Salt Marſh*; and the Majority of the Owners of Cottage Rights then preſent at ſuch Meetings, (excluſive of the Lords of the Manor of *Tockington* and *Gaunts*, *Earthcott* and the *Lee*, for the Time being), ſhall nominate, elect, and appoint, Four Perſons, being Owners or Occupiers of One or more Cottage Right or Cottage Rights, to be Truſtees for putting this Act in Execution, until the Twenty-fourth Day of *June* then next enſuing, and no longer, (unleſs they, or any or either of them, ſhall be re-elected or re-choſen a Truſtee or Truſtees for the then next enſuing Year); and the ſaid Lord of the ſaid Manor of *Tockington* for the Time being ſhall and may nominate and appoint Two other Perſons (being either Owners or Occupiers of a Cottage Right or Cottage Rights) to be Joint Truſtees, with the Four foregoing ones, for putting this Act in Execution, for the Year to commence on the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and one, and ſo annually for ever afterwards, ſuch Nomination and Appointment, or Continuance, being teſtified in Writing, under the Hand of the ſaid Lord, or by his Steward for the Time being, to the Perſons aſſembled at the ſaid Annual Meetings as aforeſaid; and the ſaid Mayor, Burgeſſes, and Commonalty of the City of *Briſtol* ſhall and may nominate and appoint One other Perſon (being either an Owner or Occupier of a Cottage Right or Cottage Rights, or a Member of the Corporation of *Briſtol*) to be a joint Truſtee with the other Six foregoing ones, for putting this Act in Execution for the Year to commence on the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and one, and ſo annually for ever afterwards, ſuch Nomination and Appointment, being teſtified in Writing, under the Seal of the ſaid Corporation, to the Perſons aſſembled at the ſaid Annual Meeting as aforeſaid; and that every ſuch Truſtee ſo to be appointed and elected, ſhall have the like Power and Authority, by virtue of this Act, as the former Truſtee was veſted with; and in caſe there ſhall be no ſuch new Appointment, then the former Truſtee ſhall remain and continue to be a Truſtee, until a new Appointment ſhall be made at ſome future Annual Meeting.

To elect new Truſtees, &c.

Lord of the Manor of *Tockington* to nominate Two.

VIII. And be it further enacted, That, for the ſettling and determining the Rights of the ſeveral Perſons claiming to be entitled to Cots or Cottage Rights on the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, the ſaid *George Daubeney*, *Joſeph Harford*, of the ſaid City of *Briſtol*, Eſquire, and *Jeremiah Oſborne*, of the ſaid City, Gentleman, and the Survivors and Survivor of them, ſhall be, and are and is hereby appointed Arbitrators or Arbitrator for adjuſting and determining all ſuch Diſputes, Claims, and Objections, as may or ſhall happen, ariſe, or be made, in the Execution of this Act, and be referred to them or him for their or his Judgement and Determination, in Manner herein-after directed.

Arbitrators appointed for ſettling diſputed Claims.

IX. Provided always, That neither of them the ſaid Arbitrators ſhall be capable of acting in the Execution of any of the Powers given them, and the Survivors and Survivor of them, by this Act, until he ſhall have taken and ſubſcribed, before the ſaid Truſ-

tees,

tees, or ſome or One of them, an Oath to the Effect following; *videlicet*,

The Oath to act indifferently.

'I *A. B.* do ſwear, That I will faithfully, impartially, and honeſtly, according to the beſt of my Skill and Judgement, execute the ſeveral Powers and Truſts repoſed in me as an Arbitrator by virtue of an Act of Parliament, *for regulating the Manner of ſtocking and uſing the* Marſh Common, *otherwiſe* Salt Marſh, *in the Pariſh of* Almondſbury, *in the County of* Glouceſter, without Favour or Affection to any Perſon whomſoever.

'So help me GOD.'

