ANNO SEXTO

GEORGII IV. REGIS.

Cap. cxiii.

An Act for enabling the *Gloucester* and *Berkeley* Canal Company to raise a further Sum of Money; and for altering, amending, and enlarging the Powers and Provisions contained in the several Acts for making the said Canal.

[10th *June* 1825.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for making and maintaining a navigable Canal from the River* Severn, *at or near the City of* Gloucester, *into a Place called* Berkeley Pill *in the Parish of* Berkeley, *and also a Cut to or near the Town of* Berkeley *in the County of* Gloucester, whereby certain Persons were incorporated by the Name of "The *Gloucester* and *Berkeley* Canal "Company," with Powers to make a navigable Canal for the Passage of Ships of large Burthen, as well as Boats, Craft, and other Vessels, from the River *Severn*, near the City of *Gloucester*, to *Berkeley Pill* aforesaid; and the said Company were authorized and empowered to raise and contribute amongst themselves, in such Proportions as to them should seem meet and convenient, or by the Admission of new Subscribers, a competent Sum of Money for making and completing the said Canal and other Works, not exceeding the Sum of One hundred and forty thousand Pounds, which said Sum of One hundred and forty thousand Pounds, 33 G. 3. c. 97.

Pounds, or so much thereof as should be so raised, should be divided into Shares at a Price not exceeding One hundred Pounds *per* Share as therein is mentioned; and in case the said Sum of One hundred and forty thousand Pounds should be found insufficient for making, completing, and maintaining the said Canal, and other the Works by the said Act authorized to be made, and also the necessary Charges and Expences relating thereto, then the said Company were authorized to raise any further Sum of Money for the Purposes of the said Undertaking, not exceeding the Sum of Sixty thousand Pounds, either by Contributions amongst themselves or by Mortgage of the said Undertaking, as to them should seem meet: And whereas another Act was passed in the Thirty-
37G.3.c.54. seventh Year of the Reign of His said late Majesty, intituled *An Act for authorizing the Company of Proprietors of the* Gloucester *and* Berkeley *Canal Navigation to vary the Line of a certain Part of the said Canal, so as to render the Execution thereof more easy, expeditious, and less expensive, and for altering and amending the Act passed in the Thirty-third Year of the Reign of His present Majesty for making the said Canal*, whereby the said Company were authorized and empowered to deviate from the original Line of the said Canal: And whereas another Act was passed in
45G.3.c.104. the Forty-fifth Year of the Reign of His said late Majesty, intituled *An Act to enable the Company of Proprietors of the* Gloucester *and* Berkeley *Canal to vary and alter the Line of a certain Part of the said Canal, and to enable the said Company to raise a further Sum of Money for carrying into Execution the several Acts for making the said Canal*, whereby the said Company were authorized and empowered to deviate from the Line authorized by the herein-before recited Acts, and to carry the Line of the said Canal in the Direction therein particularly described; and the said Company were thereby also authorized and empowered, in order to enable them to make and complete the said Canal, to raise any Sum or Sums of Money not exceeding Eighty thousand Pounds, over and besides the Sums which they were by the said first-recited Act authorized and empowered to raise, in the Manner in the said Act particularly mentioned: And whereas another Act was passed in the Fifty-eighth Year of the Reign of
58G.3.c.17. His said late Majesty, intituled *An Act to enable the* Gloucester *and* Berkeley *Canal Company to vary and alter the Line of their Canal, and for altering and enlarging the Powers of several Acts passed for making and maintaining the said Canal*, whereby so much of the said recited Acts as authorized the said Company to make the said Canal from an Inclosure near *Branwood* unto *Berkeley Pill* aforesaid, and unto the said Town of *Berkeley*, was repealed, and in lieu thereof the said Company was thereby authorized and empowered to make the said Canal to communicate with the Channel of the River *Severn* at or near to a Place called *Sharpness Point*; and it was in the said last-mentioned Act provided, that in case the said intended Variation should not be completed within the Space of Five Years from the passing of the said Act, then and in such Case the Powers given by the said Act should cease and determine (except only as in the said Act is excepted): And whereas another Act was passed in the
3G.4.c.53. Third Year of the Reign of His present Majesty, intituled *An Act for enabling the* Gloucester *and* Berkeley *Canal Company to raise a further Sum of Money to discharge their Debts, and to complete the said Canal; and for amending the several Acts passed for making the said Canal*, whereby the said Company were authorized and empowered to raise a further Sum of Money, not exceeding the Sum of One hundred and fifty thousand

Pounds, in the Manner in the said Act particularly mentioned: And whereas the said Company have proceeded in the making and completing the said Canal and Works, and have in pursuance of the said recited Acts raised the whole of the said Sums of One hundred and forty thousand Pounds, Sixty thousand Pounds, Eighty thousand Pounds, and One hundred and fifty thousand Pounds, but a further Sum will be requisite to complete the said Canal, and to pay off the several Debts incurred by the said Company in the Progress thereof: And whereas it is expedient that the said Company should be empowered to raise such further Sum of Money, and that certain of the Powers in the said recited Acts contained should be altered, amended, and enlarged, in order the more effectually to carry the Purposes thereby intended into Execution; but the same cannot be accomplished 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 all the Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Articles, Matters, and Things whatsoever in the said recited Acts, or any of them, contained (except such Parts thereof as are varied, altered, and repealed), shall be as good, valid, and effectual for carrying this Act into Execution, in as full, ample, and beneficial a Manner to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in the Body of this present Act.

Powers of former Acts extended to this Act.

II. And be it further enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to raise a further Sum of Money, not exceeding the Sum of Fifty thousand Pounds, by Mortgage of the said Undertaking, or upon Bond in the Way and Manner prescribed in the said recited Acts, or any of them, or by granting optional Mortgages, Bonds, or Notes, payable at a future Time, as herein-after mentioned, or by any or either of the Ways or Means in the said recited Acts or either of them specified or prescribed, or by all or any of such Ways and Means; which said Sum so to be raised shall and is hereby directed to be laid out and applied, in the first Place, in the Payment of all Costs, Charges, and Expences attending the applying for, obtaining, and passing this Act, and the necessary Expences preparatory thereto; in the next Place, in completing and maintaining the said Canal, and other the Works by the said recited Acts authorized to be made; and the Residue thereof in paying and discharging the several Debts, Interest, and Charges due and to become due from the said Company.

