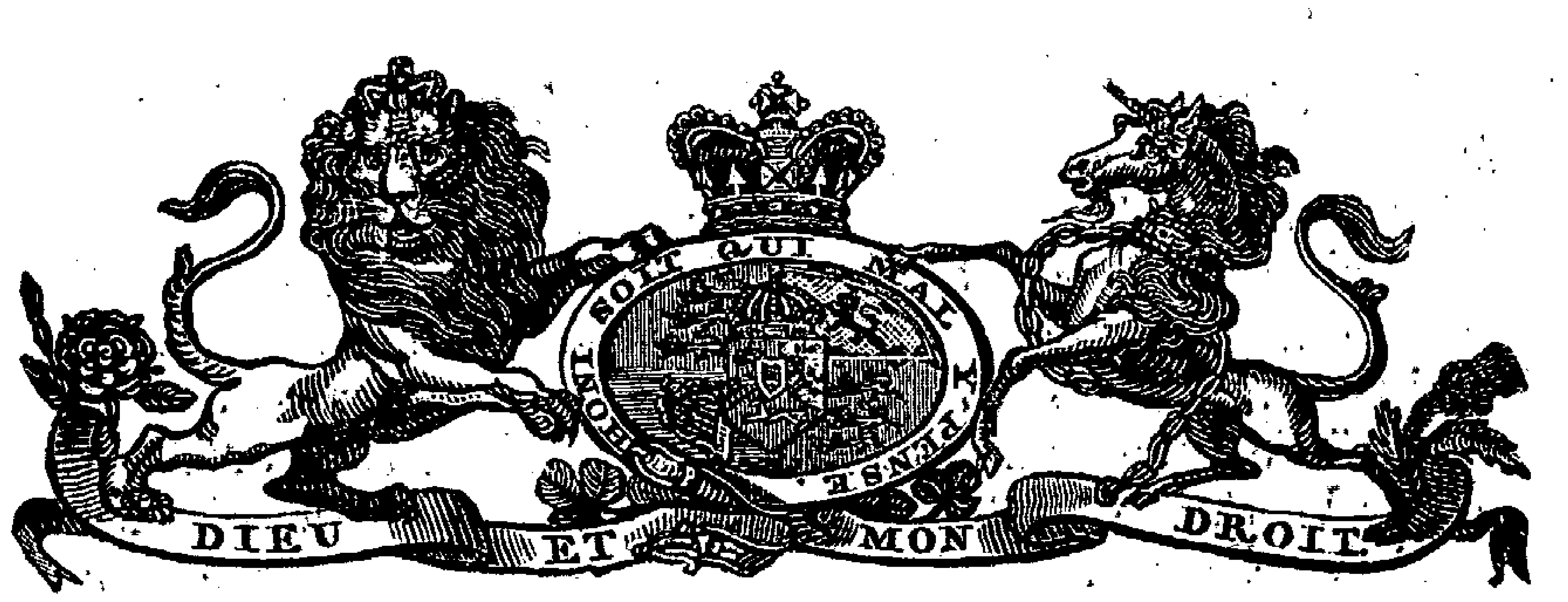


ANNO NONO

GEORGII IV. REGIS.

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Cap. xciv.

An Act for making and maintaining a Railway or Tram Road from *Rodway Hill*, in the Parish of *Mangotsfield* in the County of *Gloucester*, to the River *Avon* in the Parish of *Bitton* in the same County. [19th *June* 1828.]

WHEREAS the making and maintaining of a Railway or Tram Road, for the Passage of Waggons and other Carriages, from at or near *Rodway Hill*, in the Parish of *Mangotsfield* in the County of *Gloucester*, to the River *Avon* in the Parish of *Bitton* in the said County of *Gloucester*, would open a convenient Communication from several extensive Collieries and Stone Quarries on the Line and in the Neighbourhood of the same, to and with the City of *Bath* and various Places in the Counties of *Somerset*, *Wilts*, and *Berks*, and would otherwise be of great Public Utility: And whereas by Levels and Surveys lately made and taken of the Line of the said proposed Railway or Tram Road, the Practicability of making the said Railway or Tram Road has been ascertained; and the several Persons hereinafter named are willing and desirous, at their own Expence, to make and maintain the said Railway or Tram Road, and such other Works as are hereinafter mentioned; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *Robert Bruce*, *James Heygate* junior, *William Hughes*, the Company of Proprietors of

Company of Proprietors.

of the *Kennet* and *Avon* Canal Navigation, *Thomas Merriman, Samuel Mills, Frederick Page, Thomas Shaw, Robert Sutton, William Pile Taunton, John Wells,* and such other Persons as shall hereafter contract or subscribe for any Share or Shares in the Undertaking hereinafter authorized, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railway or Tram Road and other Works by this Act authorized to be executed, according to the Rules, Orders, and Directions hereinafter mentioned and specified, and shall for that Purpose be one Body Corporate, by the Name and Style of "The *Avon* and *Gloucestershire* Railway Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and the said Company of Proprietors shall have Power and Authority, from and after the passing of this Act, and at all Times thereafter, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell or dispose of the said Lands and Hereditaments again in Manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

Their Name and Powers.

Power to make Railway, &c.

II. And be it further enacted, That the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tram Road, passable for Waggons and other Carriages, to be constructed as hereinafter appointed, from at or near *Rodway Hill* in the Parish of *Mangotsfield* in the said County of *Gloucester*, to commence in a certain Pasture Field belonging to *Henry* Lord *Middleton* and *Edward Francis Colston* Esquire, and in the Occupation of *Joel Baber*, to the River *Avon*, in or adjoining a certain Meadow called the *Backs*, in the Parish of *Bitton* in the said County of *Gloucester*, and into, through, or over the several Parishes, Hamlets, or Places of *Mangotsfield*, *Sciston* otherwise *Siston Wick*, and *Abson Oldland* and *Bitton*, all in the same County; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, according to the Directions and Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tram Road, and all such other Works, Matters, and Conveniences as shall be necessary for making, effecting, preserving, improving, completing, maintaining, and using the said Railway or Tram Road, and for the Conveyance of Goods into and out of the said Railway or Tram Road; and for those Purposes to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in making the said Railway

Railway or Tram Road or other Works, out of the Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway or Tram Road, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tram Road and other Works, or which may hinder or obstruct the making, using, or completing, extending, or maintaining the same respectively; and also to make, build, erect, bank, excavate, cut, and set up, in, under, or upon the said Railway or Tram Road and other Works, and upon the Lands adjoining the same, such and so many Embankments, Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Posts, Ropes, and Chains, and such and so many Wharfs, Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works and Ways, Roads and Conveniences, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purpose of the said Undertaking, and also from Time to Time to alter, repair, and amend, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, and maintaining and repairing the said Railway or Tram Road and other Works, on the Lands or Grounds adjoining to the Place or Places where the said Works, or any of them, shall be or are intended to be made, executed, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tram Road; and also to make, set out, and appoint such Roads and Ways, convenient for hauling or drawing of Waggons and other Carriages passing upon the said Railway or Tram Road, with Men or Horses or otherwise, and proper Places for Waggons and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any Bridges, Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks, or elsewhere, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railway or Tram Road and other Works; and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, extending, and using the said Railway or Tram Road and other Works to be made or constructed in pursuance and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in Manner hereinafter mentioned, to the Owners and Proprietors of and all Persons interested in any Lands or other Hereditaments which shall be taken, used, or removed, diverted or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoes and Restrictions as are hereinafter mentioned and contained.

III. And

Steam Engines to consume their Smoke.

III. And be it further enacted, That the Furnace of every Steam Engine to be erected under or by virtue of the Powers of this Act, shall be constructed upon the Principle of consuming its own Smoke.

Ascent to Bridges.

Fences to Bridges.

IV. And be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen; and that a good and sufficient Fence shall be made on each Side of every such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Crossings.

V. Provided always, and be it further enacted, That where the said Railway or Tram Road shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railway or Tram Road, for the Purpose of guiding the Wheels of the Carriages, shall not rise above the Level of such Road, nor be more than One Inch below the Level of such Road.

Width of Railway.

VI. And be it further enacted, That the Distance between the inside Edges of the said Railway or Tram Road shall be Four Feet and Eight Inches; and that the Distance between the outside Edges of the said Railway or Tram Road shall be Five Feet and One Inch.

Houses and Gardens not to be used, except those specified in the Schedule.

VII. Provided always, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or Tram Road or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *December* One thousand eight hundred and twenty-seven, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent in Writing of the Owners or Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule annexed to this Act.

Plans and Books of Reference to remain with the Clerk of the Peace, and be open to Inspection.

VIII. And whereas a Survey has been taken of the Line of the said Railway or Tram Road, and a Map or Plan, with a Book of Reference thereto, describing the same, has been made and deposited with the Clerk of the Peace for the County of *Gloucester*; be it therefore enacted, That the said Map or Plan, and Book of Reference thereto, shall remain deposited with the Clerk of the Peace for the County of *Gloucester*, to which Map, Plan, and Book of Reference all Persons shall have Liberty to resort, and to examine and make Extracts from or Copies of the same, as Occasion shall require, paying to the said Clerk for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Book of Reference after the Rate of Sixpence for every One hundred Words; and the said Map or Plan and Book of Reference, or true Copies

Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere.

Not to deviate more than 100 Yards.

IX. And be it further enacted, That the said Company of Proprietors in making the said intended Railway or Tram Road shall not deviate more than One hundred Yards from the Course of Direction delineated in the said Map or Plan.

Names of Land Owners omitted in Book of Reference not to obstruct making the Railway, &c.

X. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tram Road and other Works into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear, to the Satisfaction of any Two or more Justices of the Peace for the said County of *Gloucester*, and to be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Breadth of the Land to be taken for Railway.

XI. And be it further enacted, That the Lands and Grounds to be taken or used for making and using the said Railway or Tram Road shall not exceed Fifteen Yards in Breadth, except in those Places where it shall be judged necessary for Waggons or other Carriages to turn or pass each other, or for raising Embankments for crossing the Vallies or in deep Cuttings, or where any Buildings, Steam Engines, or other Machines, Warehouses, Cranes, or Weighbeams, may be erected, or where any Places may be set out or appropriated for the forming of Wharfs, or for the Reception or Delivery of Goods, Wares, and Merchandize which shall be conveyed on the said Railway or Tram Road, and not above One hundred Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tram Road.

Bodies Politic, &c. empowered to sell and convey Lands.

XII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said Railway or Tram Road and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences, and for doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Lords or Ladies of Manors, Tenants in Tail or for Life, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Tenants and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be

be seised, possessed of, or interested in their own Right or entitled to any Interest therein, and to and for all and every other Person or Persons whomsoever who is or are or shall be seised, possessed of, or interested in any such Lands, Grounds, or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all other Persons, so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made in the Form or to the Effect following, or as near thereto as the Number of the Parties and the Circumstances of each Case will admit; (that is to say,)

Form of Conveyance to the Company.

'I *A. B.* of in consideration of the Sum of
'to me paid by the Company of Proprietors
'of the *Avon* and *Gloucestershire* Railway, do hereby, by virtue of the
'Powers contained in an Act passed in the Ninth Year of the Reign
'of King *George* the Fourth, intituled *An Act* [*here set forth the*
'*Title of this Act,*] grant and release to the said Company of Pro-
'prietors all [*describing the Premises to be conveyed, with the Ap-*
'*purtenances,*] and all my Right, Title, and Interest in and to the
'same and every Part thereof; to hold to the said Company of Pro-
'prietors and their Successors for ever, by virtue and according to
'the true Intent and Meaning of the said Act. In witness whereof
'I have hereunto set my Hand and Seal, the Day of
', in the Year of our Lord .'

