CHAP. lxi.

An Act to enable the Gloucester and Berkeley Canal Company to extend and improve their works, to convert their existing capital into stock; and for other purposes. A.D. 1870.

[20th June 1870.]

WHEREAS by an Act passed in the thirty-third year of the reign of His 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," the Gloucester and Berkeley Canal Company (herein-after in this Act called the Company) were incorporated, 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 thereby authorised and empowered to raise and contribute amongst themselves, in such proportions as to them should seem meet and convenient, a competent sum of money not exceeding the sum of one hundred and forty thousand pounds, which said sum of one hundred and forty thousand 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 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 authorised to be made, and all necessary charges and expenses relating thereto, then the Company were authorised 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: 33 G. 3. c. 97.

And whereas by an Act passed in the thirty-seventh year of the reign of His said Majesty King George the Third, intituled "An Act for authorising the company of proprietors of the Gloucester and 37 G. 3. c. 54.

A.D. 1870. "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," the Company were authorised and empowered to deviate from the original line of the said canal, and power given to them when and so soon as the sum of one hundred thousand pounds should have been advanced and paid under and by virtue of the said last-recited Act or of the now-reciting Act to raise the remainder of the said sum of one hundred and forty thousand pounds, and also the said sum of sixty thousand pounds by the said last-recited Act authorised to be raised, or so much or such part thereof as should be wanted or found necessary for the purposes aforesaid, either by the admission of new subscribers or proprietors for one or more share or shares of one hundred pounds each, or half shares of fifty pounds each, or quarter shares of twenty-five pounds each, or to raise the same by way of mortgage or upon bond as therein mentioned:

45 G. 3. c. civ. And whereas by an Act passed in the forty-fifth year of the reign of His said Majesty King George the Third, 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," the Company were authorised and empowered to deviate from the line authorised by the herein-before recited Acts, and to carry the line of the said canal in the direction therein described; and the Company were thereby authorised and empowered to raise any sum or sums of money not exceeding eighty thousand pounds over and besides the sums which they were by the said recited Acts authorised and empowered to raise in the manner in the said now-reciting Act mentioned:

58 G. 3. c. xvii. And whereas by an Act passed in the fifty-eighth year of the reign of His said Majesty King George the Third, 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," so much of the said recited Acts as authorised the 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 Company were thereby authorised and empowered to make the said canal in the course and direction therein mentioned, and were further authorised to raise the remainder

of the sums authorised to be raised by the above-recited Acts, and not then raised, videlicet, the sum of one hundred and sixty-eight thousand pounds, either by the creation of new or additional shares in the said undertaking, or 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, or debentures payable at a future time, or by granting annuities in manner in the now-reciting Act mentioned, or by all or any of the ways and means aforesaid, but the new shares thereby authorised to be created were not to be granted at less than sixty pounds each share; and the Company were, in and by the now-reciting Act, empowered to borrow the whole or any part of the said last-mentioned sum upon any mortgage or mortgages, bond or bonds, or promissory notes, or upon debentures to be payable at a future time, with an option to the parties so advancing moneys to the Company to stipulate for an option to take shares in the said undertaking in satisfaction of the principal money by such mortgages, bonds, or promissory notes to be secured, or for so much or such parts thereof as the Company for the time being and the person or persons advancing such money on the security of the said mortgages, bonds, or notes should agree, with power to the Company to agree to such stipulation as they should see fit; and in and by the now-reciting Act, the Company were empowered to raise any part of the several sums of money by the said recited Acts authorised to be raised, by granting annuities to or for the use of any person or persons who should contract for the purchase thereof, for any term or number of years, or for or during the natural life of any one person, to be nominated by or on behalf of every such purchaser, as to them should seem expedient; and it was by the now-reciting Act enacted, that every such annuity or annuities should be charged upon and be payable out of the rates, tolls, duties, and other revenue of the Company, or out of any moneys to be raised by the Company by virtue of the powers in the now-reciting Act contained, in the same manner as the interest on the sums advanced on mortgages or other securities was therein-before directed to be paid:

And whereas by an Act passed in the third year of the reign of His late Majesty King George the Fourth, 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," the Company were authorised and empowered to raise a further sum of money not exceeding the sum of one hundred and fifty thousand pounds, by the creation of new shares in the said 3 G. 4. c. liii.