Authorizing the Company to raise 50,000*l.*

III. And whereas in and by the said recited Act of the Third Year of His present Majesty's Reign the several Simple Contract Debts then due from the said Company to the Treasurers of the said Company, and to other Persons who hold no Security for the same, have Priority over and precede the Payment of all Dividends, Interests, or Payments in respect of any Shares created under or by virtue of such Act, or under or by virtue of any other of the said recited Acts, and also of any Mortgage, Bond, Note, Debenture, or Annuity, or other Security or Securities whatsoever, save and except the annual Interest and annual Payments or Instalments of Principal then or

thereafter

thereafter to be due to the Commissioners for the Issue of Exchequer Bills as therein mentioned: And whereas it is expedient that the said Company should pay off and discharge the said several Simple Contract Debts so due from them to the said several Persons who hold no Security as aforesaid; be it therefore enacted, That it shall and may be lawful for the said Company, and they are hereby authorized and empowered, to raise Fifteen thousand Pounds, Part of the said Sum of Fifty thousand Pounds, to pay off all and every such Simple Contract Debts now due and owing from the said Canal Company, by Promissory Notes of One hundred Pounds each, under the Common Seal of the said Company, transferrable by Indorsement; and that such Notes shall be made payable at the End of Ten Years from the passing of this Act: Provided always nevertheless, that if the said Company shall, at any Time before the Expiration of the said Ten Years, be desirous of paying off and discharging the Principal Sum and Sums of Money secured on all or any or either of such Note or Notes, and the Interest which shall or may be due thereon, that then and in such Case it shall and may be lawful to and for the said Company, after giving Six Months Notice in Writing, under the Hand of the Clerk or Agent for the Time being of the said Company, to the Person or Persons, Holder or Holders of all or any or either of such Note or Notes, of such Intention, to pay off and discharge the same before the Expiration of the said Ten Years; any thing in this Act to the contrary notwithstanding.

Power to raise 15,000*l.* by creating Promissory Notes transferrable, payable in Ten Years.

Power to pay off Notes before Ten Years on giving Six Months previous Notice to the Holders.

Interest on Notes, and Holders thereof, to have a preferable Claim.

IV. And be it further enacted, That all and every the Person or Persons to whom any such Note or Notes shall be granted by virtue of the Powers of this Act, or who shall become the Holder or Holders of such Note or Notes, shall be entitled to and shall have and receive a Sum not exceeding Five Pounds *per Centum per Annum* from the Treasurer or Treasurers of the said Company in respect of any and every such Note or Notes so to be granted as aforesaid; and such Sum, not exceeding Five Pounds *per Centum per Annum*, shall be computed from the Day on which the whole Principal Sum or Amount of such Note or Notes shall be advanced; and the said annual Sum, not exceeding Five Pounds *per* Note, and the Amount thereof, shall precede the Payment of all other annual Sums, Dividends, Interests, Annuities, or Payments upon any Shares, Mortgages, Bonds, Notes, Debentures, Annuities, or any other Security or Securities whatsoever, save and except the Payment of the annual Interest, and the annual Payments or Instalments of Principal now due or hereafter to become due from Time to Time to the said Commissioners for the Issue of Exchequer Bills for the carrying on of Public Works, upon any Loan or Loans, Sum or Sums of Money already advanced, or which shall hereafter be advanced to the said Company by the said Commissioners, upon any Mortgage, Charge, or other Security; and, subject to the Payments to be made to the said Commissioners as aforesaid, the Holders of the said Notes created under the Powers of this Act shall be paid the Interest which shall accrue thereon at the Rate aforesaid; and after Payment of such Interest to the Proprietors or Holders of such Notes respectively, the clear Residue of the Profits and Proceeds of the said Undertaking shall be applied to the Payment of the annual Sums or Dividends to the Proprietors of the Shares created by and in pursuance of the said recited Act of the Third Year of the Reign of His present Majesty as therein mentioned; and after Payment thereof the

the said Profits and Proceeds of the said Undertaking shall be applied to the Payment of the Claims of the Annuitants, Holders of Debentures, and optional Notes, and after the Payment of such Claims shall be divided among the several Proprietors of Shares in the said Canal respectively, rateably and proportionably, exclusive and wholly independent of the Proprietors of the Shares created by the said recited Act of the Third Year of the Reign of His present Majesty, or any of them.

V. And whereas the Commissioners acting in the Execution of an Act made and passed in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned,* and another Act passed in the same Year, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor,* did, on or about the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, consent to advance and lend to the said Company a Loan of Sixty-five thousand Pounds in Exchequer Bills, by Four several Instalments of Sixteen thousand two hundred and fifty Pounds each: And whereas the said Instalments were respectively advanced to the said Company on the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and the Seventh Day of *December* One thousand eight hundred and nineteen, and the Eleventh Day of *August* One thousand eight hundred and twenty, and were respectively secured to the said Commissioners by Four several Indentures of Mortgage under the Common Seal of the said Company, and bearing Date respectively the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and Seventh Day of *December* One thousand eight hundred and nineteen, and the Eleventh Day of *August* One thousand eight hundred and twenty, whereby, for the Considerations therein respectively mentioned, the said Company assigned to *William Holden*, the Secretary of the said Commissioners for the Issue of Exchequer Bills, all and every the Rates, Tolls, and Receipts whatsoever accruing or arising, or which might at any Time thereafter accrue or arise, or which might at any Time thereafter be taken, collected, or received by the said Company from or out or on account of the said Canal, or otherwise, by virtue of the herein-before recited Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of His said late Majesty, or any other Act or Acts relating to the said Canal, and also the said Navigation and Undertaking, and all the Right, Title, and Interests of the said Company of Proprietors of, in, and unto the same, and all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, subject to Redemption upon Payment by the said Company of the said several Sums of Money secured by the said Indentures respectively, with Interest thereon as therein mentioned, by such Instalments, and at such Times, as in the Indentures respectively is particularly set forth: And whereas the said Commissioners for the Issue of Exchequer Bills did, under and by virtue of the said herein-before recited Act of the Third Year of His present Majesty relating to the said Canal, and of another Act made and passed in the same Year, intituled *An Act* 3 G. 4. c. 86. *to*