Which Oath it ſhall and may be lawful for any One or more of the ſaid Truſtees to adminiſter, and he or they is or are hereby empowered and required to adminiſter the ſame to each and every One of the ſaid Arbitrators; and the ſaid Oath, ſo to be taken and ſubſcribed by each Arbitrator, ſhall be depoſited in the Cheſt herein-after directed to be provided by the ſaid Truſtees.

Meeting to be called by the Truſtees to receive Claims.

X. And be it further enacted, That the ſaid Truſtees, or the major Part of them, ſhall, and they are hereby required, before the End of Three Calendar Months next after the paſſing of this Act, by Notice under their Hands, to be affixed on the principal Doors of the Pariſh Churches of *Almondſbury* and *Olveſton* aforeſaid, and by the like Notice, to be publickly read in each of ſuch Churches, immediately after Divine Service, and alſo by inſerting ſuch Notice Twice in the *Glouceſter Journal*, and in One of the *Briſtol* publick Newſpapers, to require the ſeveral Parties claiming any Cottage Right or Rights in or upon the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, to deliver and give in to the ſaid Truſtees, or the major Part of them, at ſome Inn or Publick Houſe in the Pariſh of *Almondſbury* aforeſaid, to be mentioned in ſuch Notice, and on a fixed Day or Days, within Two Calendar Months next after the Publication of ſuch Notice, an Account in Writing of ſuch their reſpective Claims, which Accounts ſhall be open to the Inſpection and Peruſal of all Parties concerned; and in caſe any or either of the Parties claiming to be intereſted in the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall, by Writing ſigned by him, her, or them, and delivered to the ſaid Truſtees, or any One of them, within the Space of Two Calendar Months next after the Time limited for giving in the Claims as aforeſaid, object to any or either of the ſaid Claims, that then the ſaid Truſtees, or any Four or more of them, ſhall, and are hereby required forthwith to refer ſuch diſputed Claim or Claims, and the Objections to the ſame reſpectively, to the Determination of the ſaid Arbitrators, or the Survivors or Survivor of them; and the ſaid Arbitrators, or the Survivors or Survivor of them, ſhall, and are and is hereby authorized and required to ſummon the Witneſſes on either Side, and to ſend for and examine any Books or Papers belonging to the Court of Sewers held for the Lower Level of the ſaid County of *Glouceſter*, within which Level the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, lies, and by the Examination of ſuch Books or Papers, or Witneſſes, or of ſuch other Perſon or Perſons as ſhall be produced upon Oath, or if a Quaker, upon his ſolemn Affirmation, (which Oath or Affirmation the ſaid Arbitrators, or any One of them, are and is hereby empowered to adminiſter), and by other

Objected Claims to be referred to the Arbitrators.

Arbitrators to ſummon Witneſſes and examine them upon Oath.

other proper Evidence and Enquiry, to hear, ſettle, and determine, the Matters ſo to be referred to them as aforeſaid; and the Determination of the ſaid Arbitrators, or the major Part of them, or the Survivors or Survivor of them, ſhall, within the Space of Three Calendar Months next after the Matter in Diſpute ſhall have been referred to them as aforeſaid, be reduced into Writing, and ſigned and ſealed by the ſaid Arbitrators, or the Survivors or Survivor of them, making the ſame, and ſhall be depoſited and kept in a Cheſt, to be provided by the ſaid Truſtees for that Purpoſe, which Cheſt ſhall be lodged in the Pariſh Church of *Almondſbury* aforeſaid.