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undertaking, with a preferential claim of ten pounds per cent. per annum over all mortgages, bonds, notes, debentures, annuities, and other securities whatsoever, and all dividends, interests, annuities, and payments upon any other 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 upon certain moneys advanced by the Commissioners for the issue of Exchequer Bills, and the advance of money for the carrying on of public works (herein-after called the Exchequer Bill Commissioners) under the Acts therein referred to; and power was given to the said Commissioners to advance an additional sum of sixty thousand pounds upon a further charge or charges upon the undertaking of the Company, but as part of the one hundred and fifty thousand pounds by the now-reciting Act authorised to be raised; and power was also given by the Company to borrow on mortgage such sum or sums of money (at a rate not exceeding five pounds per cent. per annum) as might be required for the purpose of paying off the principal and interest due or thereafter to be due to the said Exchequer Bill Commissioners:

6 G. 4. c. cxiii.

And whereas by an Act passed in the sixth year of the reign of His late Majesty King George the Fourth, intituled "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," the Company were authorised and empowered to raise a further sum of money not exceeding the sum of fifty thousand pounds, by mortgage of the undertaking of the Company, or upon bond, or by granting optional mortgages, bonds, or notes as therein mentioned, and further power was given to the Company to raise the sum of fifteen thousand pounds for the payment of the simple contract debts of the Company, but as part of the said last-mentioned sum of fifty thousand pounds, by the creation and issue of promissory notes payable at the end of ten years, and bearing a preferential interest after the rate of five pounds per cent. per annum as therein mentioned, and the Exchequer Bill Commissioners were authorised to lend further sums of money as therein mentioned, but with power to the Company to borrow money on mortgage to repay the said Commissioners:

2 & 3 W. 4. c. cxi.

And whereas by an Act passed in the second and third years of His late Majesty King William the Fourth, intituled "An Act for "consolidating the shares of the proprietors of the Gloucester and "Berkeley Canal Company, and for converting the interests of the "several parties holding debentures, annuities, and optional notes

" into shares, and for altering and enlarging the powers of the " several Acts passed for making and maintaining the said canal," the classes and descriptions of the proprietors of the Company and their respective interests therein were defined, and power was given to the Company to raise money for compounding with the Exchequer Bill Commissioners to consolidate the several shares and interests in the Company and to create and issue shares of one hundred pounds each to be distributed among the said proprietors and other persons holding securities in the said Company at their option in the manner in the now-reciting Act mentioned, and in exchange for the then existing shares and securities in the proportions therein specified (which said last-mentioned shares are herein-after referred to as consolidated shares), and power was given to the Company to raise a further sum of two hundred thousand pounds upon mortgages, bonds, or debentures of the Company, and further power was given to the Company to grant new shares with a preference of five pounds per cent. per annum, subject to the priorities of the Exchequer Bill Commissioners, and after payment or satisfaction of the debt due to the Exchequer Bill Commissioners, and the interest and dividends on the said sum of two hundred thousand pounds by the now-reciting Act authorised to be raised, or so much thereof as should be raised to discharge the debt due to the said Commissioners (which at that time amounted to the sum of one hundred and sixty thousand pounds principal), the revenues and proceeds of the said canal were directed to be applied in payment and discharge of the sum of fifteen thousand pounds or so much thereof as was raised by promissory notes under the powers and provisions of the herein-before recited Act of the sixth year of the reign of His late Majesty King George the Fourth, with interest then due and to accrue due thereon, and certain provisions were made for the appropriation of surplus revenue :

And whereas by an Act passed in the fourth year of the reign of His late Majesty King William the Fourth, intituled " An Act to " enable the Gloucester and Berkeley Canal Company to take water " from the River Froome, and to alter and enlarge the powers of " the several Acts for making and maintaining the said canal," the Company were authorised to improve and extend the works of the said canal as therein mentioned, and to raise a further sum of fifty thousand pounds by the issue of new shares or by borrowing on mortgage, bond, or debentures in manner authorised by and prescribed in the said last-recited Act : 4 & 5 W. 4. c. liv.

And whereas the whole of the moneys from time to time advanced by the Exchequer Bill Commissioners and the interest thereon has been paid off or satisfied :

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And whereas in the exercise of the powers in that behalf granted by the above-mentioned Acts, the Company have from time to time raised money by the creation and issue of shares and by borrowing in the manner prescribed by those Acts or some of them, and the following is the present state of the share capital of the Company:

	No. of Shares.	Amount of Cash received.			Amount of Cash received.		
		£	s.	d.	£	s.	d.
£100 preference shares bearing £5 per cent. interest, created under 2 & 3 Will. IV. cap. cxi. sec. 17. -	1,095	-	-	-	109,500	0	0
£10 per cent. dividend shares remaining unconverted, under the 2 & 3 Will. IV. cap. cxi. sec. 5., £100 each - - - -	65	-	-	-	6,500	0	0
Original and consolidated shares arising thus—							
From 834 converted £10 per cent. dividend shares at 3 consolidated shares for each dividend share, 2 & 3 Will. IV. cap. cxi. sec. 5. -	2,502	83,400	0	0			
From original £100 shares, ib. sec. 2., thus made up—							
Original shares - 108,700 0 0	1,087						
59 shares cancelled, on which calls had been paid to the amount of - - 1,553 10 0							
33 shares purchased, upon which had been paid £3,300 0 0							
Bought at 1,689 12 0—1,610 8 0							
					111,863	18	0
From 140 £60 shares converted, at one consolidated share each, 2 & 3 Will. IV. cap. cxi. sec. 4. -	140	8,400	0	0			
From optional notes, annuities, and debentures converted, at two consolidated shares for each £100 subscribed, 2 & 3 Will. IV. cap. cxi. s. 6. - - - - -	1,256	62,800	0	0			
From promissory notes converted, at five shares for each £100 subscribed, 4 Will. IV. cap. liv. sec. 29.	617	12,340	0	0			
	5,602				278,803	18	0
Total capital from shares	-	-	-	£	394,803	18	0