57 G. 3. c. 34.

57 G. 3. c. 124.

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, consent to advance and lend the said Company of Proprietors a further Loan of Sixty thousand Pounds in Exchequer Bills, by Two Instalments of Thirty thousand Pounds each, subject to certain Terms and Conditions; and on or about the Eighth Day of *June* One thousand eight hundred and twenty-four, the said Company having fulfilled the Conditions that entitle them to the Advance of the First of the said Instalments, the Sum of Thirty thousand Pounds was advanced to the said Company upon the Security of a further Indenture of Mortgage under the Common Seal of the said Company, and bearing Date the Eighth Day of *June* One thousand eight hundred and twenty-four, whereby, for the Considerations therein mentioned, the said Company of Proprietors assigned unto the said *William Holden* all and every the Rents, Tolls, and Receipts whatsoever accruing or arising, or which might at any Time thereafter accrue or arise, or be taken, collected, or received by the said Company of Proprietors by virtue of the said Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of His late Majesty, and Third Year of His present Majesty, or any other Act or Acts relating to the said Canal, and also the said Canal Navigation and Undertaking, and all the Right, Title, and Interest of the said Company of, in, and unto the same, and all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, subject to Redemption upon Payment by the said Company of the Balance remaining due of the said Four several Sums of Sixteen thousand two hundred and fifty Pounds, and Interest, in the Manner provided by the several Indentures of Mortgage herein and in the said Indenture now in recital mentioned and referred to, and also upon the Payment of the said Sum of Thirty thousand Pounds secured by the said Indenture of Mortgage now in recital, bearing Date the Third Day of *June* One thousand eight hundred and twenty-four, with Interest due thereon as therein mentioned; be it enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said several Indentures, bearing Date respectively the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and Seventh Day of *December* One eight hundred and nineteen, the Eleventh Day of *August* One thousand eight hundred and twenty, and the Eighth Day of *June* One thousand eight hundred and twenty-four, or any Proceedings which may have been taken at any Time before the passing of this Act, or which shall or may be taken at any Time after the passing of this Act, by the said Commissioners, with respect to the said several Indentures, or any of them, or for the Recovery of the Money secured thereby, or any Part thereof; and that the same shall have Priority over and shall precede any new Share or Shares to be granted by the said Company by virtue of this Act, or any Mortgage, Annuity, Bond, Debenture, optional or other Note, or other Security whatsoever, already granted or entered into by the said Company, or which shall or may hereafter be granted or entered into by the said Company under or by virtue of the said several Acts first herein-before recited or this Act, or

Act not to affect the Securities given to the Exchequer Bill Commissioners.

or any of them, or any other Act or Acts relating to the said Canal, and also shall have Priority over and shall precede all Dividends and Division of Profits or Interest upon any Sum or Sums advanced or contributed, or which shall or may hereafter be advanced or contributed for the carrying on or completing the said Canal, or otherwise howsoever, until the several Instalments of Principal Money and Interest, secured to the said Commissioners or their Secretary for the Time being under the said several Indentures, or which shall hereafter be secured by any future Mortgage, Charge, or other Security to be granted or entered into by the said Company to the said Commissioners, or their Secretary for the Time being, shall be fully paid and satisfied; and that all and every the Powers and Authorities, Rights and Privileges, which shall at any Time from and after the passing of this Act be vested in the said Company for the Purpose of completing and carrying on the said Canal, and all additional Works and Premises which shall or may be obtained by the said Company by means of the further Sum hereby authorized to be raised, shall form a Part of, and are hereby enacted and declared to form a Part of and to be comprehended in the several Premises and Interests assigned by the said Company to the said *William Holden*, the Secretary of the said Commissioners, by the said several Indentures, bearing Date respectively the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and the Seventh Day of *December* One thousand eight hundred and nineteen, the Eleventh Day of *August* One thousand eight hundred and twenty, and the Eighth Day of *June* One thousand eight hundred and twenty-four, in like Manner in every respect as if such additional Works, Powers, and Authorities, Rights and Privileges, had been particularly named and inserted in and had formed Part of the several Premises assigned by the said several Indentures respectively, in the Manner and for the Considerations aforesaid; any thing contained in the Acts herein recited or referred to, or this Act, or any of them, or in the said Indentures respectively to the contrary thereof notwithstanding.

Exchequer Bill Commissioners may advance 35,000*l.* in addition.

VI. And be it further enacted, That it shall be lawful for the said Commissioners acting in the Execution of the said recited Acts of the Fifty-seventh Year of the Reign of His said late Majesty, and of the First and Third Years of the Reign of His present Majesty, or of any other Act or Acts which may hereafter be passed relating to or for altering or extending the said last-mentioned Acts, and they are hereby authorized and empowered, to make any further Advance in Exchequer Bills, not exceeding the Sum of Thirty-five thousand Pounds, unto the said Company, in aid of the additional and other Works herein mentioned and referred to, and upon the Security of a further Charge or Charges on the several Premises and Interests mentioned and referred to and herein enacted and declared to be assigned and comprehended in the said several herein-before mentioned Indentures of the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and the Seventh Day of *December* One thousand eight hundred and nineteen, the Eleventh Day of *August* One thousand eight hundred and twenty, and the Eighth Day of *June* One thousand eight hundred and twenty-four; and that such further Charge or Charges shall be given and made in such Manner and Form, and upon such Terms and Conditions, as the said Commissioners shall direct and appoint, any thing in the said recited

recited Acts, or any or either of them, or in the said Indentures, or any or either of them, contained to the contrary in anywise notwithstanding.

Such Advance to form Part of the Sum of 50,000*l.* hereby authorized to be raised.

VII. And be it further enacted, That any further Advance which shall be made by the said Commissioners to the said Company of Proprietors shall form a Part of the said Sum of Fifty thousand Pounds hereby authorized to be raised as aforesaid.