Witneſſes refuſing to attend or be examined on their Oath or Affirmation,

XI. And be it further enacted, That if any Perſon or Perſons ſhall be ſummoned as a Witneſs or Witneſſes to give Evidence before ſuch Arbitrators, or the Survivors or Survivor of them, upon Oath or Affirmation, touching or concerning any ſuch diſputed Claim or Claims, or the Objections thereto, either on the Part of the Claimant or Claimants, or Objector or Objectors, and ſhall neglect or refuſe to appear at the Time and Place to be for that Purpoſe appointed, without a reaſonable Cauſe for his, her, or their Neglect or Refuſal, to be allowed of by ſuch Arbitrators, or the Survivors or Survivor of them, or appearing ſhall refuſe to be examined upon Oath, or if a Quaker, to make his ſolemn Affirmation, and give Evidence before the ſaid Arbitrators, or the Survivors or Survivor of them, to whom any ſuch diſputed or objected Claim or Claims ſhall be referred as aforeſaid, that then every ſuch Perſon ſhall forfeit and pay to ſuch Claimant or Claimants, Objector or Objectors, for whom or on whoſe Behalf ſuch Perſon or Perſons ſhall have been ſo ſummoned to give ſuch Evidence, the Sum of Twenty Pounds, to be recovered by Action of Debt, Bill, Plaint, or Information, in any One of His Majeſty's Courts of Record at *Weſtminſter*, or by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to give ſuch Evidence as aforeſaid, by Warrant under the Hands and Seals or Hand and Seal of the ſaid Arbitrators, or the Survivors or Survivor of them, and which they are hereby authorized and required to iſſue and grant; and if ſufficient Diſtreſs cannot be found whereon to levy the ſame, then ſuch Perſon or Perſons ſo neglecting or refuſing ſhall, by like Warrant under the Hands and Seals, or Hand and Seal, of the ſaid Arbitrators, or the Survivors or Survivor of them, be committed to the Common Gaol of or for the ſaid County of *Glouceſter*, for Six Calendar Months, or until ſuch Penalty ſhall be ſooner paid.

to forfeit 20*l.*;

or be committed to Priſon for Six Months.

Perſons diſſatisfied to be at Liberty to try the Matter in Diſpute at Law, within Two Years;

XII. And be it further enacted, That if any Claimant or Claimants ſhall be diſſatisfied with any Determination or Order of the ſaid Arbitrators, or the Survivors or Survivor of them, touching or concerning any Diſputes or Differences as aforeſaid, it ſhall and may be lawful for ſuch Perſon or Perſons ſo diſſatisfied to try ſuch Claim or Claims at Law, at any Aſſizes to be holden in and for the ſaid County of *Glouceſter* within Two Years next after ſuch Determination or Order, by an Action or Actions at Law to be brought againſt any ſuch Perſon or Perſons as ſhall have objected to his, her, or their Claim or Claims; and in caſe the ſaid Arbitrators, or the Survivors or Survivor of them, ſhall determine againſt ſuch Perſon or Perſons ſo objecting, that then ſuch Objector or Objectors ſhall be at Liberty to try ſuch objected Claim or Claims at

Law againſt ſuch Claimant or Claimants in whoſe Favour the ſaid Arbitrators, or the Survivors or Survivor of them, ſhall have determined the ſame, ſuch Action or Actions to be commenced and brought to Trial within Two Years next after the Matter in Diſpute ſhall have been heard and determined by the ſaid Arbitrators, or the Survivors or Survivor of them, and to be tried upon a Feigned Iſſue, and to be ſettled by the proper Officer of the Court where ſuch Action or Actions ſhall be brought, (in caſe the Parties differ about the ſame); and the Party or Parties againſt whom ſuch Action or Actions ſhall be brought as aforeſaid is or are hereby required to accept a Declaration, and plead to Iſſue, and after ſuch Trial or Trials ſhall be had as aforeſaid, and a Verdict or Verdicts given, they the ſaid Truſtees ſhall, and they are hereby authorized and required, to act in conformity to ſuch Verdict or Verdicts, and to admit or reject the Claim or Claims ſo diſputed accordingly, as the Caſe may be, unleſs the Court in which ſuch Action or Actions ſhall be commenced ſhall grant a new Trial, and thereupon another and different Verdict ſhall be given, in which Caſe the ſaid Truſtees ſhall admit or reject the Claim or Claims ſo diſputed according to ſuch laſt Verdict.

and the Truſtees to admit or reject accordingly.

