



ANNO SECUNDO

# VICTORIÆ REGINÆ.

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## Cap. 7.

An Act for the Sale of the Advowson of the Vicarage of *Tetbury* in the County of *Gloucester*.  
[14th *May* 1839.]

**W**HEREAS by certain Articles of Agreement bearing Date the First Day of *February* in the Eighth Year of the Reign of His Majesty King *Charles* the First, and expressed to be made between *Richard Talboys, John Gastrell, Richard Boxe, and Toby Chapman* (therein respectively described) of the First Part; *William Tanner*, Bailiff of the Town of *Tetbury* in the County of *Gloucester*, *Francis Savage*, and others, being of the Number or Society there called the *Thirteen of Tetbury*, of the Second Part; and *Thomas Burgess* and others, being the Company or Society called the *Four-and-twenty*, and *Charles Savage* and others, being of the Number called the *Commonalty*, of the Third Part; it was agreed and declared that the Advowson of the Vicarage there and other the Hereditaments therein mentioned should be bought of the Lord and Lady *Berkeley*, and be conveyed by them to the said *Richard Talboys, John Gastrell, Richard Boxe, and Toby Chapman*, and their Heirs, for the general Good and Benefit of the Inhabitants Householders within the Borough of *Tetbury* aforesaid, and that the said Feoffees or the greater Number of them, as often as the said Vicarage should become void, should from Time to Time name a fit Man to be presented to the Lord Bishop of the Diocese or other Ordinary for the Time being to be Vicar there: And whereas by an Indenture of Feoffment (perfected by Livery of Seisin) bearing Date the Sixteenth Day of *March* in the Eighth Year of the Reign of His said Majesty King *Charles* the First, expressed to be made between the Right Honourable Sir *George Berkeley*

Articles of Agreement, dated 1st Feb. 8 Car. 1.

Indenture of Feoffment, dated 16th March, 8 Car. 1.

[*Private.*]

*Berkeley*



*Berkeley* Knight, Lord *Berkeley*, *Mowbray*, *Segrave*, and *Breouse*, and the Right Honourable *Elizabeth* Lady *Berkeley* Widow, Mother of the said *George* Lord *Berkeley*, of the one Part, and the said *Richard Talboys*, *John Gastrell*, *Richard Boxe*, and *Toby Chapman* of the other Part, it is witnessed, that in consideration of the Sum of Eight hundred and forty Pounds, paid by the said *Richard Talboys*, *John Gastrell*, *Richard Boxe*, and *Toby Chapman* as therein is mentioned, the said *George* Lord *Berkeley* and *Elizabeth* Lady *Berkeley* did grant, enfeoff, and confirm all that the Manor of *Tetbury*, and the Advowson, free Disposition, and Right of Patronage of the Vicarage of the Parish Church of *Tetbury* aforesaid, (together with divers Closes and Parcels of Land therein particularly mentioned and described,) unto and to the Use of the said *Richard Talboys*, *John Gastrell*, *Richard Boxe*, and *Toby Chapman*, their Heirs and Assigns for ever: And whereas by an Act passed in the Fifty-fourth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for vesting certain Common Fields and Waste Grounds within the Town and Borough and Parish of Tetbury in the County of Gloucester in Trustees, discharged of any Right of Common therein, and upon certain Trusts declared thereof*, certain Common Fields and Waste Grounds, being Part of the Hereditaments which, as in this Act is mentioned, had been, in pursuance of the said recited Agreement, purchased for the general Good and Benefit of the Inhabitants Householders within the said Borough of *Tetbury*, were vested in *Thomas Saunders*, *Thomas White*, *Richard Cooper*, and *Thomas Floyer Wickes*, the then surviving Feoffees thereof, freed from all Right of Common and other Rights of the Inhabitants Householders within the said Town and Borough of *Tetbury*, but nevertheless to and for the sole Use and for the general Good of the Inhabitants of the Town and Borough of *Tetbury* aforesaid, as in the said Act is mentioned and referred to; and in the said Act are contained Provisions for the Appointment of new Trustees of the said Lands and Hereditaments, as in the said Act is mentioned: And whereas Sir *Giffin Wilson* Knight, one of the Masters of the High Court of Chancery in *England*, by his Report bearing Date the Twenty-fourth Day of *February* One thousand eight hundred and thirty, and made in the Matter of the *Tetbury* Charity Estates, proposed that the future Application of the Revenues of the said Estates called the *Tetbury* Charity Estate should be applied as follows; first, that Thirty Pounds *per Annum* should be bestowed in Gowns for the Poor of *Tetbury*, in such Manner as the Feoffees for the Time being or the Majority of them should think fit; secondly, that Seventy Pounds *per Annum* should be paid to a Schoolmaster, for teaching poor Children of the Inhabitants of the said Town to read, write, and cast Accounts, and that the Feoffees for the Time being, or the Majority of them, should have the Appointment of the said Schoolmaster; thirdly, that Thirty-five Pounds *per Annum* should be paid to a Schoolmistress, for teaching poor Female Children of the Inhabitants of the said Town to read, write, and cast Accounts, and also for instructing them in Needlework, the Schoolmistress to be appointed and removed from Time to Time as Occasion might require by the Majority of the Feoffees for the Time being; fourthly, that the Sum of Thirty Pounds *per Annum* should be allowed for Books and the general Expences of the Boys and