Additional Advance to have Priority.

VIII. And be it further enacted, That such last-mentioned Charge or Charges, Security or Securities, when given, shall have Priority over and shall precede any Share or Shares, Mortgages, Annuities, Bonds, Notes, or other Securities already granted or which may hereafter be granted by the said Company by virtue of the said recited Acts, or any of them, or this Act, and all Dividends, Profits, and Interest, of what Nature or Kind soever, which have or has accrued or may accrue to the said Company, in such and the like Manner to all Intents and Purposes as the said several herein-before recited Indentures are hereby enacted and declared to have Priority over and to precede such Shares, Securities, Dividends, Profits, and Interest respectively; any thing in the said recited Acts, or any of them, or this Act contained to the contrary thereof in anywise notwithstanding.

Repeal of the Provision in 3 G. 4. c. 53. requiring Monies to be secured by Mortgage, but authorizing the Company to grant such Mortgages.

IX. And be it further enacted, That so much of the said recited Act of the Third Year of His present Majesty as requires that the Repayment of the several Sums of Money to be borrowed by the said Company for the Purpose of discharging and paying off the Amount of Principal Money and the Interest thereon then due, or thereafter to be due to the said Commissioners for the Issue of Exchequer Bills, or their Secretary for the Time being, shall be secured by the said Company to the several Persons so lending and advancing the same, by such Mortgage of the said Canal Navigation or Undertaking as therein mentioned, shall be and the same is hereby repealed: Provided always nevertheless, that the said Company shall be at liberty, and they are hereby fully authorized and empowered, to grant such Mortgages as by the said recited Act directed, if they shall be minded and desirous so to do, for securing any of the Monies so to be raised or borrowed by virtue thereof.

Company may borrow Money to repay Exchequer Bill Commissioners.

X. And be it further enacted, That in case the said Company shall at any Time hereafter be desirous of discharging and paying off the Principal Sum of Thirty-five thousand Pounds hereby authorized to be raised and borrowed of the said Commissioners for the Issue of Exchequer Bills, and the Interest hereafter to become due thereon to the said Commissioners for the Issue of Exchequer Bills, or to their Secretary for the Time being, it shall and may be lawful to and for the said Company, and they are hereby empowered, to borrow such Sum or Sums of Money as may be required for such Purpose of any Person or Persons willing to advance the same on the Security of the said Canal, and of the Rates, Rents, Tolls, Dues, Duties, and Profits thereof, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*.

Mortgages may be granted to Persons advancing

XI. And be it further enacted, That the Repayment of such Sum of Money so to be borrowed by the said Company for such Purpose may be secured by the said Company to the several Persons so lending or advancing the same respectively as aforesaid by a Mortgage or Mortgages of

of the said Canal Navigation or Undertaking, and of all the Messuages, Lands, and Premises belonging thereto, or to the said Company of Proprietors, and of all and every Rates, Rents, Tolls, Dues, Duties, Receipts, and Profits whatsoever, accruing or arising, or which may at any Time hereafter accrue or arise, or which may at any Time thereafter be taken, collected, or received by the said Company of Proprietors from or out or on account of the said Canal, or otherwise, by virtue of the said recited Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Year of His said late Majesty, and the Third Year of the Reign of His present Majesty, or any other Act or Acts relating to the said Canal; and that such Mortgages when taken shall in every respect be entitled to and have Priority over and shall precede any Note or Notes to be granted by the said Company of Proprietors by virtue of this Act, and all other Mortgages, Bonds, Notes, Debentures, Annuities, Dividends, Profits, Proceeds, or Interests of what Nature or Kind soever, except any Mortgages that shall be granted by virtue of the said recited Act of the Third Year of the Reign of His present Majesty, for the Purpose of paying off the several Principal Sums, and the Interest thereon now due or hereafter to be due to the said Commissioners for the Issue of Exchequer Bills, and which Mortgages shall have equal Priority with the Mortgages granted by virtue of this Act; and such Mortgages may be given and granted in the Words following or Words to the like Effect; (that is to say),

Money to be paid to Exchequer Bill Commissioners, and may be assigned.

'BY virtue of an Act passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set forth the Title of this Act*], we, the *Gloucester* and *Berkeley* Canal Company, in consideration of the Sum of to the Treasurer of the said Company in hand paid by do grant, bargain, sell, and demise unto the said his Executors, Administrators, and Assigns, such Proportion of all and every the Rates, Tolls, Receipts, and Payments whatsoever, accruing or arising, or which may at any Time hereafter accrue or arise, or which may at any Time hereafter be taken, collected, or received by the said Company from or out or on account of the *Gloucester* and *Berkeley* Canal, and also such Proportion of the Canal Navigation and Undertaking, and of all the Right, Title, and Interest of the said Company of, in, and into the same, and of all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, as the said Sum of doth or shall bear to the whole Sum of now about to be raised by the said Company for the Purpose of paying off and discharging the Amount of Principal and Interest now due from the said Company to the Commissioners for the Issue of certain Exchequer Bills; to hold to the said his Executors, Administrators, and Assigns, from the Day of the Date thereof, for and during the Term of Five hundred Years, unless the said Sum of with Interest at the Rate of *per Centum* *per Annum*, shall be sooner repaid and satisfied. In Witness whereof the said *Gloucester* and *Berkeley* Canal Company have hereunto affixed their Common Seal, the Day of in the Year of our Lord'

Form of Mortgage.

And every such Grant or Mortgage shall be good and effectual in the Law; and Copies of all such Mortgages shall be entered in a Book or

Books to be kept for that Purpose by the Clerk or Clerks to the said Company, and which said Book or Books shall and may at all seasonable Times be perused and inspected, without Fee or Reward, by any Person or Persons entitled to any such Mortgage, or holding any Share or Security in, upon, or affecting the said Canal; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, or Interest in or to such Mortgage, and the Principal Money and Interest thereby secured, to any Person or Persons whomsoever, by indorsing or annexing to such Mortgage Security, in the Presence of One or more credible Witness or Witnesses, the following Words, or Words to the following Effect; (that is to say),

Form of Transfer.