Truſtees to elect a Bailiff or Herdſman.

XIII. And be it further enacted, That the ſaid Truſtees, or the major Part of them, do and ſhall, as ſoon after the paſſing of this Act as they ſhall think neceſſary, nominate, elect, and appoint, a proper Perſon to be Bailiff or Herdſman of and for the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, and ſhall and may remove, diſplace, and diſcharge, ſuch Bailiff or Herdſman, and nominate, elect, and appoint, another in his Stead, and ſo from Time to Time, as often as they ſhall think proper; which ſaid Bailiff or Herdſman's Duty for the Time being ſhall be to ſuperintend, take Care of, mark, and number, the Cattle and Sheep to be depaſtured thereon by virtue of this Act, and to impound Treſpaſſers found depaſturing there, and further to obſerve and perform ſuch Orders as the ſaid Truſtees, or the major Part of them, ſhall from Time to Time make and require.

Cottage Holders to mark their Cattle and Sheep with their own particular Names;

XIV. And be it further enacted, That every Perſon or Perſons ſo entitled to keep or depaſture Neat Cattle and Sheep in or upon the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall, previouſly to his, her, or their turning any ſuch Cattle or Sheep thereon, cauſe the ſame to be pitch-marked with the Initial Letters, in Roman Characters, of his, her, or their Chriſtian Name and Surname, upon the Right Rump, (except the Twelve new-created Cottage Rights, which ſhall be marked with the general or publick Mark only), and then ſhall drive ſuch Cattle and Sheep to the Pen or Fold herein-before directed to be ſet up, in order that the Bailiff or Herdſman may take Knowledge of and ſet on them the general or publick Mark of the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, to be for that Purpoſe provided by the ſaid Truſtees, and which for ever hereafter ſhall be a large Croſs, to be impreſſed on the Left Rump, and for which the ſaid Bailiff or Herdſman ſhall be entitled to demand and receive for each Cow or Neat Beaſt Two-pence Halfpenny, and for each Sheep One Penny, from the Owner or Owners thereof, and ſo as often as others ſhall be brought in the Place or Stead of any Cattle or Sheep taken away; and that all Treſpaſſers which ſhall be found upon the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, contrary to the true Intent and Meaning of this Act, ſhall be taken by the Bailiff or Herdſman

and then drive them to the Pen, to have the general Mark ſet on them by the Herdſman.

Herdſman's Fees.

Herdſman to the Pen or Fold herein-before directed to be ſet up, and there impounded, until Satisfaction ſhall be made for ſuch Treſpaſs; and if ſuch Treſpaſſers ſhall not be owned and claimed in due Time, according to Law, and Satisfaction made, then ſuch Treſpaſſers ſhall be deemed Eſtrays, and treated as ſuch accordingly; and ſhall be taken to and belong to the ſaid Lords of the Manors of *Tockington* and *Over*, and of *Gaunts Earthcott* and *The Lee*, in ſuch Manner as the ſaid Lords have been and are by Law, Cuſtom, or Uſage, entitled to the ſame.

Eſtrays to belong to Lords of Manors.