54G.3.c.144.

Report of  
Master in  
Chancery,  
dated 24th  
Feb. 1830.



and Girls School, to be laid out at the Discretion of the Vicar and Feoffees, or the Majority of them for the Time being; fifthly, that the Feoffees for the Time being, or the Majority of them, should be at liberty to cause such Part of the Market House of the said Town to be fitted up for Schoolrooms for the said Boys and Girls Schools as they should think fit, and that the Expence thereof should be defrayed out of the Charity Estates; that the Management of both the Boys and Girls Schools should be under the Superintendence of the Vicar of *Tetbury* for the Time being as well as of the Feoffees of the said Charity Estates; seventhly, that Thirty Pounds a Year should be paid to a Lecturer, to be chosen by the greater Number of the Feoffees for the Time being, the Lectures to commence every Year on the Third *Sunday* in *April*, and continue to be given every *Sunday* following until the Third *Sunday* in *September*; eighthly, that Twenty Pounds *per Annum* should be paid for apprenticing poor Children born in the said Town; ninthly, that Thirty-one Pounds Four Shillings *per Annum* (being at the Rate of Twelve Shillings a Week) should be paid to a Night Watchman to watch the said Town and Borough, who should be appointed and removed as Occasion might require by the Majority of the Feoffees for the Time being; and lastly, that the surplus Revenues of the said Charity Estates (after such annual Payments should be fully made and discharged) should be applied for the best Use, general Good, and Advantage of the said Town and Borough of *Tetbury*, in such Manner and Form as the said Trustees for the Time being, or the Majority of them, should in their Discretion think most advisable: And whereas by a Decree or Decretal Order of the High Court of Chancery, bearing Date on or about the Twenty-sixth Day of *March* One thousand eight hundred and thirty, the said Report was confirmed: And whereas under and by virtue of certain Indentures of Lease and Release, bearing Date respectively on or about the Seventeenth and Eighteenth Days of *October* One thousand eight hundred and thirty-eight, the Release being made or expressed to be made between *Robert Maskelyne Warman, Robert Clark Paul, John Wood, Jacob Wood, Joseph Overbury, and Charles Paul* (therein described as surviving Feoffees or Trustees of the Lordship or Manor of *Tetbury* aforesaid, and other Matters and Things therein-after mentioned) of the one Part, and *John Cook* (therein described) of the other Part, and in pursuance of the Power and Authority contained in the aforesaid Act of Parliament for the Appointment of new Trustees as aforesaid, the said Manor and Advowson, together with other the Hereditaments which were so purchased as aforesaid for the Purposes aforesaid, became vested in the said *Robert Maskelyne Warman, Robert Clark Paul, John Wood, Jacob Wood, Joseph Overbury, Charles Paul, and John Cook*, their Heirs and Assigns for ever, upon Trust for the sole and only Use and Benefit and for the general Good and Advantage of the Inhabitants of the said Town and Borough of *Tetbury* aforesaid, or such other Use or Uses, Trust or Trusts, Intents and Purposes, as were thereof declared in and by the therein and herein before in part recited Act of Parliament, or such of them as were then subsisting or capable of taking effect: And whereas the said Advowson of the Vicarage of the Parish of *Tetbury*, which is so as aforesaid vested in the aforesaid Trustees for the general Good and Benefit of the

Decree of the Court of Chancery, dated 26th March 1830.

Indentures of Lease and Release, dated 17th and 18th Oct. 1838.