'I the within-named *A. B.*, *or* I *C. D.*, Assignee or Executor or Administrator of the within-named *A. B.* [*as the Case may be*], do hereby 'transfer this Mortgage Security, and all my Right and Title to the 'Principal Money thereby secured, and to all Interest now due upon the 'same, unto *E. F.*, his Executors, Administrators, and Assigns. Dated 'this Day of .'

Which Transfer shall be produced and notified to the said Clerk or Clerks within Twelve Calendar Months next after the Day of the Date thereof, who shall enter the same in the said Book or Books, for which Entry the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence, and no more; and such Transfer shall then entitle the Assignee, his Executors, Administrators, and Assigns, to the Benefit of such Mortgage Security and Payment thereon; and every such Assignee may in like Manner assign or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom such Mortgage shall be last transferred, to release, discharge, and make void the original Mortgage Security, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage or Transfer shall be made as aforesaid shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the whole of the said Canal Navigation and Undertaking in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies, and of the Dates of their Securities.

Repeal of Limitation of Number of Committee.

XII. And be it further enacted, That so much of the said recited Act of the Third Year of the Reign of His present Majesty as limits the Number of Persons to be chosen from Time to Time as the Committee for the Management of the Affairs of the said Company to the Number of Fifteen, shall be and the same is hereby repealed; and that from and after the passing of this Act it shall and may be lawful for the said Company of Proprietors to make choice of and appoint, at the Time and Times and in Manner by the said recited Act of the Fifty-eighth Year of the Reign of His late Majesty mentioned, not more than Fifteen Persons, and not less than Nine Persons, who for the Time shall be respectively Proprietors of not less than Ten Shares in the said Navigation, to be a Committee for managing the Concerns of the said Company of Proprietors; and such Persons so to be chosen and appointed a Committee, or any Three of them, shall have the same Powers and Authorities for managing the Concerns of the said Company, and shall also be subject and liable to the same Rules and Regulations, Restrictions, Penal-

Committee to consist of not more than Fifteen nor less than Nine Persons.

ties, and Forfeitures, as the Committee appointed under the Directions of the said recited Acts, or any of them, were thereby invested with and subject and liable to.

If at any General Meeting there shall not be Proprietors possessed of Three hundred Shares, the Meeting to be adjourned for a Fortnight.

XIII. And whereas Doubts have arisen as to what Number of Proprietors are requisite to form or constitute a General Meeting of the said Proprietors; be it therefore enacted, That from and after the passing of this Act, if at any Special or General Meeting of the said Company the Proprietors present shall not possess in themselves or by Proxy Three hundred Shares, then the said Meeting shall be adjourned by the Proprietors present, or the Clerk to the said Company, to that Day Fortnight, at the same Place where such Meeting was appointed to be held, and so *toties quoties* until there shall be present at some Meeting Proprietors possessed of Three hundred Shares, either as Principals or Proxies; any thing in the said recited Acts contained to the contrary notwithstanding.

Proprietors to vote for any Number of Shares not exceeding Sixty, and by Proxy not exceeding Sixty Shares.

XIV. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for any Proprietor of the said Canal, at any General or Special Assembly of the said Company, to vote for any Number of Shares not exceeding Sixty; and also it shall and may be lawful for any Proprietor, at any such General or Special Assembly, to vote by Proxy for any Number of Shares not exceeding Sixty in addition to the Shares in respect of which he shall vote in his own Right; any thing in the said recited Acts or in the present Act to the contrary notwithstanding.

Power to collect Rates of Tonnage under 33 G. 3. c. 97. repealed.

XV. And be it further enacted, That so much of the said recited Act of the Thirty-third Year of the Reign of His late Majesty as relates to the Power of the said Company to collect Rates of Tonnage as therein mentioned of all Coals, Stone, Timber, and other Goods, Merchandize, and Things navigated on the said Canal, shall be and the same is hereby repealed.

Power to collect new Rates of Tonnage.

XVI. And be it further enacted, That from and after the passing of this Act it shall and may be lawful to and for the said Company from Time to Time, and at all Times thereafter, to ask, demand, take, and receive, for the Tonnage of all Coals, Stone, Timber, and other Goods, Merchandize, and Things which shall be navigated, carried, or conveyed upon, in, or through all or any Part of the said Canal, the several Rates hereinafter mentioned; (that is to say),

Rates of Tonnage.

For the Tonnage of all Goods, Wares, and Merchandize (except Coals), which shall be navigated, carried, or conveyed in, upon, or through all or any Part of the said Canal, in any Ship, Trow, Barge, Boat, or other Vessel, any Sum not exceeding Five Shillings *per* Ton:

For the Tonnage of all Coals navigated, carried, or conveyed in, upon, or through all or any Part of the said Canal, in any Ship, Trow, Barge, Boat, or other Vessel, any Sum not exceeding One Shilling *per* Ton:

For the Tonnage of all Goods, Wares, and Merchandize navigated, carried, or conveyed in, upon, or along all or any Part of the said Canal, in any Ship, Trow, Barge, Boat, or other Vessel, not passing through

through either of the Locks of the said Canal, any Sum not exceeding Three-pence *per* Ton *per* Mile; and so in proportion for any greater or less Distance than a Mile:

For every Ship, Trow, Barge, Boat, or other Vessel entering into or going out of the said Canal at either End thereof, empty or in Ballast, any Sum not exceeding One Penny *per* Ton for Lockage.

Provided always, that in all Cases where there shall be a Fraction of a Ton in the Weight of Lading in any Ship, Boat, Barge, or other Vessel so to be navigated on the said Canal, a Proportion of the said Rates shall be demanded and taken by the said Canal Company for such Fraction, according to the Number of Quarters of a Ton contained therein; and in all Cases where there shall be a Fraction or Quarter of a Ton in any such Weight of Lading as aforesaid, such Fraction shall be deemed and considered as a whole Quarter of a Ton.

Regulating the Exemption of Stone, &c. from Toll.