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; and all such Conveyances and Assignments respectively shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence for every One hundred Words, exclusive of Stamps.

Where small Parcels of Lands are intersected, Company compellable to purchase the Whole.

XIII. And be it further enacted, That if, in making the said Railway or Tram Road, any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Railway or Tram Road shall be less than Half an Acre in Quantity, or less than Fifty Yards in average Breadth, throughout the whole Length thereof, and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to what shall be so left on each or either Side of the said Railway or Tram Road, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground so left on each or either

either Side of the said Railway or Tram Road, being less than Half an Acre in Quantity, or less than Fifty Yards in average Breadth as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Railway or Tram Road; provided the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents or Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Conveyances by Lords of Manors of Lands taken from Commons to be sufficient.

XIV. And be it further enacted, That in all Cases where there shall be Occasion to cut through, take, or use for the Purpose of this Act any Part or Parts of any Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments which shall be charged with or subject to any Right or Rights of Common or Commons, whether of Pasture, Turbary, Estover, Piscary, or Easement, whether appendant, appurtenant, or in gross, or whether created or then subsisting by Grant, Prescription, Custom, or otherwise howsoever, the Conveyance thereof by any Body Politic, Corporate, or Collegiate, or other Person or Persons having such and the like Estate and Interest of and in the Manor wherein such Lands, Tenements, Commons, Common or Waste Ground, shall be situate, or if the same shall not be the Waste of any Manor, then having such and the like Estate or Interest of and in the Soil of such Lands, Tenements, Wastes, Commons, and Hereditaments, as the Body or Bodies Politic, Corporate, or Collegiate, or Persons, who are hereinbefore enabled to sell and convey other Lands, Tenements, and Hereditaments, are hereinbefore described or required to have for the making of such Sales effectual, shall be a good and sufficient Conveyance of the Fee Simple and Inheritance of such Waste Ground or Common, or other Lands, Tenements, or Hereditaments, for the Use of the said Railway, as fully and effectually as if every Person having such Right or Rights of Common or Commons upon such Commons or Waste Grounds, or other Lands, Tenements, or Hereditaments, were seised of the same Commons, Waste Grounds, or other Lands, Tenements, or Hereditaments, in Fee Simple in Possession, and had joined in and executed such Conveyance; and that the Compensation to be paid for any Right of Common upon any such Commons or Waste Grounds as aforesaid shall be paid by the said Company of Proprietors to the Churchwardens of the respective Parishes wherein such Commons or Waste Grounds shall lie, and shall be by such Churchwardens received and applied for such general or public Purposes within such Parishes respectively as a Vestry of such respective Parishes, to be convened by such Churchwardens for that Purpose, shall direct; and that in all Cases where such Rights, Commons, Profits, or Easements shall be and extend over and be enjoyed and taken out of any other Lands, Tenements, or Hereditaments than such Wastes and Commons, the Compensation shall be paid or tendered to the Person or Persons, Bodies Politic, Corporate, or Collegiate, having such Estate or Interest aforesaid in the said Rights, Commons, Profits, or Easements, or in the Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or so enabled to sell as aforesaid,

or

or deposited in the Bank of *England* in Manner by this Act directed (as the Case may be): Provided always, that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Ground is situated, the Conveyance aforesaid, executed by Four or more of the Freeholders whose Estates have Common Right in such Common or Waste Ground, and whose said Estates amount in yearly Value, as assessed to the Poor Rates, to Five Sixths at least of the whole of the Estates which have such Common Right, to the said Company of Proprietors, shall also be good and valid Conveyances.

Satisfaction to be made for Lands taken.

XV. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons hereinbefore enabled to sell or convey Lands or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments through, in, or upon which the said Railway or Tram Road and other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands and Hereditaments, and also a Compensation for the Damages to be sustained by making or completing the said Works hereinbefore directed to be made, such Satisfaction and Compensation respectively to be made and given in gross Sums; and in case the said Company of Proprietors, and the said Parties interested in such Lands or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction or Compensation, the same shall be ascertained and settled by the Verdict of a Jury, if required, as is hereinafter directed.

Differences respecting Price of Land or Damages to be settled by a Jury.

XVI. And be it further enacted, That in case of any Difference of Opinion between the said Company of Proprietors or their Agents, and any Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons interested in or entitled to any Lands, Tenements, or Hereditaments, relative to the Price or Value, Damages or Recompence, to be given for the same, to be taken or used for the Purposes of this Act, and in case such Price or Value, Damages or Recompence, cannot be settled, adjusted, or agreed for by and between the said Company of Proprietors or their Agents, and such Proprietors of or Persons interested in the Lands, Tenements, or Hereditaments as aforesaid; or if any such Body or Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or Recompence as shall be offered to be paid by the said Company of Proprietors, or shall, for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers, of any Lands or other Hereditaments required for the Purposes of this Act, neglect or refuse to treat; or if any Person or Persons shall, by Absence or otherwise, be prevented

vented from treating, and shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which they are or shall be in Possession of, and to the Interest which they claim therein; then and in every such Case the said Company of Proprietors shall and they are hereby empowered and required to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands or Hereditaments in question shall be situated, and in case such Sheriff or his Under Sheriff shall be One of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in question, then to some One of the Coroners of such County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impanel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required accordingly to impanel, summon, and return a Jury of at least Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County, or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Coroner shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service, (being so qualified as aforesaid,) to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in question or dispute shall arise, or his Deputy, is hereby empowered and required to summon or call before the said Justices all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question, and may order and authorize the said Jury, or any Four or more of them, to view the Place or Places or Matter or Matters in controversy; and such Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Justices are hereby empowered to administer,) shall enquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damage which shall or may be sustained as aforesaid, and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whatsoever.

Sheriff or Coroner to summon a Jury for the Purpose.

Clerk of the Peace to summon Witnesses.

XVII. And be it further enacted, That if such Sheriff or his Deputy, or other Person so directed to summon and return a Jury as aforesaid, shall make Default in the Premises, he shall for every such Offence forfeit

Fine on Sheriff, &c. making Default, and on

Persons refusing to appear, &c.

forfeit the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence shall not appear without sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, or being a Quaker shall refuse to make his solemn Affirmation, or to be examined or to give Evidence, then and in every such Case every Person so offending shall forfeit and pay, for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned, any Sum not exceeding Ten Pounds, to be levied, by virtue of any Warrant under the Hand and Seal of any One of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus, after such Penalty, and the Charges and Expences of such Distress and Sale, shall be deducted.

Regulations respecting Juries and Witnesses.

XVIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of an Issue joined in any of His Majesty's Courts of Record at *Westminster*; and all and every Person and Persons who, in any Examination to be taken by virtue of this Act upon their Oath or Affirmation, shall wilfully and corruptly give false Evidence before any Justice of the Peace, acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury or false affirming are by the Laws in being subject and liable.

By whom Expences of Jury shall be paid.

XIX. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on behalf of the said Company of Proprietors, as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impanelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Ten Days after Demand made thereof from the said Company of Proprietors, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorized to do), under a Warrant to be issued for

for that Purpose by any Justice of the Peace for the said County of *Gloucester*, which Warrant any such Justice is hereby authorized and required to issue, under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from entering into any Treaty with the said Company, the Costs and Charges so incurred shall be borne by the said Company in Manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said County of *Gloucester* not interested in the Matter in question, who is hereby authorized and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where any Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof, having been first paid by the said Company, may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid, upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof, by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

Persons requesting Juries to enter into Bond to prosecute.

XX. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid shall, before the said Company of Proprietors shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay his, her, or their Proportion of the Costs and Expences of summoning and returning such Jury and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Compensation Money to be apportioned.

XXI. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money and Compensation for Damages, which shall be agreed, determined, and adjusted, or assessed in Manner

Manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises, for such his, her, or their Interest or respective Interests therein.

Verdicts to be recorded.

XXII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

For settling Damages not herein provided for.

XXIII. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or other Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through or by Means not herein provided for, then and in every such Case such Damages shall be settled by the said Company of Proprietors, or by a Jury, as hereinbefore mentioned, and the Amount of such Damages may be recovered and applied in Manner herein directed with regard to other Damages; and in every such Case the Committee of Management of the said Company of Proprietors, or any Three of them, are hereby empowered and required to issue a Warrant or Warrants, under their Hands and Seals, to the Sheriff of the said County, commanding him to summon a Jury in Manner hereinbefore mentioned.

Company not to take Notice of Complaint, unless made within Three Months.

XXIV. And be it further enacted, That the said Company of Proprietors shall not, nor shall any of them, be obliged or allowed by virtue of this Act to receive or take notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him or them sustained or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless such Complaint shall be made to the said Company, and within the Space of Three Calendar Months after the Time such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Power to enter and take Possession of Lands, &c. on Payment or Tender of Purchase Money.

XXV. And be it further enacted, That, upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or other Hereditaments, or as a Compensation for Damages as herein mentioned, or of the Balance of such Purchase Money or Compensation which shall remain after the Deduction of any such Proportion of Costs and Charges which shall be payable by such Party, and shall have been so ascertained as aforesaid, to the Proprietor or Proprietors of such Lands, Tenements, or other Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled or enabled as aforesaid to receive such Money

Money or Compensation respectively, within One Calendar Month after the same shall have been so agreed for, determined, or awarded; and in case of Refusal to accept the same, it shall and may be lawful, upon Payment of the said Sum or Sums of Money into the Bank of *England*, as hereinafter directed and required, for the Use of the Person or Persons entitled thereto, but not before, to and for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Lands and Grounds, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company of Proprietors, to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder, of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment as aforesaid it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds, Tenements, or other Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of making the said Railway or Tram Road and Works, without the Leave and Consent in Writing of such Person or Persons, or of the Persons or Person hereinbefore enabled to receive the same respectively.

Company not to claim Mines, &c. under Lands purchased.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Company of Proprietors any Mines, Minerals, Coals, or any Stone or Slate, under any Land taken or purchased by the said Company under the Provisions of this Act, except only so much and such Parts of such Minerals, Coals, Stone, or Slate as shall or may be necessary to be dug or gotten, and carried away or used, for the making or repairing the said Railway or Tram Road; but all such Mines, Minerals, Coals, Stone, or Slate, shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof, under the said Lands, or any Railway or Wharfs of the said Company, as if this Act had not passed, but so as nevertheless not to prejudice or to injure such Railway, Wharfs, or other Works hereby authorized or directed to be made.

Tenants at Will or for Years to quit Lands, &c. after Notice.

XXVII. And be it further enacted, That every Tenant at Will, or Lessee for a Year, Tenant from Year to Year, or any other Person or Persons in Possession of any Lands, Tenements, and Hereditaments, or any Part thereof, which shall be required by the said Company to be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will, or Lessee for a Year, or from Year to Year, shall deliver up the Possession of such Premises to the said Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having

having Six Calendar Months Notice to quit such Possession from the said Company, or from the Person or Persons so authorized by them; and such Person or Persons in Possession shall, at the End of the said Six Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenant's holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly deliver up the Possession of the said Premises to the said Company, or to the Person or Persons authorized by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue by or on account of the issuing and Execution of such Precept or Precepts on the Person or Persons so refusing to give Possession as aforesaid, by Distress and Sale of his, her, or their Goods.