Inhabitants



Inhabitants Householders of the said Town and Borough of *Tetbury*, yields no pecuniary Profit or Income: And whereas at a Meeting of the Inhabitants Householders of the Town and Borough of *Tetbury* aforesaid, held at the Town Hall of the said Borough on or about the Twenty-eighth Day of *August* One thousand eight hundred and thirty-eight, which Meeting was convened by the Bailiff in pursuance of a Requisition signed by several respectable Inhabitants, it was resolved that a Sale of the said Advowson would be highly advantageous to the Inhabitants of the said Borough: And whereas at a Meeting of the Feoffees of the said Advowson and other Trust Estates, and of the Number or Society called the Thirteen of *Tetbury*, held at the Town Hall of the said Borough on the Twenty-eighth Day of *November* One thousand eight hundred and thirty-eight, it was resolved that in concurrence with the aforesaid Resolution of the Inhabitant Householders of the said Borough an immediate Application should be made to Parliament for an Act to enable the Feoffees to sell the said Advowson, together with the Glebe Lands and Appurtenances thereto belonging, and it was further resolved that the Monies to arise from such Sale should be paid by the Purchaser into the Name of the Accountant General of the High Court of Chancery, and be applied, under the Directions of the said Court, firstly, in Payment of all Costs, Charges, and Expences to be incurred in the preparation and passing of such Act, or in anywise relating thereto, or relating to the Sale of the said Advowson and investing the Surplus of the said Trust Monies; secondly, that the Sum of One thousand Pounds should be applied by the Feoffees, the Vicar and Churchwardens for the Time being, in increasing the Number of free Sittings in the Parish Church, or in the Erection of a Chapel of Ease in connexion with the Parish Church, as might thereafter be agreed upon, and in the Erection of Stoves for heating the Church, and Fittings for lighting the same with Gas; thirdly, that after making such Payments as aforesaid the Surplus of the said Trust Monies should be invested in the Name of the said Accountant General in the Purchase of Three *per Cent.* Consolidated Bank Annuities, and the Dividends arising therefrom be applied as follows, that is to say, that Thirty Pounds *per Annum* should be expended in furnishing Coals and Blankets to the Poor of the said Parish annually at *Christmas*, in such Manner as the Feoffees for the Time being, or the Majority of them, should think fit; that the Sum of Seventy Pounds should be annually paid to the Commissioners acting under an Act of Parliament passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third for paving and lighting the said Town and Borough of *Tetbury*, in augmentation of the Rate to be by them levied in pursuance of the Powers of such Act, and in the Payment of the Salary of an extra Watchman or Policeman, and that the Residue of the said Dividends should be applied in aid of the Scheme for the Application of the Revenues of the *Tetbury* Charity Estates as approved by the Master's said Report dated the Twenty-fourth Day of *February* One thousand eight hundred and thirty, and subsequently confirmed by the Court of Chancery, as far as the same might be required for carrying the said Scheme out to the full Extent: And whereas it would be greatly for the Interest of the Inhabitants Householders of



of the said Town and Borough that the Purposes aforesaid should be carried into execution, 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 the Advowson, Free Disposition, and Right of Patronage to the Vicarage of the Parish Church of *Tetbury* aforesaid shall, from and immediately after the passing of this Act, be and remain vested in, and the same is hereby absolutely vested in the said *Robert Maskelyne Warman, Robert Clark Paul, John Wood, Jacob Wood, Joseph Overbury, Charles Paul, and John Cook*, their Heirs and Assigns for ever, freed and absolutely acquitted, exonerated, and discharged from all and singular the Uses, Trusts, Limitations, and Declarations created, expressed, and declared in and by the said recited Articles of Agreement, the said Indenture of Feoffment or any subsequent Deed or Instrument made in pursuance of the said Agreement, or the said Act of Parliament, of and concerning the same Advowson, but upon Trust nevertheless that the said *Robert Maskelyne Warman, Robert Clark Paul, John Wood, Jacob Wood, Joseph Overbury, Charles Paul, and John Cook*, or the Survivors or Survivor of them, or the Heirs of such Survivor, or their or any of their or his Assigns, do and shall, at any Time after the passing of this Act, absolutely make Sale and dispose of the said Advowson, either by public Auction or private Contract, unto any Person or Persons who shall or may be willing to become the Purchaser or Purchasers thereof, and for the best Price or Prices that can or may be reasonably obtained for the same, which Sale may be made subject to any special Conditions as to Title or otherwise as to the said Trustees for the Time being under this Act shall seem expedient; and the said Trustees shall have full Power, Liberty, and Authority to buy in the same Advowson when put up or offered for Sale at any Auction, and to resell the same at any future Auction or by private Contract, without being answerable for any Loss which may happen by such Resale; and the said Trustees shall do, perform, and execute all such Acts, Deeds, Matters, and Things as may be requisite and proper for effectuating such Sale, and on Payment in manner herein-after mentioned of the Money which shall arise from such Sale shall convey the said Advowson to the Purchaser or Purchasers thereof, and his, her, or their Heirs and Assigns for ever, or to such Uses as he or they shall appoint.