XV. And be it further enacted, That it ſhall and may be lawful for the ſaid Owners of Cottage Rights for the Time being, or for Four-fifth Parts of them, as ſhall be aſſembled at the Pariſh Church of *Almondſbury* aforeſaid, or at ſome convenient Place in or near ſuch Pariſh, which ſaid Meeting the ſaid Bailiff or Herdſman for the Time being is hereby required from Time to Time to call and aſſemble, on Application made to him for that Purpoſe by the Owner or Owners of Fifty or more Cottage Rights, by his giving Twenty Days Notice at the leaſt of ſuch Meeting, in like Manner as is herein-before directed for the Firſt Meeting of the Truſtees for receiving Claims from Time to Time, by any Order or Orders in Writing, to increaſe, diminiſh, leſſen, alter, change, or vary, the Stint and Number of Neat Cattle and Sheep hereby allowed to be fed and depaſtured on the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, and alſo the Times of depaſturing and haining the ſame, as to the Owners of the ſaid Cottage Rights, or of Four-fifth Parts of them, ſo aſſembled, ſhall from Time to Time ſeem meet, (and alſo from Time to Time to raiſe, by an equal Aſſeſſment on the Owners or Occupiers of Cottage Rights, a Sum of Money not exceeding Twenty Shillings for each Cottage Right within the Space of Seven Years, and ſo on for ever, to make a Fund to defray any Expences attending the effectual Execution of this Act; which Aſſeſſment ſhall be ſigned by Four or more of the ſaid Truſtees, who ſhall order or direct, under their Hands, by whom the ſame ſhall be collected, and if not paid within Ten Days after Demand thereof made, the ſame ſhall and may be levied by ſuch Collector, or any other Perſon or Perſons authorized, by Warrant under the Hand and Seal of any One of His Majeſty's Juſtices of the Peace for the ſaid County of *Glouceſter*, reſiding near to the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, (who is hereby authorized and required to iſſue the ſame), by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo neglecting or refuſing to pay, rendering the Overplus to the Owner or Owners thereof, the neceſſary Charges of making ſuch Diſtreſs and Sale being firſt deducted; and if any Perſon or Perſons ſhall think him, her, or themſelves, aggrieved by the Determination of ſuch Juſtice, that then it ſhall and may be lawful for ſuch Perſon or Perſons to appeal to the next General Quarter Seſſions of the Peace for the ſaid County of *Glouceſter*, on giving Fourteen Days Notice in Writing of ſuch Appeal, previous to ſuch Quarter Seſſions, to any One of the then Truſtees for putting this Act into Execution, who ſhall have ſigned the ſaid Aſſeſſment, (whoſe Determination ſhall be final and concluſive, to all Intents and Purpoſes whatſoever); which ſaid Order or Orders ſhall be binding on and be obſerved by all and every the Owner and Owners, Occupier and Occupiers of the ſaid Cottage Rights, ſo nevertheleſs that ſuch Order or Orders be made to and extend equally to all Parties concerned, according to their ſeveral and reſpective Rights and Intereſts therein, and ſo alſo that ſuch

Four-fifths of the Owners of Cottage Rights to alter the Mode of ſtocking, *etc.* at any General Meeting to be called for that Purpoſe.

Order

Order or Orders, from Time to Time to be made, ſhall be publickly read in the Pariſh Churches of *Almondſbury* and *Olveſton* aforeſaid, on the Two ſucceſſive *Sundays* next after the making thereof, immediately after Divine Service, and be likewiſe affixed on the principal Door of each of ſuch Pariſh Churches; provided always, that no ſuch Order or Orders ſhall be of any Force or Effect before the ſame ſhall have been ſo publiſhed as aforeſaid.

Each Cottage Right to have a Vote at all the Meetings.

XVI. And be it further enacted, That at every Meeting and Meetings to be holden in purſuance of this Act every Owner of a Cottage Right or Cottage Rights ſhall have a Vote for each and every Cottage Right which he, ſhe, or they ſhall or may reſpectively hold or enjoy, at the Time of ſuch Meeting or Meetings reſpectively, ſave and except the ſaid Twelve additional Cottage Rights by this Act created and veſted in the ſaid Truſtees, for which no Vote ſhall at any Time be given at any ſuch Meeting or Meetings.

Truſtees to meet at the Pariſh Church to exhibit their Accounts.