XVII. And whereas in and by the said recited Act of the Thirty-third Year of the Reign of His late Majesty, Stone, Gravel, and Sand, to be employed for the Purposes only of making or repairing any public Roads not exceeding Two Miles from the said Canal, and also all Dung, Soil, Marl, Ashes of Coal and Turf, Lime for Manure, and all other Manure which shall be used for the Improvement of any Lands and Grounds not exceeding the Distance of Three Miles from the said Canal, are exempt from Payment of the said Rates authorized to be taken: And whereas such Exemption is very prejudicial to the said Company, inasmuch as that any Vessel entering through the Locks of the said Canal at either End thereof does necessarily occasion a Loss of a considerable Quantity of Water; be it therefore enacted, That only such Stone, Gravel, and Sand as shall pass from one Part of the Canal to another, to be employed for the Purpose only of making or repairing of any public Roads in any Parish, Township, Village, or Hamlet through which the said Canal is cut, not exceeding the Distance of Two Miles from the said Canal; and also such Dung, Soil, Marl, Ashes of Coal and Turf, Lime for Manure, and other Manure which shall be used for the Improvement only of the Lands and Grounds not exceeding the Distance of Three Miles from the said Canal, shall not be charged with or liable to the Payment of any of the Rates herein-before authorized to be taken; and also that such Person or Persons as shall own or be concerned or employed in carrying such Stone, Gravel, and Sand for the making and repairing of such Roads, or such Dung, Soil, Marl, Ashes, or Manure, shall have free Liberty to make use of the Towing Path, Wharfs, and Quays belonging to the said Company, such Person or Persons not suffering the same to lie upon such Wharfs or Quays longer than may be necessary for the loading, unloading, and conveying thereof from and to the several Places where they are to be put on board and unloaded; and if any Person shall claim and take the Benefit of any of the aforesaid Exemptions who shall not be entitled thereto, or shall use or dispose of any of the Articles for which any such Exemption shall have been allowed in any other Manner than as before mentioned, he shall forfeit any Sum not exceeding Ten Pounds for every such Offence.

Stones, &c. entering Canal by

XVIII. And be it further enacted, That all Stone, Gravel, and Sand to be employed for the Purposes aforesaid, and also all Dung, Soil, Marl,

Marl, Ashes of Coal and Turf, Lime for Manure, and all other Manure which shall be used for the Improvement of Land as aforesaid, and which shall be brought into the said Canal through any or either of the Locks thereof at either End of the said Canal, shall be liable to the Payment of all and every the Rates herein-before authorized to be taken; any thing in the herein-before recited Acts or this Act contained to the contrary in anywise notwithstanding.

Lock at either End, liable to Rates.

XIX. And for the further and better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of Rates for passing on the said Canal, be it further enacted, That Forty Cubic Feet of Oak, Ash, Elm, Beech, Mahogany, and other heavy Timber or Wood, and Fifty Cubic Feet of Fir, Pine, Deal, Poplar, and other light Timber or Wood, either squared or not, shall for the Purpose of this Act and of the recited Acts be deemed, rated, or estimated as and for One Ton Weight; and that all Stone, Coals, and other Goods to be charged with the Payment of Rates for passing on the said Canal as aforesaid, shall be deemed, rated, or estimated as and for Twenty Hundred Weight to the Ton; any Usage of rating or estimating the same to the contrary notwithstanding.

How Tonnage on Timber shall be ascertained.

XX. And whereas in and by the said recited Act of the Thirty-third Year of the Reign of His late Majesty it is enacted, that it shall be lawful for the said Company, at any General Assembly, of which Three Calendar Months Notice shall be given as therein mentioned, to lessen or reduce all or any of the Rates thereby granted, and afterwards from Time to Time, at any General Meeting, to advance and raise all or any of the said Rates so lessened to any Sum or Sums not exceeding the Rates therein-before granted; but that no Reduction of the said Rates shall be made without the Consent of the Proprietors possessed of at least Three-fourths of Shares in the said Navigation Undertaking; be it further enacted, That the same shall be and the same is hereby repealed.

Repeal of Power to alter Rates.

XXI. And be it further enacted, That from and after the passing of this Act it shall and may be lawful for the said Company from Time to Time, at any General Assembly to be held for that Purpose (of which Two Calendar Months Notice shall be given in the *Gloucester* and *Worcester* Newspapers, or in any such other Manner as the said Company shall at any General Assembly direct or appoint), to lessen or reduce all or any of the Rates hereby granted and made payable to them as they shall think proper, and afterwards from Time to Time, at any General Assembly (of which such Notice shall be given as aforesaid), to advance and raise all or any of the said Rates so lessened to any Sum or Sums of Money not exceeding the said Rates herein-before granted; any thing in the said Acts or this present Act contained to the contrary notwithstanding: Provided always, that no such Reduction, Alteration, or Variation shall be made, without the Consent of the Commissioners for the Issue of Exchequer Bills, so long as any Sum of Money or Interest shall be due and owing from the said Company to the said Commissioners.

Power to lessen and alter Rates.

XXII. And whereas by the said recited Act of the Thirty-third Year of His late Majesty it is enacted, that certain Commissioners thereby appointed should issue a Warrant, under their Hands and Seals, to the Sheriff of the County of *Gloucester*, commanding such Sheriff to impannel and summon such Jury as therein mentioned: And whereas it is in

Justice of Peace of the County of Gloucester may issue Warrant to

Sheriff to summon Juries.