The Advowson vested in Trustees for Sale.

II. And be it further enacted, That the Money which shall arise from the Sale of the Advowson to be made in pursuance of this Act shall be paid by the Purchaser or Purchasers thereof into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there "*ex parte* the Purchaser or Purchasers of the Advowson of *Tetbury*," pursuant to the Method prescribed by the Act of the Twelfth Year of the Reign of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or Reward, according to the Act of the Twelfth Year of the Reign of King *George* the Second, Chapter Twenty-four.

Money arising from the Sale to be paid into the Bank in the Name of the Accountant General of the Court of Chancery.

[*Private.*]

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III. And



Certificate of the Accountant General and Cashier's Receipt to be a good Discharge to a Purchaser.

III. And be it further enacted, That the Certificate or Certificates of the said Accountant General, together with the Receipt or Receipts of one of the Cashiers of the Bank of *England*, to be thereto annexed and therewith filed in the Register Office of the Court of Chancery, of the Payment into the Bank of *England* by such Purchaser or Purchasers of his, her, or their Purchase Money, or an Office Copy or Office Copies thereof, shall be and be deemed and taken to be a good and sufficient Discharge or good and sufficient Discharges to such Purchaser or Purchasers, and to his, her, or their Heirs, Executors, Administrators, or Assigns, for the same, and that such Purchaser or Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, shall not afterwards be liable to see to the Application of such Monies, nor be answerable or accountable for any Loss, Misapplication, or Nonapplication of the same.

Application of the Money to be so paid in.

IV. And be it further enacted, That the Monies which shall be paid into the Bank as aforesaid shall be applied, under the Direction of the Court of Chancery, on a Petition to be presented to the said Court in a summary Way by the Trustees or Feoffees for the Time being of the said Manor and other Hereditaments comprised in the said Indenture of the Eighteenth Day of *October* One thousand eight hundred and thirty-eight, in the first place, to the Payment and Discharge of all Costs, Charges, and Expences incurred in the Preparation and passing of this Act or in anywise relating thereto, and of all Expences incurred by or relating to the Sale of the said Advowson, and to the Investment herein-after directed of the Surplus of the said Trust Monies; and, in the next place, to the Payment to the said Trustees or Feoffees for the Time being of the said Manors and Estates of the Sum of One thousand Pounds Sterling, to be applied by the said Trustees or Feoffees to such Purposes and in such Manner for increasing the Number of free Sittings in the Parish Church of *Tetbury* aforesaid, or in the Erection of Stoves for heating the same, in Fittings for lighting it with Gas, or in the Erection of a Chapel of Ease in connexion with the aforesaid Church, or to any or all of such Purposes as the Vicar and Churchwardens for the Time being of the said Parish shall, with the Sanction of Her Majesty's Commissioners for building new Churches, order and direct.

Surplus to be laid out in the Purchase of Three per Cent. Consols.

Application of the Dividends.

V. And be it further enacted, That the Surplus of the said Monies remaining after such Payment as aforesaid shall be laid out in the Purchase of Three Pounds *per Cent.* Consolidated Bank Annuities, and transferrable at the Bank of *England*, and the Dividends of such Bank Annuities shall from Time to Time be paid to the Trustees or Feoffees for the Time being of the said Manor, Estates, and Hereditaments, who shall apply the same for the Purposes and in manner following; (that is to say,) that the said Trustees or Feoffees do and shall in every Year expend the Sum of Thirty Pounds in furnishing Coals and Blankets to the Poor of the said Parish at *Christmas*, in such Manner as the said Trustees or Feoffees, or the Majority of them, shall think fit, and do and shall pay the Sum of Seventy Pounds to the Commissioners appointed by or in pursuance of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act for paving the Footways, and for lighting and cleansing the Streets, Lanes,*



*Lanes, and public Places within the Town and Borough of Tetbury in the County of Gloucester, and for preventing Nuisances therein, in augmentation of the Rate levied by the said Commissioners in pursuance of the Powers given to them by the said Act, and in the Payment of the Salary of an extra Watchman or Policeman for the said Town and Borough, who shall be appointed and removed by the said Commissioners or any Three or more of them at a Meeting to be held under or by virtue of the said Act, and do and shall pay and apply the Residue of the said Dividends in such and the same Manner as by the aforesaid Report of the said Master is proposed or directed of and concerning the Rents and Profits of the Tetbury Charity Estates aforesaid, and to the Intent that the same shall go and be applied in aid of the Objects in the said Report set forth.*

VI. And be it further enacted, That in case by the Death, Cession, or Resignation of the present Incumbent, or of any future Incumbent of the said Vicarage or Living of *Tetbury*, the same shall become vacant before the Sale of the said Advowson hereby directed to be made shall have been effected, then and in every or any such Case the Persons or Person in whom under this Act the said Advowson shall be vested shall present to the said Vicarage such Person as shall be nominated and elected for that Purpose by the Persons who, if this Act had not been passed, would have been entitled to nominate a Clerk to be presented to the said Vicarage.