XVII. And be it further enacted, That the ſaid *George Daubeny*, *Samuel Peach Peach*, *William Hayward Winſtone*, *Henry Bengough*, *William Oſborne*, *John Player*, and *George Rolph*, or the Truſtee or Truſtees to be from Time to Time appointed in his or their Stead as aforeſaid, ſhall, and they are hereby required to meet together at the Pariſh Church of *Almondſbury* aforeſaid, on every Twenty-fourth Day of *June* next after the paſſing of this Act, until the Twenty-fourth Day of *June* One thouſand eight hundred and one, (unleſs either of ſuch Days ſhall happen to be *Sunday*, and then on the Day following), by Eleven of the Clock in the Forenoon, and do and ſhall lay before the Owners of Cottage Rights then and there aſſembled a full and particular Account in Writing of all the Monies by them received and diſburſed in the Execution of this Act, and for their Trouble and Attendance therein, in which Account a Sum not exceeding Three Pounds ſhall be charged or allowed for the Expences of each and every ſuch Yearly Meeting; and that at the Meeting to be ſo held by ſuch Truſtees on the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and one, they ſhall fully and finally make up, cloſe, and ſettle their ſaid Accounts, and pay and deliver over to the Truſtees, who ſhall be then choſen and appointed to ſucceed them, all the Money remaining in their Hands upon Balance of ſuch Accounts, together with all Bills, Receipts, Vouchers, Books, Papers, Writings, and other Things, in their Cuſtody or Poſſeſſion, relating to the Execution of this Act, to be placed and kept in the aforeſaid Cheſt.

And on *June* 24, 1801, to make up the ſame, and pay the Balance to the ſucceeding Truſtees.

New Truſtees to account annually.

XVIII. And be it further enacted, That at every Annual Meeting to be held after the ſaid Twenty-fourth Day of *June* One thouſand eight hundred and one, the Truſtees for the preceding Year ſhall lay before the Owners of Cottage Rights, aſſembled at ſuch Meeting, a full and particular Account in Writing of all the Money by them received and diſburſed, together with all Bills, Receipts, Vouchers, and Papers relating thereto, in which Account no more than Three Pounds ſhall be charged or allowed for the Expences of the Truſtees within ſuch Year; and the Owners of ſuch Cottage Rights ſo aſſembled ſhall have Power to audit and ſettle ſuch Accounts, and to allow and paſs the ſame, if they ſhall appear to the Majority then preſent to be juſt and reaſonable; and to make ſuch proper Allowances to the ſaid Truſtees, who may be then aſſembled,

Expences allowed.

And not more than 2*l.* 2*s.* to each Truſ-

aſſembled, for their Trouble, Care, and Attendance, as ſhall at ſuch Meeting be deemed to be reaſonable and adequate, not exceeding Two Guineas to each of ſuch Truſtees; and the ſaid Truſtees ſhall, from Year to Year, in Manner aforeſaid, pay and deliver over to the Truſtees elected and appointed to ſucceed them as aforeſaid, all the Money remaining in their Hands, upon Balance of ſuch Accounts, together with all the Books, Papers, Writings, and other Things in their Cuſtody and Poſſeſſion, relating to the Execution of this Act, to be placed and kept in the aforeſaid Cheſt. tee for his Attendance.

XIX. And be it further enacted, That the ſaid Truſtees, or the major Part of them, ſhall, and they are hereby required, as ſoon as conveniently may be after the Commencement of the Term for which the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall be let as aforeſaid, by Writing under their Hands, order, direct, and declare, what Recompence or Satisfaction the Occupiers of Cottage Rights (being Tenants at Will and Rack Rent) ſhall have and be entitled, or be allowed to deduct out of their ſeveral Rents, for the Loſs of ſuch Cottage Rights, during the Term the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, ſhall be let by the ſaid Truſtees as aforeſaid, not exceeding the Sum of Seven Shillings and Sixpence *per Annum* for each Cottage Right. Truſtees to make a proper Allowance to Tenants at Will.