in and by the said recited Act of the Third Year of the Reign of His present Majesty enacted, that so much of the said first-recited Act as relates to the Appointment of such Commissioners, and all Powers by such Act vested in or given to such Commissioners, should be and the same are thereby repealed; and that all Matters and Difference should be settled and determined by a Jury summoned and returned in manner by the said first-recited Act directed: And whereas no Provision is made by the said recited Act of the Third Year of the Reign of His present Majesty by what Authority the Sheriff of the said County of *Gloucester* should summon a Jury for the Purposes of settling and determining such Matters and Disputes as in and by the said recited Act of the Thirty-third Year of the Reign of His late Majesty are mentioned; be it therefore enacted, That it shall and may be lawful to and for any One of His Majesty's Justices of the Peace for the County of *Gloucester*, upon Application to him made, by Writing under the Hand of the Clerk for the Time being of the said Company, and such Justice of the Peace is hereby authorized and required, within Fourteen Days next after such Application, to issue his Warrant or Warrants, Precept or Precepts, directed to the Sheriff of the said County of *Gloucester*; and in case any such Sheriff or his Under Sheriff shall happen to be one of the said Company, or enjoy any Office of Profit or Trust under them, or shall be otherwise interested in the Matter in question, then to one of the Coroners of the said County not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury; and the said Sheriff or Coroner is hereby required accordingly to impannel, summon, and return a Jury of Twelve sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the said Justice at such Time and Place as in such Warrant or Warrants, Precept or Precepts, shall be directed and appointed, to attend the said Justice from Day to Day until discharged by him; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Justice is hereby authorized and empowered, by Precept or Precepts from Time to Time, as Occasion shall require, to call before him all and every Person and Persons whomsoever who shall be thought proper and necessary to be examined as a Witness or Witnesses on his, her, or their Oath or Oaths touching or concerning the Premises; and the said Justice may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in question, which Jury, upon their Oaths, shall enquire of, assess, and ascertain the Sum of Money or annual Rent to be paid for the Purchase of such Lands, Grounds, Mills, Waters, and other Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained, as in the said recited Act of the Thirty-third Year of the Reign of His late Majesty is mentioned, and shall assess separate Damages for the same, and the said Justice shall give Judgment of such Purchase Monies, Rent, or Recompence so to be assessed by such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Justice, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Courts; any Law or Statute to the contrary notwithstanding.

XXIII. And

Repeal of limited Damage of 100*l.* by Masters or Owners of Vessels.

XXIII. And be it further enacted, That so much of the said recited Act of the Thirty-third Year of the Reign of His late Majesty as enacts, that no greater Sum than One hundred Pounds shall in any Case be payable or recoverable from the Master or Owner of any Ship, Barge, or other Vessel navigating upon the said Canal, for any Damage, Spoil, or Mischief done by his Ship, Boat, Barge, or other Vessel, or any of the Boatmen, Watermen, and others employed in or about the same, unto any of the Bridges, Weirs, Locks, Banks, Drains, Engines, or other Works belonging to the said Canal, or any of the Trenches, Aqueducts, Sluices, and Passages, or otherwise, as in the said recited Act is mentioned, shall be and the same are hereby repealed.

Power for Exchequer Bill Commissioners to join or concur in the Sale of Lands, &c. by the Company.

XXIV. And whereas in and by the said recited Acts no Power is given to the said Commissioners for the Issue of Exchequer Bills to join or concur in any partial Sale of any of the Lands, Tenements, Hereditaments, and Premises belonging to the said Company; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners, in the Name of their Secretary for the Time being, so long as any Monies or Interest shall be due and owing from the said Company to the said Commissioners, at the Request in Writing of the said Company under their Common Seal, to join and be Party with the said Company in any Deed, Conveyance, or Assurance for releasing or conveying of any Lands, Tenements, Hereditaments, and Premises by the said Company of Proprietors to any Person or Persons whomsoever, in such Manner and Form as the said Commissioners shall direct; and also in like Manner to release and discharge the several Lands, Tenements, Hereditaments, and Premises so sold and intended to be conveyed from the Monies and Interest, or any Part thereof, due and owing to the said Commissioners at the Time of such Sale and Conveyance, subject nevertheless to the Purchase Money on such Sale or Sales being applied in or towards the Discharge of the Principal Money and Interest for the Time being due and owing from the said Company to the said Commissioners, or otherwise, as they the said Commissioners may direct, with a view to the due Completion of the said Canal and Works.

Power to alter and vary Drains, Sewers, and Watercourses, within the lower Level of the County of Gloucester.

XXV. And be it further enacted, That it shall and may be lawful to and for the said Canal Company, and they are hereby authorized and directed, with the Consent of His Majesty's Commissioners of Sewers within the lower Level of the said County of *Gloucester*, and the Owners or Proprietors (Bodies Politic, Corporate, or Collegiate, or other Person or Persons, or the Guardians, Committees, or Trustees of such Person or Persons as shall be under any Disability or Incapacity of acting for themselves) who are or may be interested in or entitled to any of the Lands, Grounds, Tenements, or Hereditaments through, over, along, or by the Side of which any of the Drains, Gouts, Ditches, Culverts, Sluices, Droughs, Reens, Sewers, or Watercourses leading or emptying into the River *Severn* at present run and pass, to vary and alter all or any such Drains, Gouts, Ditches, Culverts, Sluices, Droughs, Reens, Sewers, or Watercourses, as the said Canal Company, with such respective Consent as aforesaid, may deem necessary, and in lieu and place thereof, with the Consent of the said Commissioners of Sewers of the said lower Level, and the Owners or Proprietors (Bodies Politic, Corporate, or Collegiate, or other Person or Persons, or the Guardians, Committees, or

Trustee

Trustee or Trustees of such Person or Persons as shall be under any Disability or Incapacity of acting for themselves) who are or may be interested or entitled to any of the Lands, Grounds, Tenements, or Hereditaments through, over, along, or by the Side of which any Drains, Gouts, Ditches, Culverts, Sluices, Droughs, Reens, Sewers, or Watercourses shall be thought necessary or beneficial to run and pass in lieu of those so varied and altered, to cut and make all such other or new Drains, Gouts, Ditches, Culverts, Sluices, Droughs, Reens, Sewers, or Watercourses, and erect such Bridge or Bridges, as the said Canal Company, with such Consent as last aforesaid, may deem necessary and proper for the better or more effectually draining the Lands and Grounds within the said lower Level; and that after such new Drains, Gouts, Ditches, Culverts, Sluices, Droughs, Reens, Sewers, Watercourses, and Bridges shall have been made and completed, the same shall for ever hereafter be repaired, cleansed, scoured, and maintained, under the Orders and Directions of the said Commissioners of Sewers of the said lower Level, by and at the Expence of the respective Owners and Proprietors, Bodies Politic, Corporate, or Collegiate, and other Persons whomsoever, by whom and in respect or out of whose Lands, Tenements, or Hereditaments, the present Drains, Gouts, Ditches, Culverts, Sluices, Droughs, Reens, Sewers, Watercourses, and Bridges have heretofore been repaired, cleansed, scoured, and maintained.