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And whereas the following tabular statement represents the amounts raised or borrowed by the Company under the powers and provisions of the above-recited Acts, and due by them up to the twenty-fifth day of September one thousand eight hundred and sixty-nine:

——	Cash received.		
	£	s.	d.
Balance of loan by the Pelican Life Office to pay off Exchequer Bill Commissioners - - - -	6,562	10	0
Debentures and loans - - - - -	68,512	6	2
Due on optional notes unconverted, in pursuance of 2 & 3 Will. IV. cap. cxi. sec. 6. - - - -	505	0	0
Fractions of optional notes undealt with under 2 & 3 Will. IV. cap. cxi. sec. 8. - - - - - -	855	0	0
£	76,434	16	2

Decree dated 24th April 1854.

And whereas by a decree made on the twenty-fourth day of April one thousand eight hundred and fifty-four by his Honor the Master of the Rolls in a cause instituted in the High Court of Chancery, it was declared that, according to the true construction of the said recited Act of the second and third years of the reign of His late Majesty King William the Fourth, the revenue of the Company was to be applied in the following order of payment:

1stly. In payment of the expenses of management and repairs, and other incidental expenses:

2ndly. In payment of the interest on the loans raised and to be raised under the powers of that Act:

3rdly. In payment of a dividend of five pounds per share per annum by two equal half-yearly payments on the twenty-fifth day of March and the twenty-fifth day of September in each year on each of the preference shares created and to be created under the powers of the said Act:

4thly. In payment of the debts due from the said Company on simple contract, and of the sum of fifteen thousand pounds raised by the said Company by promissory notes under their common seal under or by virtue of the powers and provisions contained in the said recited Act of the sixth year of the reign of King George the Fourth:

5thly. In payment of all arrears of interest and dividends due and to accrue due in respect of the shares in the Company called ten pounds per cent. dividend shares of one hundred pounds each created by the said recited Act of the third year of the reign of King George the Fourth, to be applied in

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manner following; that is to say, such proportion thereof to the holders or proprietors of such of the said shares as had not been converted under the provisions of the said recited Act of the second and third William the Fourth as they would have been severally and respectively entitled to if the said last-mentioned Act had not been passed, and the residue thereof unto and amongst the proprietors of shares in the said Company other than such shares as had not been converted as aforesaid, equally share and share alike, according to their respective shares and interests therein:

6thly. In payment of such a sum of money as with the sums paid in respect of old and consolidated shares under the preceding head would make up a dividend of five pounds per share per annum by two equal half-yearly payments on the twenty-fifth day of March and the twenty-fifth day of September in each year on each and every of the old and consolidated shares in the said Company:

7thly and lastly. If at any time after the payments therein-before mentioned out of the revenue of the said Company there should remain any surplus revenue, the same was to be equally divided, share and share alike, between and amongst the holders and proprietors of the preference shares created under the powers of the said Act of the third and fourth William the Fourth and holders and proprietors of the old and consolidated shares pari passu:

And whereas considerable inconvenience and confusion has been experienced and caused by reason of the complicated nature of the different interests in the Company, and it is expedient that provision should be made for the consolidation of those interests into ordinary and preference stock as herein-after mentioned, and for varying the rights of some of the holders of securities in the Company:

And whereas the works of the Company are insufficient for the exigencies of the existing traffic, and it is expedient that the Company should be authorised to make and maintain the works herein-after mentioned, and to raise an additional sum of money for that purpose and for the general purposes of the Company:

And whereas the constitution of the Company is found inconvenient and defective, and it would greatly simplify the management of the Company if the herein-before recited Acts were repealed (except as herein-after mentioned), and if the several provisions herein-after contained were made applicable to the Company:

And whereas it is expedient that the Company should be authorised to levy the rates herein-after mentioned, but these objects 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 Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title, &c.

1. This Act may be cited for all purposes as "The Gloucester and Berkeley Canal Act, 1870," and shall be deemed to be divided into two parts.

PART I.

8 & 9 Vict. c. 16., 26 & 27 Vict. c. 118., and 32 & 33 Vict. c. 48. incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to the cancellation and surrender of shares), Part II. (relating to additional capital), and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," shall, where not inconsistent with the provisions of this Act, extend and apply to the Company, and to the capital or stock or the moneys which the Company by borrowing are by this Act or have been by any of the previous Acts relating to the Company authorised to raise.

8 & 9 Vict. c. 18. and 23 & 24 Vict. c. 106. incorporated.