Interest of such Tenants may be settled by a Jury.

XXVIII. Provided also, and be it further enacted, That where any such Tenant or Lessee, being Tenant for more than a Year or from Year to Year, shall be required to deliver up the Possession of any Premises so occupied by him to the said Company of Proprietors, or to the Person or Persons authorized by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company of Proprietors shall and they are hereby directed to make or tender unto such Tenant or Lessee Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in Manner hereinbefore directed with regard to any other Satisfaction or Compensation in and by this Act provided for and directed to be made and assessed.

Mortgages to be conveyed to the Company after Tender of Principal and Interest.

XXIX. And be it further enacted, That all and every Person and Persons who shall have any Mortgage or Mortgages on such Lands, Tenements, and Hereditaments, or any of them, or any Part thereof, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall, on the Tender of the Principal Money and Interest due thereon by the said Company, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company, or to such Person or Persons as they shall appoint; or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company, or from such Person or Persons as they shall appoint, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages, at the End or Expiration of Six Calendar Months (to be computed from the Day of giving such Notice), that then, at the End of the said Six Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee

Mortgagee or Mortgagees shall convey, assign, and transfer his, her, or their Interest in the Premises to the said Company, or to such Person or Persons as shall be appointed in Trust for them; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Principal Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises to be taken and made use of for the Purposes of this Act, and which shall be ascertained in Manner hereinbefore directed, then the said Company of Proprietors shall not be liable to pay to the said Mortgagee or Mortgagees more than such real Value of such Premises so ascertained as aforesaid, or the Residue thereof, after such Allowance and Payment thereout to any Lessee or Tenant as hereinbefore directed: Provided also, that in case any such Mortgagee or Mortgagees shall neglect or refuse to convey or assign as aforesaid, then, upon Payment of the Principal Money and Interest due on any Mortgage or Mortgages as aforesaid into the Bank of *England*, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money, in like Manner as is hereinafter directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person or Persons in Trust for him, her, or them, shall vest in the said Company, and they shall be deemed to be in the actual Possession of the Premises comprized in such Mortgage or Mortgages, to all Intents and Purposes whatsoever.

Proviso in case the Principal and Interest amount to more than the real Value of the Premises.

In case the Mortgagee refuse to convey.

XXX. And be it further enacted, That if any Money shall be agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, 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 Company of Proprietors of the *Avon* and *Gloucestershire* Railway, pursuant to the Method prescribed by an Act made in the First Year of the Reign of 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, without Fee or Reward; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made

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

1 G. 4. c. 35.

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, either in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or Debts, or other Incumbrances, or Part thereof, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited to, or to, for, or upon 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 Purchase shall be made, the said Money shall, 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; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by 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 the said Lands, Tenements, and Hereditaments to be purchased by virtue of this Act, in case such Purchase and Settlement were made.

When less than 200*l.* and amounting to 20*l.*

XXXI. And be it further enacted, That if any Money so agreed or assessed to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, 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 said Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore directed; or otherwise the same shall be paid at the like Option to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money,

Money, and the Dividends arising therefrom, may be applied in Manner hereinbefore directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court touching the Application thereof.

Application when the Money is less than 20*l*.

XXXII. And be it further enacted, That where such Money so agreed or assessed to be paid as hereinbefore mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be applied to the Use of 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, taken, or used for any of the Purposes of this Act, in such Manner as the said Company shall think fit, or in case of Infancy or Lunacy or other Incapacity, then 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.

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, upon Tender being made of the same as aforesaid, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Company, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered or awarded to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to order the said Sum or Sums of Money so ordered or awarded as aforesaid to 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 to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them,) subject to the Order, Control, and Disposition of the said Court of Exchequer; which said Court, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where Questions shall arise, Persons in Possession shall be deemed entitled.

XXXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said Court of Exchequer in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate or Interest therein to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person and Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shown to the satisfaction of the said Court of Exchequer; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Court of Exchequer may order Expences of Purchases to be paid by Company.

XXXV. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Exchequer, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Expences as the said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said Company, who shall from Time to Time pay such Sum of Money accordingly, for such Purposes as the said Court shall direct.

Enabling the Company of Proprietors to sell Lands not wanted.

XXXVI. And whereas, by means of the Purchases which the said Company of Proprietors are empowered and required to make by virtue of this Act, they may happen to be seised or possessed of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall and may be lawful for the said Company of Proprietors to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, as they shall find most convenient and advantageous, to such Person or Persons as shall be willing to contract for and purchase the same, and to convey the same accordingly; and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Company of Proprietors, before they shall sell and dispose of any such Piece or Pieces of Land

or

First Offer of Sale to be made to Owners of adjoining Lands.

or Ground, shall first offer to resell the same to the Owner or Owners of the adjoining Land or Ground; and an Affidavit made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the said County of *Gloucester*, by some Person or Persons not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made, as the Case may be; and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they, and the said Company of Proprietors, shall differ and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore directed with respect to the disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act; and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore directed with respect to Purchases made by the said Company of Proprietors, *mutatis mutandis*; and the Money produced by the Sale or Sales which may be made by the said Company of Proprietors of such Piece or Pieces of Land or Ground as aforesaid, shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

The Word "Grant" in Conveyances made by the Company to operate as a Covenant.

XXXVII. And be it further enacted, That in all Conveyances to be made by the said Company under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word "Grant" shall amount to and be construed and adjudged in all Courts of Judicature to be express Covenants to Grantees or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company, for themselves and their Successors, that they the said Company, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance seised of the Hereditaments and Premises thereby granted of an indefeasible Estate of Inheritance in Fee Simple, freed from all Incumbrances, for quiet Enjoyment thereof against the said Company and their Successors, from all Incumbrances committed by the said Company, and also for further Assurance of such Hereditaments and Premises by the said Company, their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

Act may be put in force immediately.

XXXVIII. And whereas the probable Expence of making the said Railway or Tram Road and other Works hereby authorized to be made

made will amount to the Sum of Twenty-one thousand Pounds, and the said Sum has been already subscribed by several Persons, under a Contract, binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore further enacted, That from and after the passing of this Act the Powers and Provisions given by this Act may be put in force.

If Railway is not completed in Five Years, Powers hereby given to cease.

XXXIX. Provided always, and be it further enacted, That in case the said intended Railway or Tram Road and other Works shall not have been completed and made within the Space of Five Years, to be computed from the passing of this Act, then, from and after the Expiration of the said Term of Five Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much, if any, of the said intended Railway or Tram Road and Works as shall have been declared and certified to have been completed within the said Term by the Justices of the Peace of the said County of *Gloucester*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

Proprietors may raise Money among themselves for making the Tram Road, &c.

XL. And be it further enacted, That it shall be lawful for the said Company to raise and contribute among themselves any Sum of Money for making and completing the said Railway or Tram Road, Wharfs, Bridges, and other Works and Conveniences belonging or requisite thereto, not exceeding in the whole the said Sum of Twenty-one thousand Pounds, except as hereinafter mentioned, and the same shall be divided into Shares of One hundred Pounds each, and such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same, and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums of Money as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive (at such Time and Times as the said Company of Proprietors or their Committee of Management for the Time being shall, at a Meeting to be convened for that Purpose as Meetings on other Occasions are directed to be convened, direct and appoint) the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the net Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate,

Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein directed and appointed.

Shares to be Personal Estate.

XLI. And be it further enacted, That all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and not of the Nature of Real Property.

To compel Payment of Subscriptions.

XLII. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making, erecting, and maintaining the said Railway or Tram Road and other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Company, or their Committee of Management for the Time being, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors or their said Committee in Manner hereinafter mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law, by Action of Debt, Assumpsit, or Action on the Case, or in any Court of Equity.

Subscribers to be deemed Proprietors.

XLIII. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons, who shall by virtue of this Act have subscribed for or shall become entitled to be and be in the actual Possession of One or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share (provided nevertheless, that no Proprietor shall be entitled to more than Twenty Votes in the whole, notwithstanding the Amount of the Subscription of such Proprietor may exceed such Number of Shares,) in the stated and Special General Meetings to be held as hereinafter appointed for carrying on the said Undertaking; which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hands of such other Person, every such Proxy being a Proprietor of the said Undertaking; and every such Vote by Proxy shall be as good and sufficient, to all Intents and Purposes, as if such Principal had voted in Person; and every such Question, Matter, or Thing which shall be proposed, discussed, or considered in any stated or Special General Meeting of the said Company, shall be determined by the Majority of Votes and Proxies then present: Provided nevertheless, that no Person shall give or deliver in Proxies for more than Ten absent

How to vote.

Proprietors; and the Appointment of which Proxies may be made according to the following Form:

Form of Proxy.

'I *A. B.* of One of the Proprietors of the *Avon* and *Gloucestershire* Railway, do hereby nominate, constitute, and appoint *C. D.* of to be my Proxy, in my Name and in my Absence to vote or give my Assent or Dissent to any Business, Matter, or Thing relating to the said Undertaking that shall be mentioned or proposed at any Meeting of the Company of Proprietors of the said Undertaking, in such Manner as the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Undertaking or any thing appertaining thereto. In witness whereof I have hereunto set my Hand, the Day of .'

And every Election of Committees and Officers, Questions, Matters, and Things whatsoever, which shall be proposed, discussed, or considered in any General or Special Meeting of the said Company, to be held by virtue of this Act, shall be finally determined by a Majority of Votes and Proxies then present; and at every such Meeting One of the Proprietors then present shall be appointed Chairman, who shall not only be entitled to vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive and casting Vote.

Lunatics and Minors how to vote.

XLIV. Provided always, and be it further enacted, That in case any Proprietor or Proprietors entitled to vote at any such Meeting as aforesaid shall be a Lunatic or Lunatics, or a Minor or Minors, such Lunatic or Lunatics shall or may vote at such Meeting or Meetings by his, her, or their Committee, or any One of such Committee, and such Minor or Minors shall or may vote by his, her, or their Guardians, or any One of such Guardians, and such Party or Person may also vote in Right of his own Shares, as well as Committee of any Lunatic or Lunatics, and as Guardian of any Minor or Minors, on the same Occasion.

Proprietors may raise an additional Sum by Mortgage.

XLV. And be it further enacted, That in case the Money hereby authorized to be raised shall be found insufficient for the making, completing, erecting, and maintaining of the said Railway or Tram Road, and other the Works hereby authorized to be made, and for defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors, by an Order of any General Meeting of the said Company of Proprietors, to borrow and take up at Interest any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Ten thousand Pounds, by Mortgage of the said Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, or the Committee of the said Company of Proprietors, after an Order has been made for that Purpose by any General Meeting, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates;) as a Security for any such further Sum or Sums of Money

to

to be borrowed as aforesaid, with Interest, to such Person or Persons who shall advance the same, or to his, her, or their Trustee or Trustees; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company of Proprietors in the Words or to the Effect following; (that is to say,)

'*Avon* and *Gloucestershire* Railway.'

('Number .)

'BY virtue of an Act made in the Ninth Year of the Reign of King *George* the Fourth, intituled [*here set forth the Title of this Act,*] We, the Company of Proprietors of the *Avon* and *Gloucestershire* Railway, incorporated by and under the said Act, in consideration of the Sum of to us in hand paid by of do assign unto the said his [*or* her] Executors, Administrators, and Assigns, the said Undertaking, and all and singular the Rates arising by virtue of the said Act, and all the Estate, Right, Title, and Interest of us the said Company of Proprietors of, in, and to the same; to hold unto the said ; his [*or* her] Executors, Administrators, and Assigns, until the said Sum of , together with Interest for the same after the Rate of for every One hundred Pounds for a Year, shall be fully paid and satisfied. Given under our Common Seal, this Day of in the Year of our Lord .' Form of Mortgage.