Provision in case the Vicarage shall become vacant before a Sale takes place.

VII. Provided always, and be it further enacted, That if at any Time before the said Advowson shall have been sold and conveyed, in pursuance of the Directions of this Act contained, in case any of the Trustees for the Time being under this Act shall die, or desire to be discharged from, or shall depart the Realm, or decline or become incapable to act in the Execution of the subsisting Trusts under this Act, then and in every such Case it shall and may be lawful to and for the surviving or continuing Trustees, and the Number or Society called the Thirteen of *Tetbury* aforesaid, or the Majority of them present at any Meeting convened for that Purpose by Notice in Writing, to be affixed on or near to the Door of the Parish Church of *Tetbury* aforesaid, previously to the Commencement of Divine Service there, on a *Sunday* One Week at least before the holding of such Meeting, to nominate any Person or Persons (being a principal Inhabitant or Householder or principal Inhabitants or Householders of the same Town and Borough or Parish) to be a Trustee or Trustees in the Stead of the Trustee or Trustees so dying, or desiring to be discharged, or departing the Realm, or declining or becoming incapable to act as aforesaid; and that when and so often as any new Trustee or Trustees shall be nominated as aforesaid all and singular the Trust Property shall thereupon, with all convenient Speed, be conveyed, assigned, and transferred to and in such Manner as that the same may be vested in the new Trustee or Trustees jointly with the surviving or continuing Trustees as aforesaid; and that every such new Trustee and Trustees shall have the same Powers and Authorities in all respects as if he or they had been originally by this Act nominated a Trustee, or Trustees for the Purposes aforesaid.

For the Nomination of new Trustees.

VIII. Pro-



For the In-  
demnity of  
the Trustees.

VIII. Provided always, and be it further enacted, That none of the present or future Trustees of this Act shall be answerable or accountable for the other or others of them, or for involuntary Losses, and that by and out of the Monies which shall come to the Hands of such Trustees or Trustee it shall be lawful for them and him to retain and reimburse themselves and himself all necessary Costs, Charges, and Expences which they or he may respectively incur or sustain in carrying the Trust of this present Act into execution.

Court of  
Chancery  
may make  
Orders for  
Taxation and  
Payment of  
Costs.

IX. And be it further enacted, That it shall and may be lawful for the said High Court of Chancery, on Petition in a summary Way by the Trustees for the Time being under this Act, from Time to Time to make such Order as the Court shall think fit, expedient, and reasonable for allowing, taxing, and settling all such Costs, Charges, and Expences as shall have been or shall be incurred preparatory to and in soliciting and applying for and obtaining and passing this Act, and in making the Application to the said Court in pursuance thereof, and in making and completing the Sale, Purchases, and other Matters and Things hereby authorized to be made or done, and otherwise for carrying the Trusts and Purposes of this Act into execution, and also from Time to Time to make such Order or Orders as the Court shall think fit for the Payment of all such Costs, Charges, and Expences as aforesaid out of any Monies or Fund which shall be vested in the said Trustees for the Time being.

General  
Saving.

X. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and to all and every other Person and Persons, Bodies Politic and Corporate, his, her, and their Heirs, Successors, Executors, and Administrators, (other than and except the Commonalty and Inhabitants of the Town and Borough of *Tetbury* aforesaid for the Time being, or the said Societies or Numbers called the Thirteen and the Four-and-twenty, and all Persons who now are or heretofore have been Trustees of the said Advowson, and their several and respective Heirs and Assigns, and all other Persons, Bodies Politic and Corporate, having or claiming any Estate, Right, Title, or Interest in or to the said Advowson, under or by virtue of the aforesaid original Creation of the Trust of the said Advowson, or of any subsequent Deed or Instrument relating thereto,) all such Estate, Right, Title, Interest, Claim, and Demand whatsoever, of, in, to, or out of the said Advowson, as they, every or any of them, had before the passing of this Act, or might have had or enjoyed in case this Act had not been passed.

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

XI. 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.