3. "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," are, except where inconsistent with the provisions of this Act, incorporated into and form part of this Act: Provided that the provisions contained in the said Acts, so far as applicable, shall be deemed and taken to govern and direct the application, investment, and mode of dealing with moneys already paid under the Company's recited Acts of Parliament as compensation for the purchase of any lands or damage or injury thereto, and which may be still awaiting distribution to or investment on behalf of the parties entitled to any such compensation.

10 & 11 Vict. c. 27. incorporated, &c.

4. "The Harbours, Docks, and Piers Clauses Act, 1847," except such of the provisions of that Act as shall be varied by or be repugnant to any of the provisions of this Act, shall be incorporated with and form part of this Act, and shall extend and apply as well to the now existing works and undertaking of the Company as to the new works and undertaking hereby authorised; and the several words and expressions to which meanings are assigned by section 2 of "The Harbours, Docks, and Piers Clauses Act, 1847," shall, unless inconsistent with the provisions of this Act, extend and apply not

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only to this Act and the works thereby authorised, but also to the several existing works of and to the unrepealed parts of the existing Acts relating to the Company: Provided nevertheless, that the following sections and parts of sections of "The Harbours, Docks, and Piers Clauses Act, 1847," be and the same are hereby expressly excepted from such incorporation; (that is to say,)

So much of section 12 as provides and requires that if the conservancy of the navigable river therein referred to shall legally belong to any person, the consent and approval in the now-reciting enactment specified of such person shall be necessary in addition to the consents and approvals in the now-reciting enactment before required:

Sections 16 and 17, with respect to lifeboats:

Sections 18 and 19, with respect to keeping a tide and weather gauge:

So much of section 23 as provides that no such lease as in such section mentioned be granted for a longer term than three years:

Provided also, that section 25 of "The Harbours, Docks, and Piers Clauses Act, 1847," with respect to the rates to be taken by the undertakers, shall not be taken to apply to any rates or dues which the Company are now entitled to take.

Interpretation of terms.

5. The word "canal" in this Act used shall mean the canal and works authorised by the herein-before recited Acts as well as the works, extensions, and improvements authorised by this Act, unless there be something in the subject or the context repugnant to such construction; and the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; and the expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partially incorporated herewith, shall be read and have effect as if the debt or demand with respect to which the expression is used were a simple contract debt, and not a debt or demand created by statute.

Original and consolidated shares converted into stock.

6. And whereas it is calculated that under the provisions contained in this and the following section of this Act the herein-before mentioned sixty-five ten pounds per cent. dividend shares remaining unconverted under the 2 and 3 Will. 4. cap. cxi. sec. 5. will by means of the conversion herein-after mentioned become entitled to a dividend equal to seven times the amount of the dividend upon

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the existing ordinary shares, instead of 6·71 times the amount as at present, and the holders of fifty-six of such outstanding dividend shares have consented to such conversion: Be it therefore further enacted, that on the twenty-fifth day of September one thousand eight hundred and seventy the five thousand six hundred and two existing original and consolidated shares, and the sixty-five ten pounds per cent. outstanding dividend shares, and the moneys now owing by the Company to holders of the unconverted optional notes and fractions of optional notes, debentures, and annuities (amounting to one thousand three hundred and sixty pounds), and included in the herein-before recited tabular statement, and in the figures £505 and £855 respectively, shall be consolidated and converted into and shall thereafter be represented by one common ordinary capital stock of the Company of the aggregate nominal amount of three hundred and three thousand seven hundred and eighty-two pounds and ten shillings, which stock and all future additions which may be made thereto shall be called "ordinary consolidated stock," and shall be entitled to dividend out of the net revenue of the Company as herein-after mentioned.

Allotment and apportionment of ordinary consolidated stock.

7. On the twenty-fifth day of September one thousand eight hundred and seventy the said three hundred and three thousand seven hundred and eighty-two pounds and ten shillings of ordinary consolidated stock shall be allotted and apportioned between the holders of the said five thousand six hundred and two original and consolidated shares, and of the said sixty-five ten pounds per cent. dividend shares, and of the said unconverted optional notes and fractions of optional notes, debentures, and annuities referred to in the last preceding section of this Act, in the several proportions following; that is to say,

For every such original or consolidated share in the Company, fifty pounds of ordinary consolidated stock:

For every 10 per cent. dividend share, three hundred and fifty pounds of ordinary consolidated stock:

For every fifty pounds in optional notes, fifty pounds of ordinary consolidated stock, and so in proportion for a greater or less amount:

For every one hundred pounds in fractions of the unconverted optional notes, debentures, and annuities mentioned in the last preceding section of this Act, fifty pounds of ordinary consolidated stock, and so in proportion for a greater or less amount.

Ordinary consolidated stock to be

8. The respective allotments and amounts of ordinary consolidated stock to which the holders of the shares and securities in the

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held on same trusts as shares and securities for which they are substituted.