And that all and every Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date, and Name or Names of the Person or Persons to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right and Interest therein to any Person or Persons whomsoever; which Transfer shall and may be in the Words or to the Effect following, that is to say, Memorial of Mortgages to be entered in the Books of the Company.

'*Avon* and *Gloucestershire* Railway.'

'I [*or* We] of in consideration of the Sum of paid by of do hereby transfer a certain Mortgage, numbered , made by the Company of Proprietors of the *Avon* and *Gloucestershire* Railway, to bearing Date the Day of for securing the Sum of and Interest, and all my [*or* Form of Transfer.

‘ [*or* our] Right and Property therein, to the said
‘ his [*or* her] Executors, Administrators, and Assigns. Dated this
‘ Day of , in the Year of our Lord .’

Memorial of Transfers to be entered.

And every such Transfer shall, within Fourteen Days after the Date thereof, be produced to the Clerk of the said Company of Proprietors, who shall cause an Entry or Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

Interest of Money borrowed to be paid in preference to Dividends.

XLVI. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgages as aforesaid shall be paid half yearly to the several Persons entitled thereto, in preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or provided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, it shall be lawful for any Two or more Justices of the Peace acting in and for the said County of *Gloucester*, and they are hereby required, on Request to them made by any Creditor whose Interest shall be so in arrear, by an Order under their Hands to appoint One or more Person or Persons to receive the Whole, or such Part or Parts of the said Rates or Duties as are liable to pay such Interest so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rates and Duties, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and determine, or otherwise the sad Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Application of Money to be raised.

XLVII. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act shall be laid out and applied, in the first place, for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all other Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining

maintaining the said Railway or Tram Road, and other Works, and other the Purposes of this Act.

Company may borrow Money of Exchequer Bill Commissioners.

XLVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors to borrow, of and from the Commissioners for carrying into Execution an Act passed in the Third Year of the Reign of His present Majesty, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, all or any Part of such Sum or Sums of Money hereby authorized to be raised as the said Company may deem expedient for the Purposes of this Act, upon Mortgage or Assignment of the Tolls, Rates, and Duties authorized to be collected and received by virtue of this Act, and the other Property of the said Company, and either with or without other collateral Security for the Repayment thereof, with Interest, as the said Commissioners shall think fit, subject nevertheless to such of the Provisoes and Conditions particularly mentioned and expressed in the said Act of the Third Year of the Reign of His present Majesty, and the Acts therein recited or referred to, as the said Commissioners shall require to be performed, and in such Form as the said Commissioners for the Issue of Exchequer Bills shall direct and appoint.

Mortgages to Commissioners of Exchequer Bills to have Priority.

XLIX. Provided always, and it is hereby enacted, That any Mortgage or Assignment which shall be given or made by the said Company to the said Commissioners for the Issue of Exchequer Bills shall have Priority over and shall precede all other Mortgages or Securities granted under the Provisions of this Act; any thing in this Act, or in any Mortgage or Security which shall hereafter be granted under the same, to the contrary in anywise notwithstanding.

First and other General Meetings.

L. And be it further enacted, That the First General Meeting of the said Company of Proprietors for putting this Act into Execution shall be held at the City of *Bath* aforesaid, within Four Weeks after the passing of this Act, of which Meeting Seven Days Notice at the least shall be given by public Advertisement in some One or more of the Newspapers usually circulated in the County of *Gloucester*, and the Second and every other General Meeting shall be held at such Times and Places as shall at such First or any subsequent General Meeting, or in or by any Advertisement in such Paper as aforesaid by the Clerk to the said Company, be appointed; and One General Meeting shall be holden in the Month of July in every Year; of which Second and every future General Meeting not less than Seven Days Notice shall be given by public Advertisement in such Newspaper as hereinbefore mentioned; and the said Company of Proprietors at such respective General Meetings, together with such Proxies as shall be then present, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Five Shares at the least in the said Undertaking, a Committee to manage the Affairs of the said Company

Committee to be elected at General Meetings.

pany of Proprietors as herein directed, and such Committee shall consist of Five or more Persons; and at every such General Meeting a Chairman shall be appointed by the Majority of Persons then present, who shall, in addition to his own Votes, have a casting Vote in case of an Equality of Votes upon any Question; and the said Company of Proprietors shall have Power and Authority at any such General Meeting to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy; and shall also have Power and Authority to make such Rules, Bye Laws, and Orders for the good Government of the said Company of Proprietors, and for regulating all Officers, Workmen, Agents, and Servants to be employed in or about the Affairs or Business of the said Company, and for the well and orderly using of the said intended Railway or Tram Road, Wharfs, Cranes, Warehouses, and other Works thereto belonging, and the conveying of all Goods, Wares, and Merchandize which shall be conveyed upon the said Railway or Tram Road, Wharfs, and other Works, and for the orderly Behaviour of all Persons who shall be employed in carrying or conveying any such Goods, Wares, or Merchandize, and for the Superintendance and Management of the said Railway or Tram Road, and other Works, in all other Respects whatsoever; and from Time to Time to alter and repeal, and again to renew the said Bye Laws, Orders, and Regulations; and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Meetings shall seem meet, not exceeding the Sum of Two Pounds for any Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as hereinafter mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors; shall be printed, and affixed upon the several Toll Houses to be erected on the said Railway or Tram Road, and Wharfs, and shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *England*, or to any Directions in this Act contained; and all such Rules, Bye Laws, and Orders shall be subject to Appeal in Manner hereinafter mentioned.

General Meetings to make Bye Laws.

Persons holding Offices, &c. disqualified from being on the Committee.

LI. Provided always, and be it enacted, That no Person holding any Office under or any Contract with the said Company, or concerned or interested, either directly or indirectly, in such Contract, otherwise than as a Member of the said Company, shall be capable of being chosen or of acting as a Member of the said Committee during the Time of his Continuance in such Office or holding or being concerned or interested in such Contract.

General Meetings may audit Accounts.

LII. And be it further enacted, That every such General Meeting shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of the Rates,

Rates, and other Officers by them appointed, or by any Person or Persons employed by or concerned for or under them, in and about the said Railway or Tram Road, and the Works thereto belonging; but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts; and the said Company of Proprietors, and also every Committee or Sub-Committee thereof, shall have Power to adjourn themselves from Time to Time as they shall see Occasion, for the further Execution of this Act.

General Meetings for choosing Committees to consist of Persons holding at least 40 Shares.

LIII. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present who shall be possessed of or entitled to at least Forty Shares or Subscriptions of One hundred Pounds each or upwards in the said Undertaking, either as Principals or Proxies, no Choice of a Committee, nor any Removal of a Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of the said Committee who shall die or decline to act, shall be made, nor shall any Bye Law, Rule, or Regulation be made or altered at that Time, but in such Case there shall be another Meeting of the said Company of Proprietors at the same Place, at the Expiration of Fourteen Days; and if a sufficient Number of Proprietors as Principals or by Proxies shall not then attend, the said General Meeting shall stand adjourned to that Day Three Weeks next following, to be advertised in One or more of the Newspapers usually circulated in the said County of *Gloucester;* and such Choice, Removal, or new Appointment of any Member of any such Committee so before appointed shall then take place, and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid.

In case there are only Seven Proprietors present no Committee to be appointed.

LIV. Provided always, and be it further enacted, That if at the Time appointed for the Annual Election of any such Committee of Management as aforesaid there shall not be more than Seven Persons who shall in their own Right be Proprietors of a Share or Shares in the said Undertaking, then and in such Case no Election of a Committee of Management for the Year then next ensuing shall take place, but all Acts, Deeds, Matters, and Things herein directed and authorized to be transacted, done, or performed by the Committee of Management of the said Company shall, during such Year, be transacted, done, and performed by the said Company of Proprietors, or the Majority of them, to be assembled in Manner herein directed for calling and holding Meetings of the said Company of Proprietors, and so from Time to Time as often as the Case shall happen; any thing herein contained to the contrary thereof notwithstanding.

Meetings of Proprietors may be specially convened.

LV. And be it further enacted, That if it shall at any Time appear, that for the more effectually putting this Act into Execution a Special General Meeting of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors who shall be possessed of or entitled unto Fifty Shares, or Subscriptions of One hundred Pounds each at the least in the said Undertaking, to cause Seven Days Notice at the

the least to be given in some One or more of the Newspapers usually circulated in the County of *Gloucester*, or some other Newspaper as aforesaid, or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing, signed by such Proprietors, or by the Clerk of the said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Meeting, and the Time when and the Place where the same shall be held; and the said Company are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them met together at every such Special General Meeting, shall be as valid, with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time hereinbefore appointed for holding the same.

General Meetings to appoint Officers.

LVI. And be it further enacted, That it shall be lawful for the said Company at any General Meeting, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treasurer or Treasurers, and One or more Receiver or Receivers, Collector or Collectors of the said Rates, and also One or more Clerk or Clerks to the said Company and also to such Committee, and such other Officers as they shall think proper, with such Salaries or Salary, or Remuneration, as shall to the said Company seem proper;

Treasurer, &c. to give Security.

and the said Company shall and they are hereby required to take sufficient Security from every such Treasurer, Receiver, Collector, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper, and from Time to Time to remove any such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officer or Officers, or any of them; and such Clerk or Clerks shall attend the General Meetings of the said Company, and the Meetings of the said Committee, and

Books of Proceedings to be kept, and be open to Inspection.

shall, in a proper Book or Books, to be provided by the said Company for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the said Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company and Committee respectively; and every Proprietor of the said Undertaking shall and may, at all convenient Times, have recourse to and peruse and inspect the same *gratis*, and may take Copies, or may demand and have Copies thereof or any Part thereof, paying for every One hundred Words so to be copied the Sum of Sixpence; and if any such Clerk or Clerks to the said Company and Committee shall refuse to permit or shall not permit any Proprietor to inspect or peruse any such Book or Books of Proceedings, at all convenient Times and Seasons, or take Copies thereof, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate or Price aforesaid, he shall for every such Offence forfeit and

pay

pay the Sum of Five Pounds for the Benefit of the said Undertaking; and in case any such Treasurer, Collector, or Clerk shall die, be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their said Stated or Special General Meetings, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices in the Place of such Person or Persons who shall so die, be removed from or quit the Service of the said Proprietors or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or Special General Meeting of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices, as the said Proprietors at such stated or Special General Meeting shall think proper; all which Acts of the said Committee shall be conclusive, unless revoked by the General Meeting holden next after such Acts as aforesaid.

For filling up Vacancies of Offices.

LVII. And be it further enacted, That it shall not be lawful for the said Company to appoint the Person or Persons who may be appointed their Clerk or Clerks in the Execution of this Act, or the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or his or their Partner or Partners, to be the Treasurer or Treasurers for the Purposes of this Act, or to appoint any Person or Persons who may be appointed Treasurer or Treasurers, or the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or his or their Partner or Partners, to be the Clerk or Clerks to the said Company; and if any Person shall accept the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person or Persons being the Partner or Partners of any such Clerk or Clerks, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Clerk or Clerks or of his or their Partner or Partners, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Partner or Partners of any such Treasurer or Treasurers, or the Clerk or Clerks or other Person or Persons in the Service or Employ of any such Treasurer or Treasurers or of his or their Partner or Partners, shall accept the Office of Clerk, or shall act as Deputy of the Clerk, or in any Manner officiate for the Clerk in the Execution of this Act, or if any such Treasurer shall hold or accept any Place or Office of Trust or Profit under the said Company other than that of Treasurer, every such Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer and Clerk not to be the same Person.