Appointment of Bridge Keepers within the Parishes of Cam, Coaley, Slimbridge, and Berkeley, to be subject to the Approval of W. F. Berkeley, &c.

XXVI. And be it further enacted, That if the said Company shall find it requisite or expedient to appoint any Person or Persons as Bridge Keeper or Bridge Keepers to all or any or either of the Bridges now erected or hereafter to be erected over or upon the said Canal within the respective Parishes of *Cam*, *Coaley*, *Slimbridge*, and *Berkeley*, or any or either of them, that then and in any and every such Case the Appointment of such Person or Persons shall be made by the said Company, subject to the Approval of *William Fitzhardinge Berkeley*, of *Berkeley Castle* in the said County of *Gloucester*, or the Heirs Male of his Body, or of such Person or Persons as for the Time being shall be seised of the Estates in the said Parishes whereof the said *William Fitzhardinge Berkeley* is now seised, and shall take and possess the same under the Devise and Limitations contained in the last Will and Testament of *Frederick Augustus* late Earl of *Berkeley*: Provided always, that Notice of the Appointment of every such Keeper shall be given by the said Company, or by their Clerk or Agent, to the said *William Fitzhardinge Berkeley*, or such Person or Persons so seised as aforesaid, or to his or their known and reputed Agent or Agents, within Six Days from the Day on which such Person or Persons shall be so respectively appointed as aforesaid; and such Person or Persons shall be deemed and taken as properly elected and qualified to act, unless the said *William Fitzhardinge Berkeley*, or the Person or Persons so seised as aforesaid for the Time being, or his or their respective Agent or Agents, shall, within Twelve Days after such Notice as aforesaid, transmit or deliver to the said Company, or to their Clerk for the Time being, a Notice or Notices in Writing objecting to the Person or Persons so to be elected as aforesaid.

Company to dismiss Bridge

XXVII. And be it further enacted, That if the said *William Fitzhardinge Berkeley*, or the Person or Persons so seised as aforesaid for the Time being, shall at any Time or Times, after any Person or Persons shall have been appointed

appointed by the said Company as Bridge Keeper or Bridge Keepers to the Bridges now or hereafter to be erected over the said Canal, or any of the Branches thereof, within the said Manors, any or either of them, be desirous that such Bridge Keeper or Bridge Keepers shall be dismissed and discharged from such Situation in consequence of any Misconduct of him or them, and the said *William Fitzhardinge Berkeley*, or the Person or Persons so seised as aforesaid for the Time being, shall signify the same in Writing to the said Company, that then and in every such Case the said Company shall and will dismiss and discharge all and every or any such Bridge Keeper or Bridge Keepers so misconducting himself or themselves, and appoint another or others in his or their Place and Stead.

Keepers on Complaint.

XXVIII. And be it further enacted, That all Offences whatsoever, which by virtue or under the Authority of the said Acts or this Act, or by or under any Bye Law, Rule, Order, or Regulation made or to be made in pursuance or by the Authority of the said Acts, are or shall be punishable with any pecuniary Penalties, Fines, or Forfeitures, for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by and before any Two or more Justice or Justices of the Peace for the said County of *Gloucester* in a summary Way, upon Information or Complaint made and exhibited in Writing (and which shall in every Case be made and exhibited within Six Calendar Months at the furthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid, the said Justice or Justices shall examine into the Matter thereof, and if upon the Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses, or being a Quaker upon his or her Affirmation, the said Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties hereby made payable in respect of such Offence or Offences, together with the Costs of Conviction, to be ascertained by such Justice or Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then the said Penalty or Penalties shall and may, by Warrant or Warrants under the Hand and Seal or Hands and Seals of any Justice or Justices (which he or they is and are hereby empowered and required to grant), be levied and recovered, together with the Costs of Conviction and Recovery thereof, to be ascertained by such Justice or Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, wherever such Goods or Chattels can be found, rendering the Overplus of the Money arising by such Sale (if any) to the Party or Parties whose Goods or Chattels shall be so distrained, one Moiety of all which Penalties, not herein directed to be otherwise applied, shall be paid to the Informer, and the other Moiety shall be paid to the Treasurer for the Time being of the said Company, to be applied to the general Purposes of this Act; and it shall and may be lawful for the said Justice or Justices to order the Offender or Offenders so convicted to be detained in safe Custody, until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offenders shall give sufficient Security to the Satisfaction of such Justice or Justices for his or their Appearance or Appearances before the said Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant or Warrants of Distress, such Day or Days not being more than Seven

Recovery and Application of Penalties.

Days from the Time of taking 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 or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of any such Justice, either by the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Fines, Costs, and Charges may be levied were a Warrant of Distress issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices, and he and they is and are hereby required and empowered, by Warrant or Warrants under his Hand and Seal or their Hands and Seals, to commit such Offender or Offenders to the House of Correction, or to the Common Gaol for the said County of *Gloucester*, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months, or until such Offender or Offenders shall have fully paid such Penalty or Penalties, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice or Justices, or shall otherwise be discharged by due Course of Law.

Time extended for completing Canal.

XXIX. And be it further enacted, That so much of the said Act of the Third Year of His present Majesty as limits the Completion of the said Undertaking to the Term of Four Years from the Time of the passing of the said last-mentioned Act, shall be and the same is hereby repealed; but in case the said Canal shall not have been completed and made navigable so that Boats and Barges may pass along the whole Line thereof (unless prevented by inevitable Accident), within the Space of Four Years from the passing of this Act, then from and immediately after the Expiration of the said Term of Four Years, all the Powers given by this Act and the said recited Acts, so far as the same relate to those Parts which may be then incomplete and not navigable, shall cease and determine to all Intents and Purposes whatsoever.

Expences of obtaining this Act.

XXX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences in anywise incidental thereto or concerning the same, with lawful Interest, shall be borne, paid, and defrayed by the said Company, by and out of the first Money which shall be received by virtue of this Act.

Public Act.

XXXI. 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.

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