Company herein-before mentioned shall by or under the powers of this Act respectively become entitled in substitution or exchange for such shares and securities shall be accepted by and become vested in them accordingly, and shall be registered in their respective names in the books of the Company, and thenceforth held in the same rights, on the same trusts, and subject to the same powers, provisions, charges, and liabilities as those in, upon, or to which the said shares and securities in lieu whereof those amounts of ordinary consolidated stock are respectively substituted or exchanged were held and were subject to immediately before such substitution or exchange, and shall be dealt with, applied, and disposed of accordingly, and so as to give effect to and not revoke any deed, will, or other instrument disposing of or affecting any such shares or securities; and trustees, executors, or administrators, and other incapacitated parties may accept ordinary consolidated stock, as by this Act authorised, in substitution or exchange for such other shares or securities held by them, and may retain, dispose of, or otherwise deal with the same as fully and freely in all respects as they might have retained, disposed of, or otherwise dealt with such other shares or securities.

Certificates may be called in and new certificates issued.

9. The Company may call in the existing certificates of the shares and the other securities for which ordinary consolidated stock is or shall be substituted or exchanged by or under the powers of this Act, and shall issue in exchange for those certificates and securities respectively to the respective proprietors thereof, free of charge, certificates of ordinary consolidated stock of the respective amounts to which those proprietors are by this Act respectively entitled: Provided always, that in the meantime and until that exchange shall be made, the existing certificates shall (according to the amounts of ordinary consolidated stock which they respectively represent under the provisions of this Act) have and possess the same rights and advantages as if they were certificates for those respective amounts of ordinary consolidated stock issued under the provisions of this enactment.

If certificate or security lost or destroyed another to be issued for the amount of ordinary consolidated stock.

10. If the certificate for any shares, or if any securities for which ordinary consolidated stock is to be substituted or exchanged, be lost or destroyed, then, upon proof thereof to the satisfaction of the Company, they shall deliver to the person entitled thereto a certificate for the amount of ordinary consolidated stock to which he is under this Act entitled.

Preference shares converted into

11. On the twenty-fifth day of September one thousand eight hundred and seventy the one thousand and ninety-five existing

five pounds per cent. preference shares created under the powers and provisions of the herein-before recited Act "2nd and 3rd William IV. cap. cxi. sec. 17." shall be converted into five pounds per cent. per annum preference stock, herein-after called "preference stock A.," the holders of which stock shall be entitled to the preferential dividend herein-after mentioned out of the net revenues of the Company as herein-after defined.

preference stock.

12. Subject to the provisions of this Act, the Company may from time to time raise for the purposes by this Act authorised any sums of money not exceeding in the whole the sum of two hundred thousand pounds by the creation and issue of new preference shares of one hundred pounds each, bearing a rate of interest not exceeding six pounds per cent. per annum.

Power to raise 200,000*l.* by new shares.

13. Any preference shares issued under the last preceding section shall in the first place be offered pro ratâ to the then existing holders of the ordinary consolidated stock in the Company, such offer to be made, as far as the altered nature of the circumstances will allow, in the manner prescribed by Part II. of "The Companies Clauses Act, 1863."

New preference shares to be offered to ordinary stockholders.

14. When and so soon as all the new preference shares to be issued under the provisions of this Act shall have been fully paid up the Company may convert the same into a new preference stock to be called "preference stock B.," such conversion to take place as nearly as may be in accordance with the provisions of that part of "The Companies Clauses Consolidation Act, 1845," which relates to the consolidation of shares into stock, and the said preference stock B. to be entitled to the same rights, privileges, and priorities as the same enjoyed as shares previous to such conversion.

Power to convert new preference shares into preference stock.

15. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to issue until one fifth paid up.

16. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and four fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

17. The Company may from time to time borrow on mortgage, and in addition to any moneys which they are now authorised so to borrow, any sum not exceeding the sum of one hundred thousand

Power to borrow further moneys on mortgage.

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pounds, but any sum so borrowed shall be in reduction of the above-mentioned sum of two hundred thousand pounds which under this Act they are authorised to raise by shares.

Power to create and issue debenture stock.

18. The Company may raise all or any of the moneys by the last preceding section authorised to be raised by the creation and issue of debenture stock.

Application of moneys.

19. All moneys raised under this Act, whether by shares or stock or borrowing, shall be applied for all or some of the purposes of this Act and of the recited Acts relating to the Company, or some or one of them.

Application of the revenue of the Company.