Meetings and Powers of Committee.

LVIII. And be it further enacted, That such Committee shall, until the next General Meeting to be holden in Manner aforesaid, meet at such Times and in such Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit; and at all Meetings of the said Committee One of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Three; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Messuages, Tenements, or other Hereditaments, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking; and no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Committee, except the Chairman, who, in case of an equal Division, shall always have a second or casting Vote, although he may have given one Vote before; and every such Committee shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Report of their Proceedings to the said Stated General Meetings, and, if required, to the Special General Meetings of the Proprietors, and shall obey their Orders and Directions; but no Person holding any Place, Office, or Employment, or being concerned or interested in any Contract or Contracts under the said Company, shall be capable of being chosen to serve on any such Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive, out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled at such Stated General Meetings; and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall, by themselves or their Clerk or Clerks as aforesaid, keep a full and true Account of all Monies disbursed and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on behalf of or in respect of such Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly, by themselves or their Clerk or Clerks aforesaid, write, insert, and enter, in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee; provided always, that every Proprietor shall have free

free Access thereto, for his or their Inspection, without paying any thing for the same.

Power for Committee to make Calls.

LIX. And be it further enacted, That the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Ten Pounds upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Two Calendar Months at the least from each other; and Fourteen Days Notice at the least shall be given of all such Calls as aforesaid, by Advertisement in some One or more Newspaper or Newspapers usually circulated in the said County of *Gloucester;* which Monies so called for shall be paid to such Person and Persons and in such Manner as the said Committee shall from Time to Time appoint and direct, for the Use of the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons and at such Time and Place as the said Committee shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance, shall be allowed; or the said Company may and they are hereby authorized, at a General Meeting, to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls in Manner as aforesaid to be forfeited; and all Shares so forfeited shall be sold at a Public Sale by the said Company for the most Money that can be gotten for the same, and shall be assigned by Writing under the Common Seal of the said Company unto the Purchaser or Purchasers thereof; and the Produce thereof shall be applied and disposed of in Manner by this Act directed: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking until Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given to or left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some Stated or General Special Meeting of the said Company which shall be held after the End of Two or more Calendar Months from the Day on which such Notice of Forfeiture shall have been given: Provided always, that in case the Money produced by the Sale of any such Share or Shares shall be more than sufficient to pay any such Arrears as aforesaid, and legal Interest thereon, together with the Penalties incurred by Nonpayment; and the Expences attending the Sale or Sales thereof, the Surplus arising from such Sale shall be paid to the Person or Persons to whom

If Persons neglect to pay Calls they may be sued for, or the Shares declared forfeited and sold.

No Advantage to be taken of Forfeiture of Shares without Notice.

Proviso in case of Sale of Shares.

whom such Share or Shares shall have belonged: Provided also, that the said Company shall not by virtue of this Act at any Time or Times sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient as near as may be at the Time of such Sale to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest, Penalties, and Expences attending the same; and from and after the Payment of every the Call or Calls to be made by virtue of this Act, and the Interest, Penalties, and Expences as aforesaid, any Share or Shares vested in the said Company as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Share or Shares shall have before belonged, in such Manner as if such Calls had been duly and regularly paid.

Proceedings in Actions for Calls.

LX. And be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such and so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount to, for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of Two Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

Proprietors in arrear not to vote.

LXI. Provided also, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Proprietors, either personally or by Proxy, until such Time as he shall have paid to the Treasurer all such Arrears as may be due from him in respect of such Calls.

Committee to be under

LXII. And be it further enacted, That such Committee shall keep a regular Minute or Entry of their Proceedings, and from Time to Time

Time make Reports to and be subject to the Examination and Controul of the said General and Special Meetings of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Meeting, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained. Controul of General Meetings.

LXIII. And be it further enacted, That the said Committee shall at their Meetings enter or cause to be entered into Books to be provided for that Purpose at the Expence of the said Company, a full and true Account of all Monies disbursed and Payments made by such Committee, and by all and every Person and Persons employed by or under them, and of all Monies which shall be paid to or received by them respectively for or on account of the said Company, and also a full and true Account, and proper Notes and Minutes, of every Contract, Bargain, and Agreement which shall be entered into by them respectively for or on behalf of the said Company, and of all and singular their respective Orders, Transactions, and Proceedings whatsoever in and about the Affairs and Business of the said Company; and all reasonable Expences to be incurred at or by the Meetings of the said Committee as aforesaid shall be paid and defrayed out of the Cash or Stock of the said Company, and such Committee shall and may from Time to Time draw for the Amount of such Expences upon the Treasurer or Treasurers to the said Company, but no other Money shall be issued or paid by the said Treasurer or Treasurers for or on account of the said Company without an Order being made for that Purpose by the said Committee at some such Meeting as aforesaid, or without a Draft or Order signed by Two or more of the Members of the said Committee; and every such Book, and all other Books, Papers, and Writings belonging to the said Company, shall at all reasonable Times be open to the Inspection of all the said Proprietors, who may take Copies thereof or Extracts therefrom without Fee or Reward. Proceedings and Accounts of Committee to be entered in proper Books.

LXIV. And be it further enacted, That it shall be lawful for the several Proprietors of any Share or Shares in the said Undertaking, and his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they shall be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Shares shall be in the following Words, or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say,) Shares may be sold.

'I *A. B.* of , in consideration of
'paid to me by *C. D.* of , do hereby
'bargain, sell, assign, and transfer to the said *C. D.*
'Share [*or* Shares] numbered , of and in the Under-
'taking called the *Avon* and *Gloucestershire* Railway, to hold unto
'the said *C. D.*, his Executors, Administrators, and Assigns, subject
'to the same Rules, Orders, and Regulations, and on the same
'Conditions that I held the same immediately before the Execution
'hereof; and I the said *C. D.* do hereby agree to take and accept Form of Conveyance.

'of the said Share [*or* Shares], subject to the same Rules, Orders, 'Restrictions, and Conditions. As witness our Hands and Seals, 'the Day of .'

Memorial of Transfers of Shares to be entered by the Clerk.

And on every such Sale the said Deed or Conveyance (being executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares) shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk or Clerks to the said Company shall have entered in a proper Book or Books to be kept for that Purpose a Memorial of such Transfers and Sales, for the Use of the said Company, and have testified and indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence, exclusive of Stamps, shall be paid for each Share so transferred, and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Vote or Votes in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

After a Call no Share to be sold until Call shall be paid.

LXV. And be it further enacted, That after any such Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, unless he, she, or they at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred.

Names of Proprietors to be entered, and Tickets of their Shares to be delivered to them.

LXVI. And for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company shall, and they are hereby required, at their First or some subsequent General Meeting, to cause the Names and proper Additions of the several Persons who shall then be entitled to Shares in the said Undertaking, with the Number of the Shares and the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by a Clerk of the said Company, and after such Entry to cause their Common Seal to be affixed thereto; and also shall cause a Ticket or Instrument, with the Common Seal of the said Company to be affixed thereto, to be delivered to every such Subscriber, on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence and no more for every Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; (*videlicet,*)

'THESE

‘ THESE are to certify, That *A. B.* of of the Share Number is a Proprietor of the *Avon* and *Glou-* Form of Ticket.
‘ *cestershire* Railway, subject to the Rules, Regulations, and Orders
‘ of the said Company; and that the said *A. B.*, his [*or* her] Exe-
‘ cutors, Administrators, or Successor and Assigns, is and are en-
‘ titled to the Profits and Advantage of such Share. Given under
‘ the Common Seal of the said Company, the Day of
‘ , in the Year .’

For granting new Tickets when old Ones are destroyed.

LXVII. And be it further enacted, That if any of the Tickets for or respecting the Shares of the Company of Proprietors aforesaid shall be worn out or damaged, then, upon the same being brought and shown at some General Meeting of the said Company of Proprietors, such Tickets may be cancelled and destroyed, and other similar Tickets given, under the Seal of the said Company of Proprietors, to the Person or Persons in whom the Property of such Tickets, and the Shares therein mentioned, shall be at that Time vested; or in case such Tickets shall be burnt or totally destroyed, then, upon due Proof thereof, like Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Tickets so burnt or destroyed; and a due Entry of the Transfer of such Ticket or Tickets (if any such have been made) shall be entered by the Clerk of the said Company of Proprietors in Manner herein directed.

Company may take Tonnage for Goods carried on the Railway.

LXVIII. And in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tram Road, and other the Works hereby authorized to be made and maintained, be it further enacted, That it shall and may be lawful for the said Company of Proprietors, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company of Proprietors, for the Tonnage of all Goods, Wares, Merchandize, Matters, and Things which shall be carried or conveyed upon the said Railway or Tram Road, or upon any Part thereof, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding the Sum of Two-pence *per* Ton *per* Mile.

Power to vary the Rates.

LXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors, from Time to Time and as often as they shall think fit, to lessen, reduce, and vary the Rates, Tolls, and Duties granted by this Act for or in respect of all or any Goods, Wares, Merchandize, Matters, and Things which shall be conveyed upon the said Railway or Tram Road, or any Part thereof, and again to raise, advance, and vary the said Rates, Tolls, and Duties respectively, so as not at any Time to exceed the Amount hereinbefore authorized to be collected and paid.

No Preference in Reduction of Rates.

LXX. Provided always, and be it further enacted, That no Reduction of the Rates, Tolls, and Duties hereby granted, or of any of them, nor any Drawback, Advantage, or Preference whatsoever, shall be allowed or given in respect of any Goods, Wares, Merchandize, Commodities,

modities, Matters, or Things carried on any Part of the Railway hereby authorized to be made, which shall not be extended and applicable in the same Rate and Proportion in all respects to all other Parts of the Railway.

Regulations as to fractional Parts of a Ton or Mile.

LXXI. And be it further enacted, That in all Cases where there shall be a Fraction of a Ton Weight, a Proportion of the same Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and when there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon or other Carriage shall pass upon the said Railway or Tram Road, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have passed, and when there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railway or Tram Road, the said Company of Proprietors shall cause the said Railway or Tram Road to be measured, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of a Quarter of a Mile from each other, with proper Inscriptions, and whenever any Waggon shall have passed One or more of such Stones or Marks, or the Place where the same shall have been set up, such Waggon shall be deemed to have passed a Quarter of a Mile along the said Railway or Tram Road, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled be more or less than is thus computed.

Company empowered to regulate and fix the Price of small Parcels.

LXXII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, from Time to Time at the General Meeting of the said Company to be held as hereinbefore is directed, with the Consent of the major Part of the said Company of Proprietors assembled at any such Meeting, to be held as hereinbefore directed, to make such Bye Law or Bye Laws for ascertaining and fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel (not exceeding One hundred and twelve Pounds Weight) upon the said Railway or Tram Road, or any Part thereof respectively, and from Time to Time to repeal, alter, or vary the said Rates, as to them shall seem meet, fitting, and reasonable.

Company may carry Goods.

LXXIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, if they shall think fit, to carry and convey over and along the said Railway or Tram Road, or any Part thereof, any Coal or Stone, Commodities, Goods, Articles, or Things whatsoever, and to ask, demand, recover, and receive, to and for the Use and Benefit of the said Company, for such Carriage and Conveyance as aforesaid, such reasonable Sum or Sums of Money as such Com-

pany shall require and the Person or Persons sending or delivering such Goods or Things shall consent to pay for the same.

Table of Tolls to be put up.

LXXIV. And be it further enacted, That after any Office for the Collection of Rates shall be erected by virtue of this Act, the said Company or their said Committee shall and they are hereby required to put up, and afterwards to be continued, at every such Office, a Table, painted in distinct and legible Black Letters on a Board with a White Ground, containing a List of all the Rates of Tonnage payable, distinguishing the several Rates to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated: Provided always, that it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Rates for or in respect of any Goods, Wares, or Merchandize, or other Things, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Office.

For preventing Toll Collectors from taking undue Toll, or misbehaving themselves.

LXXV. And be it further enacted, That every Collector of the Rates shall and is hereby required to place his Christian and Surname, painted on a Board in legible Characters, in the Front or some other conspicuous Part of his Office, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least Two Inches in Length and of a Breadth in proportion, and painted either in White Letters on a Black Ground or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Rates shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate from any Person than he shall be authorized to do by virtue of the Powers of this Act, or of the Orders and Resolutions of the said Company made in pursuance thereof, or shall refuse to permit or suffer or shall in any wise hinder any Person or Persons from reading the Inscriptions on the Boards to be affixed and placed as aforesaid, or either of them, or shall refuse to tell his Christian and Surname to any Person or Persons who shall demand the same on having paid the said Rates or any of them, or shall in answer to such Demand give a false Name or Names, or upon the legal Rate being paid or tendered shall unnecessarily detain or wilfully obstruct or hinder any Waggon or other Carriage, or prevent any Person or Persons from passing along the said Railway entitled so to do, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, then and in every such Case every such Collector shall forfeit and pay any Sum not exceeding Five Pounds.

Recovery of Rates.

LXXVI. And be it further enacted, That the Rate or Tonnage herein authorized to be demanded and taken shall be paid to such Person or Persons at such Place or Places at, upon, or near the said Railway or Tram Road, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Meeting or Meetings, or as the Committee of Management shall by Notice to be annexed to the Account or List of Tonnage, direct or

appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue for and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid may and he or they is or are hereby authorized to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage or Carriages laden therewith, and detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Penalty on Persons fraudulently carrying Goods at a lower Rate.

LXXVII. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Article or Thing whatsoever on the said Railway or Tram Road, on Payment of a lower Rate, Toll, or Duty than that to which such Articles or Things are hereby subject or liable, and shall be thereof convicted before any Justice of the Peace for the said County of *Gloucester*, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, over and above the Rate, Toll, or Duty to which such Articles or Things are liable, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered.

Disputes about the Amount of Tolls to be settled by a Justice.

LXXVIII. Provided always, and be it further enacted, That if any Disputes shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, (as the Case may happen,) until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress, (as the Case shall happen,) shall be ascertained by One or more Justice or Justices of the Peace for the said County of *Gloucester*, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties or other Witness or Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Nonpayment thereof, on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

Company empowered to lease the Rates.

LXXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any of their General Meetings, by Writing under their Common Seal, at any Time or Times to let to farm the Rates, Tolls, and Duties hereby made payable, or any Part or Parts thereof,

thereof, upon the Whole or any Part or Parts of the said Railway or Tram Road, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates, Tolls, and Duties so let, shall during the Continuance of any such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates, Tolls, and Duties, or any Part thereof, be given in Writing by the said Committee, or any Two or more of them, or by the Clerk to the said Company of Proprietors, by Advertisement published in some Newspaper usually circulated in the said County of *Gloucester*, or by Notice to such Proprietors as aforesaid, at least Seven Days prior to any such General Meeting at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

Power of Re-entry.

LXXX. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall be demised or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof, shall be in arrear or unpaid for the Space of Fourteen Days next after any of the Days on which the same ought to be paid, pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls or Duties; or in case any temporary or other Collector of the said Tolls and Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representatives of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Building or Buildings, with the Gardens and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Ten Days after Demand thereof made in Writing given or left at such Toll House, Weighing Machine, or Building, or at any One of such Toll Houses, Weighing Machines, or Buildings which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by any Two or more of the said Committee of Management (although not assembled at a Meeting), or by the Clerk or Treasurer for the Time being of the said Company of Proprietors; or in case any such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said County of *Gloucester*, upon Application made by the said Committee or any One or more of them,

them, or by the Clerk or Treasurer for the Time being of the said Company of Proprietors, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Weighing Machine, or other Building, with the Garden and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company of Proprietors, or any of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Committee, or any Two or more of them, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement, if any, which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements, on the Lessee's Part,) as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Committee, or any Two or more of them, in every such Case again to demise or let to farm the said Tolls and Duties to any other Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

Owners of Waggons to give an Account in Writing of their Lading.

LXXXI. And for better ascertaining and more easily collecting the said Rates, Tolls, and Duties, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway or Tram Road or any Part thereof, shall give an exact and true Account, in Writing signed by him or them, to the Collectors of the said Rates and Tolls, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods and other Things as aforesaid shall be in such Waggon or other Carriage, and with respect to such Waggon or other Carriage, from whence brought, and where the same are intended to be unloaded and left; and in case any Person shall neglect or refuse to give and deliver such Account, or to produce his Bill of Lading, if any, to any Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates, Tolls, and Duties, or any Part of them, and shall be thereof convicted before any Justice of the Peace for the said County of *Gloucester*, every Person so offending shall for every such Offence forfeit and pay to the said Company any Sum not exceeding Five Pounds for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates, Tolls, and Duties directed to be paid for the same by virtue hereof.

LXXXII. And

Weight of Tonnage ascertained.

LXXXII. And for better ascertaining the Tonnage of Timber, Goods, and other Things to be charged with the Payment of such Rate as aforesaid, be it further enacted, That One hundred and twelve Pounds Weight shall for the Purposes of this Act be deemed, rated, or estimated as for a Hundred Weight, and Twenty Hundred Weight shall for the Purposes aforesaid be deemed, rated, or estimated as and for One Ton, any Usage to the contrary notwithstanding.

If any Differences concerning Weight, Collectors may weigh or measure Waggons.

LXXXIII. And be it further enacted, That if any Differences shall arise between any Collector of the said Rates, Tolls, and Duties, and the Owner or Owners, or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods and other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and also pay to such Owner or Owners of such Goods or other Things such Damages as shall appear to the said Justice on the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer) to have arisen from such Detention; and in default of immediate Payment thereof by the Collector, the same may be recovered from the said Company of Proprietors by Distress and Sale of the Goods of the said Company of Proprietors, or of their Treasurer, or of the said Collector, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, upon Demand, after deducting the Costs of such Distress and Sale, to the said Company of Proprietors, or Treasurer or Collector, as the Case may be.

Owners to put their Names on the Outside of their Waggons.

LXXXIV. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing along the said Railway or Tram Road shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number and Weight of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Clerks of the said Company, and shall also cause such Name or Names, and Number and Weight, to be painted in large White Capital Letters and Figures on a Black Ground, Two Inches high at the least, and of a proportionate Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to View, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the

Expence of the said Company, whenever it shall be required by them, or any Person or Persons by them appointed for that Purpose; and every Owner or Owners, or other Persons having the Care of any Waggon or other Carriage, or who shall conduct the same upon the said Railway or Tram Road without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Names and Figures thereon respectively, as hereinbefore directed, or who shall alter, erase, or deface such Names and Figures, or any of them, or any Part thereof, or shall fix thereon any false Name or Figure, or who shall refuse to permit and suffer, or shall not permit and suffer, such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of Waggons to be accountable for Damages done by their Servants.

LXXXV. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Tram Road shall be, and he, she, and they is and are hereby respectively made answerable for any Trespasses, Damages, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or Horses, Mules, or Cattle drawing the same, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, to the said Railway or Tram Road, Bridges, Engines, and other Works or Conveniences made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near the same, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of such Person or Persons before One Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or other Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale, are deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued and prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained, with full Costs of Suit.

LXXXVI. And

Servant to repay his Master for Damages.

LXXXVI. And be it further enacted, That if the Owner or Owners of any Waggon or other Carriage passing upon the same Railway or Tram Road shall be compelled to pay any Penalty, or make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof, on Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

Penalty on Persons obstructing the Passage of Waggons.

LXXXVII. And be it further enacted, That if any Person or Persons shall suffer the Loading of any Waggon or other Carriage using the said Railway or Tram Road to be over the Sides thereof, or shall overload any Waggon or other Carriage, or shall leave, place, or suffer any Waggon or other Carriage to be left or remain on any Part of the said Railway or Tram Road or other Works as aforesaid, so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately upon Notice given of such Obstruction remove the same, so as to make a free Passage for other Waggons or other Carriages passing thereon respectively, every such Owner or Owners, or other Person or Persons having the Care of such Waggon or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Forty Shillings.

Penalty on Persons obstructing the Passage on the Railway, or the Execution of this Act.

LXXXVIII. And be it further enacted, That if any Person shall throw any Gravel, Stones, or Rubbish, or any other Matter or Thing, upon any Part of the said Railway or Tram Road to be made by virtue of this Act, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railway or Tram Road or any Part thereof, every Person so offending in any of the Cases aforesaid shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds.

Penalty on destroying Works.

LXXXIX. And be it further enacted, That if any Person shall wilfully or maliciously, and to the Prejudice of the said Undertaking, break, throw down, destroy, steal, carry, or take away any Part of the said Railway or Tram Road or other Works to be erected and made by virtue of this Act, and be thereof lawfully convicted, such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, or, in mitigation of such Punishment, such Court may, if they think fit, award such Sentence as the Law directs in Cases of Petty Larceny.

Company to regulate the Passage on the Railway.

XC. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper, for or relating to the Construction, Materials, Course of passing, and other Circumstances concerning Waggons or other Carriages passing along or using the said Railway

Railway or Tram Road and other Works; and all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggons or other Carriages, upon pain of forfeiting a Sum not exceeding Five Pounds for every Default.

Company empowered to make and erect Gates, &c. under Direction of Justices of the Peace.

XCI. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs, and Charges, after any Part of the said Railway or Tram Road shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railway or Tram Road, and also all Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages over and under or by the Side of the said Railway or Tram Road, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said County of *Gloucester* shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners or Occupiers of the Lands and Grounds through which such Railway or Tram Road shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from estraying or escaping thereout, by reason of such Railway or Tram Road, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages so to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as hereinbefore directed, or to maintain and support the same or any of them when erected, set up, and made in Manner aforesaid, for the Space of Ten Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway or Tram Road, Buildings, and other Things hereby authorized to be made or erected by the said Company of Proprietors, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof, to be settled and allowed by the said Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired or maintained, such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company of Proprietors,

within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors or their Clerk for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company of Proprietors the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them or any of them, for the Recovery thereof, by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

Owners of Land empowered to erect Gates &c. on Insufficiency of those erected by the Company.

XCII. Provided always, and be it further enacted, That if the Owner or Occupier of any Lands or other Hereditaments through which the said Railway or Tram Road shall be made do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages respectively which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tram Road shall pass, then and so often and in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Company of Proprietors upon Request made to them, or in case of their Refusal for the Space of Twenty-one Days next after such Request, then with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, or Passages, of the same or like Construction or Form with those made and erected by the said Company of Proprietors, in, upon, along, or near to the said Railway or Tram Road, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own Costs and Charges as Occasion shall require, so that the Passage through or along the said Railway or Tram Road be not prevented or obstructed thereby for any longer Space of Time or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company of Proprietors.