XX. And be it further enacted, That every Perſon who ſhall wilfully cut or break down, pluck or take up, deface, damage, or deſtroy, or take or carry away the Pen or Fold herein-before directed to be ſet up, or any or either of the Gates, Poſts, Rails, or other Erections to be ſet up in purſuance of this Act, or any Part thereof reſpectively, and ſhall be thereof convicted, either by Confeſſion or on the Oath of One or more credible Witneſs or Witneſſes, before any One or more of His Majeſty's Juſtices of the Peace for the ſaid County of *Glouceſter*, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Ten Pounds, as to ſuch Juſtice or Juſtices ſhall ſeem meet, together with the Charges previous to and attending ſuch Conviction, to be aſcertained by ſuch Juſtice or Juſtices before whom ſuch Offender ſhall be convicted, One Moiety of which Forfeiture ſhall go and be paid to the Informer, and the other Moiety thereof to the ſaid Truſtees for the Time being, to be by them applied to the Purpoſes as herein-before mentioned, with reſpect to the Rents and Proceeds of the aforeſaid Twelve hereby created Cottage Rights; and upon Non-payment thereof ſuch Juſtice or Juſtices ſhall commit the Offender to the Common Gaol, or to either of the Houſes of Correction, of or for the ſaid County of *Glouceſter*, there to remain, without Bail or Mainprize, for any Time not exceeding Six Months, nor leſs than Three Months, or until the ſaid Penalty and Charges ſhall be paid. Perſons wilfully breaking down the Pen, &c. to forfeit a Sum not more than 10*l.* or be ſent to Priſon for not more than Six or leſs than Three Months.

XXI. And be it further enacted, That if any Action or Suit at Law ſhall be brought or commenced againſt any Perſon or Perſons whomſoever for any Matter or Thing to be done under or in purſuance of this Act, ſuch Action or Suit at Law ſhall be brought or commenced within Three Calendar Months next after the Fact committed, and not afterwards; and the Defendant or Defendants ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon; and if the Plaintiff or Plaintiffs ſhall become nonſuited, Actions to be brought within Three Months.

or diſcontinue his, her, or their Action or Suit, or if upon Verdict or Demurrer Judgement ſhall be given againſt the ſaid Plaintiff or Plaintiffs, the Defendant or Defendants ſhall and may recover Double ſuch Coſts as are uſually taxed and allowed between Party and Party, and have ſuch Remedy for the ſame as any Defendant or Defendants hath or have in any other Caſes by Law.

Double Coſts.

Saving Manerial Rights.

XXII. Provided always, and be it further enacted, That nothing in this Act contained ſhall affect the Rights of the Lords of the ſaid Manors of *Tockington* and *Over*, and of *Gaunts Earthcott* and *The Lee*, for the Time being, or any of them, or of any other Lord or Lords having or claiming to have Manerial Rights upon or over the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, or any Part thereof, in any Way or Caſe whatſoever.

General Saving.

XXIII. Saving always to the King's moſt Excellent Majeſty, His Heirs and Succeſſors, to His ſaid Majeſty's Commiſſioners of Sewers for the Time being, and all and every other Perſon and Perſons, Bodies Politick and Corporate, his, her, and their Heirs, Succeſſors, Executors, and Adminiſtrators, (other than and except the Owners and Occupiers of the ſaid Cottage Rights, in reſpect to the Regulations made by or to be made in purſuance of this Act), all ſuch Eſtate, Intereſt, Right, Power, and Authority, as they, every, or any of them, had enjoyed or exerciſed in and over the ſaid *Marſh Common*, otherwiſe *Salt Marſh*, before the paſſing of this Act, or could or might have had, enjoyed, or exerciſed thereon, in caſe the ſame had not been made.

Publick Act.

XXIV. And be it further enacted, That this Act ſhall be deemed, taken, and allowed to be a Publick Act, and all Judges and other Perſons are hereby required to take Notice thereof as ſuch, without ſpecially pleading the ſame.

FINIS.