20. The receipts, income, and revenue of the Company, consisting of all moneys received and receivable by the Company from their canal and undertaking and property for the time being, and which would properly and according to the practice usually adopted by similar companies be carried to the account of revenue, shall from and after the twenty-fifth day of September one thousand eight hundred and seventy be applied as follows; (that is to say,)

1st. In payment of the annual sums by way of purchase money and compensation for which the Company are liable under the 96th section of this Act:

2ndly. In payment of all the working expenses paid and incurred by the Company upon or in respect of the canal and undertaking of the Company, including the following charges; that is to say, the cost of the maintenance of the canal and undertaking of the Company and all their several works and appurtenances, and of all repairs and renewals of or upon the same or any part thereof; the rates, taxes, tithes, duties, and assessments upon or in respect of the same or of the traffic thereon, or of any part of the undertaking of the Company (except the property or income tax), and all payments for annual rent-charges which may be payable in respect of any of their lands and premises in lieu of purchase money in gross, or other rents payable by the Company other than the annual sums first above mentioned; the expenses of or connected with the maintenance, repair, and renewal of plant, boats, and machinery; the salaries and wages of the auditors and all officers, clerks, servants, and workmen provided and employed by the Company; all other charges of the working and arrangement of the traffic of the Company, and all moneys payable for damages or compensation to any person or persons, and all costs, charges, and expenses incurred or payable in respect thereof:

3rdly. In payment of all the expenses of or incident to the direction and management of the Company, and all office expenses, parliamentary and law costs and charges, and other charges and expenses incurred in carrying the purposes of the Company into execution, which are properly charged in revenue account:

4thly. In payment of the interest on the balance of the principal moneys for the time being owing to the Pelican Life Office in respect of the advances made by that office to the Company to pay off the Exchequer Bill Commissioners:

5thly. In payment of the interest on the principal moneys raised or to be raised by the Company by borrowing under the powers and provisions of the above-recited Acts of the 2nd & 3rd Will. IV. cap. cxi., the 4th Will. IV. cap. 54., "The Severn Navigation Act, 1869," and of this Act:

6thly. In payment of a dividend after the rate of five pounds per centum per annum to the holders of preference stock A., converted and created by this Act; but in case the revenue available in any half year for the payment of such dividend shall be insufficient for that purpose, the application of the revenue in any subsequent half year, as 7thly, 8thly, or 9thly next mentioned, shall be postponed until such deficiency shall have been made up:

7thly. In payment of a dividend after a rate not exceeding six pounds per centum per annum to the holders of the new preference shares created under the powers of this Act:

8thly. In payment of a dividend up to ten pounds per cent. per annum to the proprietors of ordinary consolidated stock; and,

9thly. If at any time after the payments herein-before mentioned there shall remain any surplus revenue, the same shall be divided pro ratâ between and amongst the proprietors of "ordinary consolidated stock," and the proprietors of "preference stock A.:"

Provided that the said receipts, income, and revenue of the Company accruing from their canal and undertaking and property up to the twenty-fifth day of September one thousand eight hundred and seventy shall be paid and applied to and amongst the several holders of shares and securities of or in the Company in such manner, and such shares and securities shall continue until such date to subsist, as if this Act had not been passed; and provided further, that nothing in this section contained shall prejudice or interfere with any of the rights or remedies of the proprietor of any debenture or other security created or given by the Company under the powers of

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the above recited Acts or any of them, or this Act, for the recovery of the principal moneys secured by such debenture or security.

Transfer books may be closed for seven days previous to general meeting.

21. The directors of the Company may close the books kept for entering memorials of transfer of stock and shares for any period not exceeding seven days previous to any general meeting of the Company, whether ordinary or special, and may fix a day for closing the same, of which seven days notice at least shall be given by advertisement in some newspaper published in the county of Gloucester, and during the time when the transfer books are so closed the Company shall not be bound to take notice of any transfer which shall not have been registered previously to the day so fixed, and any transfer made during such time shall, as between the Company and the party claiming under the same, but not otherwise, be considered as made subsequently to such meeting.

First ordinary meeting.

22. The first ordinary meeting of the Company under this Act shall be held at the time when the next general meeting of the Company would have happened after the passing of this Act but for the passing thereof.

Period for holding general meetings.

23. The future ordinary meetings of the Company shall be held in the months of May and November, or at such other stated periods as shall be appointed for that purpose by a resolution of a general meeting of the Company.

Number of directors.

24. From and after the first ordinary meeting of the Company the number of directors shall be fifteen.

Qualification of a director.

25. The qualification of a director under this Act shall be the possession of ordinary consolidated stock in the Company in his own right of the nominal value of not less than one thousand pounds.

Quorum.

26. The quorum of a meeting of directors shall be three.

First directors.

27. The existing committee of management shall continue in office as and may exercise all the powers of directors under this Act until the first ordinary meeting held in the first year after the passing of this Act; at that meeting the shareholders or stockholders present in person or by proxy may either continue the present members of the committee in office as directors, or may elect a new body of directors or directors to supply the place of the members of the committee not continued in office; and at the first ordinary meeting to be held in the second and in every subsequent year after the passing of this Act the shareholders and stockholders present in person or by proxy shall elect persons to supply the places of

the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, not being removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Share or stockholders may require directors to call extraordinary meeting.

28. It shall be lawful for twenty or more persons holding shares or stock or shares and stock in the Company amounting to not less in the aggregate than twenty thousand pounds, by writing under their hands, at any time to require the directors to call an extraordinary general meeting of the Company, and such requisition shall fully express the object of the meeting required to be called, and shall be left at the office of the Company or given to at least three directors, or left at their last or usual places of abode; and forthwith upon the receipt of such requisition the directors shall convene a meeting of the Company, and if for twenty-one days after such notice the directors fail to call such meeting, the aforesaid number of shareholders and stockholders or shareholders or stockholders qualified as aforesaid may call such meeting by giving fourteen days public notice thereof.