Occupiers of adjoining Lands to cross Railway without Payment of Toll.

XCIII. And be it further enacted, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway or Tram Road shall be made, and his and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass

repass directly over and across such Part of the said Railway or Tram Road as shall be made in and upon the said Lands or Grounds respectively, and also along such Railway or Tram Road as far as the Lands in their respective Occupations shall extend, for the Purposes of occupying and tilling the same, such Person or Persons not damaging or obstructing the same Railway or Tram Road or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass along any other Part of the said Railway or Tram Road.

All Persons to use Railway on Payment of the Rates.

XCIV. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, or other Things to or from the said Railway or Tram Road, and every Part thereof, and also to pass upon and use the said Railway or Tram Road with Carts, Waggons, or other Carriages properly constructed as hereinafter mentioned, and to employ the Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates and Tolls as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted; provided the said Waggons or other Carriages shall not, without the Licence and Consent of the said Company or their General Committee, pass upon the said Railway or Tram Road at any other Times than between the Hours of Seven o'Clock in the Morning and Six in the Evening during the Months of *November*, *December*, *January*, and *February*, and between the Hours of Six o'Clock in the Morning and Eight in the Evening during the Months of *March*, *April*, *September*, and *October*, and between the Hours of Five in the Morning and Ten in the Evening during the Months of *May*, *June*, *July*, and *August*, in every Year.

No Waggon to pass unless constructed as directed by the Company.

XCV. And be it further enacted, That no Person whomsoever shall pass upon any Part of the said Railway or Tram Road with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on such Railway or Tram Road for the collecting of the Rates and Tolls by this Act imposed (except in passing along or crossing the said Railway or Tram Road for the convenient Occupation of the adjacent Grounds, or in passing any public or private Carriage Road which may happen to cross the said Railway or Tram Road); and if any Person or Persons whomsoever shall pass upon any Part of the said Railway or Tram Road with any Waggon or other Carriage not constructed in the Manner hereinbefore directed or referred to (except as aforesaid) he, she, or they so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Five Pounds.

For fencing off Railway.

XCVI. And be it further enacted, That the said Company of Proprietors shall and they are hereby empowered and required, at their own

own proper Charges, after any Land shall be taken for the Use of the said Railway or Tram Road and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tram Road and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway or Tram Road and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same, instead of Gates being erected as aforesaid; and the said Company shall likewise erect and maintain proper, necessary, and convenient Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds; and in every such Case the Powers, Provisions, Directions, and Regulations hereinbefore contained with respect to the Gates and other Works as aforesaid shall extend and apply to the making and maintaining of such Gates and Fences, as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Gates and Fences.

Gates to be shut and fastened after Waggons shall have passed through them.

XCVII. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railway or Tram Road shall, and he, she, and they is and are hereby directed and required, as soon as he, she, or they, and the Waggon or other Carriage, shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Power to purchase Land for Wharfs, &c.

XCVIII. And whereas it may tend to the Public Advantage and Accommodation if the said Company be empowered to purchase in Addition to the Land hereby authorized to be purchased, used, or taken for making and completing the said Railway or Tram Road and other Works, any Quantity of Land not exceeding Five Statute Acres, for making, erecting, forming, and providing any Yards, Wharfs, Messuages, Warehouses, and other Buildings and Conveniences for the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, to contract with any Person or Persons, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, for the Purchase of any Parcel or Parcels of Land, Messuages, Buildings, or Hereditaments, (not exceeding in the whole Five Statute Acres,) in such Place or Places as shall be deemed eligible or convenient for making, erecting, forming, and providing any Yards, Wharfs, Landing Places, Messuages, Warehouses, and other Buildings and Conveniences, or for any other Purposes whatsoever connected with the said Railway or Tram Road and other Works which the said Company shall judge requisite and necessary; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons whomsoever, to sell and grant or convey to the said Company and their Successors any Parcel or Parcels of Land, Messuages, Buildings, and Hereditaments whatsoever, for the Purposes last aforesaid or any of them, in the same Manner as is hereinbefore directed concerning

Lands,

Lands, Messuages, Buildings, and Hereditaments to be taken or used for the Purpose of forming, making, and maintaining the said Railway or Tram Road and other Works: Provided always, that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to take or use for any such Purposes any Lands or Buildings without the Consent in Writing of the Owners or Occupiers of such Lands or Buildings, or to oblige the Owners thereof to sell to the said Company any Lands or Buildings for such Purposes.

Limiting the Quantity of additional Land to be purchased from or sold by incapacitated Persons.

XCIX. Provided always, and be it further enacted, That in case the said Company shall purchase the said Five Statute Acres of Land or Ground of or from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, or Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons, being under legal Disability or Incapacity, and shall at any Time afterwards sell the Whole or any Part of such Land or Ground so purchased from any such incapacitated Parties or Persons, it shall not be lawful for the said Company again to purchase any Land or Ground in lieu of the Land or Ground so sold as last aforesaid, of or from the same or of or from any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons, being under legal Disability or Incapacity, nor shall it be lawful for the said Company to purchase, or for the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or on behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons, being under legal Disability or Incapacity, to sell to the said Company any other Lands in lieu or instead of such Five Statute Acres of Land or Ground, or any Part thereof, so sold or disposed of by the said Company.

Allowing the Owners of Land adjoining Tram Road to make any Branches to communicate therewith.

C. And be it further enacted, That it shall and may be lawful for the Owners and Occupiers of the respective Lands or Grounds adjoining the said Railway or Tram Road, or any other Person or Persons whomsoever, to lay down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway or Tram Road, or for making, at their own Expence, such Openings in the Ledges or Flanches of the said Railway or Tram Road as may be necessary and

convenient for effecting such Communication; and that the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches.

Lords of Manors and Owners may erect Wharfs on their own Lands;

CI. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railway or Tram Road or any Part thereof shall be made, to erect and use any Wharfs, Yards, Landing Places, Cranes, Weighbeams or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Railway or Tram Road, or any of them, and to land any Goods or other Things upon such Wharfs, Yards, or Landing Places, or upon the Banks lying between the same and the said Railway or Tram Road or any Part thereof, and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway or Tram Road; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Yards, Landing Places, Cranes, Weighbeams and Warehouses respectively, shall be of no greater Amount than the Rates or Tolls hereby authorized to be taken by the said Company for the Wharfage of all Goods, Commodities, Articles, Matters, and Things loaded, landed, or placed in or upon the Wharfs of the said Company; and the same Rates or Tolls shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors be not thereby reduced, altered, or infringed.

but if they refuse, when required by the Company, the Company may erect the same.

CII. Provided always nevertheless, and be it enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not, within the Space of Two Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their last usual Place or Places of Abode, by or on behalf of the said Company of Proprietors, signifying that any Part of such Wastes, Lands, or Grounds is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Yards, Landing Places, Warehouses, and Buildings for the Use of the said Railway or Tram Road, or for making or laying out necessary and convenient Roads for Conveyance of Goods to and from the said Railway or Tram Road, and to and from such Wharfs, Yards, Landing Places, and Warehouses, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Yards, or Landing Places, Warehouses, Buildings, and Roads, for the Use of the said Railway or Tram Road, as any Two or more Justices of the Peace for the said County of *Gloucester* shall think necessary on the respective Part or Parts of the Wastes, Lands, and Grounds described in such Notice, then and in every or any such Case the said Company of Proprietors shall have full Power and Authority, without any Hinderance or Restraint whatsoever,

whatsoever, to make use of such Wastes, Lands, or Grounds, not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, planted Walk, or any Avenue to a House, (except as hereinbefore is mentioned or referred to,) for erecting and building proper and sufficient Wharfs, Yards, Landing Places, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Railway or Tram Road, and to and from such Wharfs, Yards, Landing Places, and Warehouses, agreeably to such Notice, to be delivered as aforesaid.

Compensation to be made for Lands taken for Wharfs, &c.

CIII. And be it further enacted, That the said Company of Proprietors shall make Satisfaction for the Lands or Grounds taken and used by them for the Purpose of making any such Wharfs, Yards, Landing Places, Warehouses, Buildings, and Roads as aforesaid, in such Manner as is herein directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purpose of this Act.

Regulations respecting private Wharfs.

CIV. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Yards, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railway or Tram Road, for his, her, or their private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, Yards, Quays, or Landing Places, without the Consent in Writing of such Lord or Lords, Lady or Ladies, Owner or Owners.

Wharfingers not to give any undue Preference.

CV. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company of Proprietors shall give any undue Preference or show any Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Yards, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company of Proprietors, any Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings.

Limiting the Wharfage to be taken.

CVI. And be it further enacted, That no more than the Sum of One Penny *per* Ton shall be demanded or taken by any such Lord or Lords, Lady or Ladies, Land Owner or Owners, who shall make, erect, or build any such Wharfs, Yards, or Quays, in pursuance of the Notice to be given by or on behalf of the said Company of Proprietors to such Lord or Lords, Lady or Ladies, Owner or Owners, for that Purpose as aforesaid, or by the said Company of Proprietors themselves under the Power herein for that Purpose contained, (as the Case may be,) for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Iron Stone, Iron Ore, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, or other Things, nor more than Two-pence for the warehousing of every Package not exceeding Fifty-six Pounds Weight, nor more than Four-pence for the warehousing of every Package above Three

hundred Pounds Weight, and not exceeding Six hundred Pounds Weight, and not more than Sixpence *per* Ton for the warehousing any Package exceeding One thousand Pounds Weight, which shall be respectively placed upon any of the Wharfs, Yards, or Warehouses hereby authorized to be made, and which shall be placed and remain in and upon any such Wharfs, Yards, Quays, or Warehouses, and shall not continue thereupon for a longer Space of Time than Fourteen Days: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs, Yards, Quays, or Warehouses over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharfs, Yards, Quays, or Warehouses the further Sum of One Penny *per* Ton for Wharfage, and Two-pence *per* Ton for warehousing, for the next Three Days, and the like Sum of One Penny or Two-pence respectively *per* Ton for every further Three Days which such Articles shall remain upon such Wharfs, Yards, Quays, or Warehouses; Provided also, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs, Yards, or Quays last mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs, Yards, or Quays shall refuse or neglect to make and erect the same for the Space of Two Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected neglect or refuse to keep the same in repair; any thing in this Act contained to the contrary thereof notwithstanding.

Rates to be taken for Cranes.

CVII. And be it further enacted, That it shall be lawful for the said Company to ask, demand, receive, and take, for the Use of the Cranes to be erected or made in pursuance of or under the Authority of this Act, before the same shall be used, such Sum or Sums of Money as the said Company may from Time to Time order or direct, not exceeding for any Weight to be raised at One single Lift of the Crane, being less than Two Tons, the Sum of Sixpence *per* Ton; for any Weight to be raised at One single Lift, of Two Tons and less than Three Tons, the Sum of One Shilling *per* Ton; for any Weight to be raised at One single Lift, of Three Tons and less than Four Tons, the Sum of One Shilling and Sixpence *per* Ton; and so progressively advancing Sixpence *per* Ton on each additional Weight of One Ton to be raised at One Single Lift of the Crane, and in all Cases in the same Proportion for any Fraction of a Ton.