Quorum of general meeting.

29. The quorum of a general meeting shall be ten shareholders and stockholders or ten shareholders or stockholders holding in the aggregate not less than ten thousand pounds of the capital of the Company.

Votes of share and stockholders.

30. At all general meetings of the Company every holder of "ordinary consolidated stock" shall be entitled to one vote for each complete fifty pounds of such stock up to two thousand five hundred pounds, and one vote for every complete one hundred pounds of such stock held by him above that amount, and every holder of "preference stock A." or "new preference shares" shall be entitled to one vote in respect of each complete one hundred pounds in such stock held by him up to six thousand pounds, and for each new preference share held by him up to sixty shares respectively, but so that no one holder of either preference stock A. or new preference shares, or both, shall have more in the aggregate than sixty votes in respect of such stock or shares.

Limitation of power to hold proxies.

31. No shareholder or stockholder shall represent and vote as proxy for more than one hundred shares in the Company, or for more than five thousand pounds of stock.

Qualification of auditors.

32. Every auditor shall be possessed in his own right of at least fifty pounds of ordinary consolidated stock in the Company, or shares in the Company of that nominal value.

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Books to be balanced.

33. The books of the Company shall be balanced on the twenty-fifth day of March and the twenty-fifth day of September in every year.

Offices of clerk and treasurer not to be held by the same person.

34. The same person shall not be appointed to the office both of clerk and treasurer, and if any person being the clerk or the partner of such clerk, or in the service of such clerk or of his partner, accept the office of treasurer, or if any person being the treasurer or the partner of such treasurer, or in the service of such treasurer or of his partner, accept the office of clerk, he shall forfeit the sum of one hundred pounds, and any person may sue for such penalty by action of debt or on the case in any of the superior courts, and shall, on recovery thereof, be entitled to full costs of suit.

Power to construct works according to deposited plans.

35. And whereas plans and sections describing the lines and situations and levels of the proposed works, and the lands, houses, and other property in or through which they will be made, or which will or may be required to be taken for the purposes thereof or under the powers of this Act, and a book of reference to such plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, houses, and other property, have been deposited with the clerk of the peace for the county of Gloucester at his office in Gloucester: Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described, with all proper approaches, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

Description of works.

36. The works by this Act authorised to be made and maintained are the following:

First. A canal in extension of the Company's existing canal, from a point thereon, in the parish of Berkeley in the county of Gloucester, called Dinmore Pill, to a point on the River Severn situate about two hundred yards south-west of Holly Hazel Pill in the said parish of Berkeley:

Secondly. A dock or docks with basins, locks, graving docks, entrance gates, approaches, roads, bridges, quays, jetties, shipping places, staiths, landing slips, stairs, and stages, wharves, wharf walls, embankments, river walls, warehouses, custom houses, cranes, drops, dolphins, and other necessary works and conveniences connected therewith:

Thirdly. Embankments or river walls extending along the shore of the River Severn, on each side of the entrance from the said river to the proposed canal and works, on the north side two hundred and sixty-six yards, and on the south side two hundred and thirty-three yards, or thereabouts:

Fourthly. A pier on the north side of the said entrance of the said canal and works, extending from the said embankment on the north side outwards into the River Severn a distance of one hundred and sixty-six yards, or thereabouts; and a pier on the south side of the said entrance of the said canal, extending from the said embankment on the south side outwards into the River Severn a distance of one hundred and thirty-three yards, or thereabouts:

Fifthly. The Company may also excavate, dredge, scour, deepen, and improve the waterway between and adjacent to the proposed piers, and remove the rocks and obstructions therefrom, and execute all other works needful to ensure a good, safe, and sufficient access from and to the proposed canal and works to and from the River Severn:

Sixthly. The Company may also construct a culvert, conduit, or waterway, commencing in the main stream of the waters now discharging themselves at Holly Hazel Pill, at a point situate three hundred and seventy yards, or thereabouts, from the existing archway over the mouth of such last-mentioned pill, and thence passing along the southern side of the proposed works to a point between the said proposed piers on the River Severn; and the Company may also divert and convey along or through such culvert or waterway into the said River Severn the waters so discharging themselves at Holly Hazel Pill as aforesaid:

All which said intended canal, docks, embankments, river walls, piers, conduit, culvert, or waterway, and works will be made or pass by, from, or through, or be situate within the parishes, townships, extra-parochial or other places following, or some or one of them; that is to say, Hinton and Berkeley, both in the county of Gloucester, and the bed or shore of the said River Severn.

Power to take waters from the River Severn and from portion of Stroudwater Navigation.