Company may contract for the Works.

CVIII. And be it further enacted, That the said Company, or such Person or Persons as they shall for that Purpose appoint, is and are hereby authorized to contract and agree with any Person or Persons, for making the said Railway or Tram Road or any other of the Works hereby authorized to be made or done by the said Company, in such Manner, and for such Sum and Sums of Money, and under such Regulations and Restrictions, as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Company and all other

other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and that Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company or either of the Parties failing in the Execution thereof.

Damages and Charges in case of Dispute to be settled by Justices.

CIX. And be it further enacted, That where by this Act any Damages or Charges are directed or authorized to be paid or recovered, in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorized and required, on Nonpayment thereof, to levy such Damages or Charges by Distress and Sale of the Offender's Goods and Chattels in Manner hereby directed for levying of any Penalties or Forfeitures.

In case of Nonpayment of Compensation for Materials, &c. the same may be levied by Distress.

CX. And be it further enacted, That when and as often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace in pursuance of the Directions of this Act, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever, done or committed by the said Company or any Person or Persons acting under or by their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company or their Treasurer, in pursuance of the Direction or Order made by such Justice or Justices, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices of the Peace, which Warrant any such Justice or Justices is and are hereby authorized and required to grant, under his Hand and Seal or their Hands and Seals, on Application to him or them made for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Company, or to their Treasurer for the Time being, as the Case may be.

Notices on the Company how to be served.

CXI. And be it further enacted, That all Notices, and all Writs and other legal Proceedings, and Proceedings in Equity, against the said Company of Proprietors, shall and may be served on the Clerk or Treasurer for the Time being to the said Company of Proprietors, or left at his last or usual Place of Abode, or on any Member of the Com-

Committee of the said Company of Proprietors, or left at his last or usual Place of Abode, or at the Office of the said Company of Proprietors, or upon any Agent or Officer of the said Company, or left at his last or usual Place of Abode; and that such Service shall be deemed and taken to be good and valid Service of such Notices, Writs, and other legal Proceedings, and Proceedings in Equity, on the said Company of Proprietors.

Recovery and Application of Penalties.

CXII. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, or against any Rules, Bye Laws, or Orders made in pursuance of this Act, shall be adjudged by and recovered before any Justice or Justices of the Peace for the said County of *Gloucester*, in a summary Way, and who is and are hereby authorized and empowered to convict the Offender or Offenders, upon Information by the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending, (which Oath and Affirmation such Justice is hereby authorized to administer); and that in default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus, if any, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained, (the reasonable Charges of such Distress and Sale being first deducted); and one Moiety of the Penalties and Forfeitures, when recovered, shall be paid to the Informer, and the other Moiety thereof shall be paid to the Overseers of the Poor of the Parish wherein the Offence shall be committed, to be applied to the Use of the Poor of such Parish; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices, for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Five Days from the taking of any such Security), and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereon such Penalties, Inflictions, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorized and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such

Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

CXIII. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act, to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Persons aggrieved by Irregularity in Distress to recover Damages.

CXIV. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio* on account of any Irregularity which shall be afterwards committed by the Party or Parties distraining; but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

For securing transient Offenders

CXV. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Persons under this Act; be it further enacted, That it shall and may be lawful to and for the said Collectors and Surveyors and other Officers respectively to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and to convey him, her, or them before any One or more Justice or Justices of the Peace for the said County of *Gloucester*, without any other Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

Form of Conviction.

CXVI. And for the more easy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act, shall and may cause the Conviction to be drawn up according to the following Form, or any other Form to the same Effect, as the Case shall happen; (that is to say,)

‘ BE it remembered, That on the Day of
‘ in the Year of our Lord *A. B.* is
‘ convicted before me *C. D.*, One of His Majesty's Justices of the
‘ Peace

'Peace for the County of *Gloucester* [*specifying the Offence, and the Time and Place when and where committed, as the Case may be*] contrary to an Act passed in the Ninth Year of the Reign of King *George* the Fourth; intituled [*here set forth the Title of this Act*]. Given under my Hand and Seal, the Day and Year first above written.'

Persons aggrieved may appeal to the Quarter Sessions.

CXVII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company or Committee, or by any Order, Judgment, or Determination of any Justice or Justices of the Peace relating to any Matter or Thing in this Act mentioned or contained, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, (first giving Ten Days Notice of such Complaint, and of the Nature thereof,) to the Person or Persons against whom such Complaint is intended to be made, or to the said Company, as the Case may be, and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned to try such Appeal, and abide the Order and Award of the Court of Quarter Sessions for the said County of *Gloucester* thereon,) appeal to the Justices of the Peace at the next General or Quarter Sessions to be held in and for the said County, who shall in a summary Way either hear and determine the said Complaint at such General or Quarter Sessions, or, if they think proper, adjourn the Hearing thereof to the next following General or Quarter Sessions of the Peace to be held for the said County; and the said Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, or Determination, and may also order and award such further Satisfaction and Costs to be made and paid to the Party injured as they shall adjudge reasonable; but no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Plaintiff not to recover without Notice, or after Tender of Amends.

CXVIII. Provided always, and be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants, or left at his, her, or their last or usual Place or Places of Abode, Fourteen Days before such Action shall be commenced, of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in such Action if Tender of good and sufficient Amends shall have been made to him, her, or them, or his, her, or their Attorney, by or on behalf of the Defendant or Defendants, before such Action brought, nor if such Tender of Amends shall be made at any Time after such Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but

but on Proof of such Tender on any Trial to be had in such Action, the Plaintiff or Plaintiffs shall be nonsuited, and shall pay full Costs, to be recovered in the same Manner as any Defendant or Defendants may recover Costs in any Course by Law; or in case no Tender shall have been made, it shall be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein any such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXIX. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons, for any thing done or to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in dispute or Cause of Action shall arise, and not elsewhere, and the Defendant or Defendants in such Action, Suit, or Information 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 that the same was done in pursuance and by the Authority of this Act; and if it shall happen to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the Time to be limited for bringing the same, or in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants.

Compelling Witnesses to attend.

CXX. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend to give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, (having been paid or tendered a reasonable Sum for his, her, or their Costs and Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect of appearing,) or shall refuse to be examined upon Oath and to give Evidence before such Justice of the Peace, or at such General or Quarter Sessions, or Adjournment thereof, then and in either of the said Cases such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Punishing Persons

CXXI. And be it further enacted, That all Persons who upon any Examination to be taken upon Oath by virtue of this Act shall

wilfully and corruptly give false Evidence, or otherwise forswear themselves before any such Jury, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to. giving false Evidence.

CXXII. And whereas, by reason of making Alterations in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several Parishes herein mentioned; be it therefore enacted, That for preventing the same the said Company shall from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorized to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of any such Parish, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within such Parish, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act, and the Treasurer or Collector or Receiver to be appointed under this Act shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments. Provision for Deficiencies of Land Tax.

CXXIII. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices and others, without being specially pleaded. Public Act.

The SCHEDULE to which the foregoing Act refers.

IN SISTON PARISH.

OWNERS.	OCCUPIERS.	DESCRIPTION.
Joseph Whittuck - -	Joseph Williams - -	Two Gardens and Orchard.
William Packer, under Peterson - -	Himself and Ann Packer -	Two Cottages and Gardens.
Ann Stone, under ditto	James Stone - - / John Stone - - / Charles Palmer - -	Cottages and Gardens.
John Blandford, under ditto	Himself - - -	Garden.
William Virgo, under ditto - -	John Blandford - - / James Woodrington -	Gardens.
Richard Jefferies, under ditto - - -	Himself - -	Cottage and Garden.
Edmund Jefferies, under ditto - - -	Himself and Thomas Humphries -	Two Cottages, Gardens, and Orchards.
Moses Gunter, under ditto	Himself - - -	Cottage and Garden.
Samuel Palmer, under ditto - - -	Rachel White - - / —— Lewis - -	Garden.
Betty Batt, under ditto -	Herself - - -	Cottage and Garden.
—— Somerhill, under ditto	Thomas Hibbs - -	Cottage and Garden.
Mrs. Batten, under ditto	Peter Johnson - / Samuel Jefferies - / William Billett -	Three Cottages and Gardens.
Henry Somerhill, under ditto - -	Ruth Packer - / John Ross - -	Two Cottages and Gardens.
John Osborne, under ditto	George Snalum - -	Garden.
John Blandford, under ditto	Himself - - -	Garden.
Dr. Woodward - -	Crown Coal Company -	Yard and Outbuildings.
David Barnes - -	Himself - -	Orchard, Farm, Barton, and Garden.
Eliza Jefferies - - -	William Leir - -	Cottage and Garden.

IN WICK AND ABSON PARISH.

OWNERS.	OCCUPIERS.	DESCRIPTION.
Miss Jefferies - -	John Gibbins - -	Garden and Two Orchards.
Robert and William Mays, under Haynes —— ——	Themselves - -	Two Cottages and Gardens.

IN BITTON PARISH.

OWNERS.	OCCUPIERS.	DESCRIPTION.
Giles Bush	Himself	Cottage and Garden.
Andrew Drummond	Thomas Green, under Charles Wilmot	Garden.
William Bush	Himself	Garden.
George Whittington	Samuel Wilmot	Garden.
William Linthorn	Himself John Hall	Gardens.
Benjamin Gay	Himself Isaac Osborne Isaac Gully	Gardens.
Richard Carter	Himself	Cottage and Garden.
Charles Martin	Ann Dark	Ditto ditto.
Dr. Woodward	Richard Gerrish	Garden, Orchard, &c.
Samuel Gerrish	Himself	Garden.
Hester Bryant	Herself	Cottage and Garden.
Jefferies and Co.	Nathaniel Stanley	Ditto.
Richard Gerrish	Himself	Orchard.
—— Lewis	Edward Middleton	Cottage and Garden.
John Harding	Abraham Short Joseph Harding George White Hannah Knapp John Harding	Five Cottages and Gardens.
James Whippie	Himself	Cottage and Garden.
Robert Stone	Himself	Ditto, ditto.
Isaac Loveluck	Himself	Garden.
Lawrence Short (Clerk)	Peter Gerrish	Barn and Fold-yard.
Peter Webb	Himself	Garden.
Lawrence Short (Clerk)	Isaac Godfrey James Cooper George Lewis	Three Cottages and Gardens.
George Hooks	James Morris Henry Knapp Thomas Ball	Three ditto, ditto.
Ditto	Robert Kembry Benjamin Rawlings William White Richard Curtis	Four ditto, ditto.
Ditto	Himself	Outbuildings and Garden.
William Hobin	Charles Jefferies William Furnell	Two Gardens.
Martha Quarman	John Bence	Garden, Barn, and Plot.
William Hobin	Silas Short Arthur Roberts William Short	Three Cottages and Gardens.
John Stout Stibbs	Robert Anderson	Orchard and Garden.
Samuel Whittuck, and Joseph Whittuck	William Stibbs	Garden.
John Winwood	Robert Harding	Old Workshops.
Ditto	John Long	Cottage and Garden.
Francis Riddle	—— Rudge	Garden.

OWNERS.	OCCUPIERS.	DESCRIPTION.
Turnpike Commissioners -	Thomas Morgan -	Turnpike House, Outhouse, and Gardens.
George Burgess, jun. -	Himself - -	Tenement, Shop, and Garden.
Thomas Wigan - -	James Langley - -	Cottage and Garden.
Ditto - - -	William Smith - -	Ditto ditto.

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