37. The Company may and are hereby authorised and empowered to divert into the intended canal and docks a competent supply of water from the River Severn, and also from that portion of the Stroudwater Navigation which lies between the Whitminster Lock on the same navigation and the junction of the same navigation with the Gloucester and Berkeley Canal, for the purposes of the works by this Act authorised.

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Lights on works.

38. During the construction of the piers, or such other portion of the works hereby authorised as shall be situated on, in, over, through, or across the tidal lands or tidal water of the River Severn, the Company shall, at their own expense, exhibit and keep burning at night, from flood until five hours ebb, a light at the outer extremity of each pier, for the guidance of vessels, and after the completion of such piers or works the Company shall, in like manner and at the like expense, exhibit and keep burning a light upon the extremity of each pier for the like purpose, which lights shall be from time to time altered by the Company in such manner, and be of such description, and be so used and placed as the Board of Trade, by writing under the hand of a secretary or assistant secretary of the board, directs or approves, and in case the Company shall neglect to exhibit and keep such lights burning as aforesaid they shall for every such neglect be liable to a penalty not exceeding twenty pounds.

Abatement of work abandoned or decayed.

39. If any work to be constructed by the Company in, under, over, through, or across any tidal lands or tidal water of the River Severn is abandoned or suffered to fall into decay, the Board of Trade may abate and remove the work or any part of it, and restore the site thereof to its former condition at the expense of the Company, and the amount of such expense shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of works by Board of Trade.

40. If at any time or times the Board of Trade shall deem it expedient to order a local survey and examination of any works of the Company below high-water mark or of the intended site thereof, the Company shall defray the costs of every such local survey and examination, and the amount thereof shall be a debt due to Her Majesty from the Company, and if not paid upon demand may be recovered as a debt due to the Crown, with the costs of suit, or may be recovered with costs as a penalty is or may be recoverable from the Company.

Powers for compulsory purchases of land limited.

41. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Company not to take Lord Fitzhardinge's lands before payment or deposit, &c.

42. Notwithstanding anything contained in any of the General Public Acts relating or applicable to the Company, the Company shall not enter upon, take, or use any lands of the Right Honorable the Lord Fitzhardinge, or interfere with the accesses thereto or with the fishery near to Holly Hazle Pill, until they shall have paid to the

said Lord Fitzhardinge the full amount of purchase money and compensation assessed or awarded under the provisions of "The Lands Clauses Consolidation Act, 1845," in respect of such lands and fishery, or deposited the same in the bank as prescribed in section 9 of the said last-mentioned Act; and such purchase money and compensation shall be so paid or deposited within twelve calendar months from the passing of this Act, unless the Company shall be prevented from or impeded in doing so by reason of any delay caused by the said Lord Fitzhardinge or his agents, or by reason of any act or default of the said lord or his agents, or from any other unavoidable cause; provided that the inability of the Company to find the funds necessary for the payment of such purchase money and compensation shall not be deemed an unavoidable cause within the meaning of this section.

Compulsory powers over Lord Fitzhardinge's lands to cease in certain events.

43. If the Company do not within six calendar months after the passing of this Act give to the Right Honorable the Lord Fitzhardinge or his successors in title notice under the 18th section of "The Lands Clauses Consolidation Act, 1845," of their intention to purchase or take the lands or hereditaments of the said Lord Fitzhardinge which by this Act they are authorised to acquire, and if the Company do not after such notice, and within twelve calendar months from the passing of this Act, pay or deposit the purchase money and compensation for the said lands, fishery, and hereditaments in pursuance of the last preceding section, then the powers of this Act for the compulsory purchase of the said lands and hereditaments shall cease, and it shall not be lawful for the Company to enter upon, take, or use the said lands or hereditaments or any part thereof, or interfere with the accesses thereto, unless with the consent of the said lord or his successors in title.

Period for completion of works.

44. On the expiration of five years from the passing of this Act, the powers by this Act granted to the Company for executing the works shown on the deposited plan, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said works as shall then be completed.

Power to collect rates of tonnage.

45. It shall and may be lawful to and for the Company from time to time and at all times hereafter to ask, demand, take, and receive for the tonnage of all coals, stone, timber, corn, and other goods, merchandise, and things which shall be navigated, carried, or conveyed upon, in, or through all or any part of the canal, the several rates herein-after mentioned; (that is to say,)

Rates of tonnage.

For the tonnage of all goods, wares, and merchandise (except coals) which shall be navigated, carried, or conveyed in, upon,

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or through all or any part of the canal in any vessel passing through either of the locks of the canal, 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 canal in any vessel passing through either of the locks of the canal, any sum not exceeding one shilling per ton:

For the tonnage of all goods, wares, and merchandise navigated, carried, or conveyed in, upon, or along all or any part of the canal in any vessel not passing through either of the locks of the canal, any sum not exceeding threepence per ton per mile, and so in proportion for any greater or less distance than a mile:

For every vessel entering into or going out of the canal at either end thereof empty or in ballast, any sum not exceeding one penny per ton for lockage:

For every vessel entering into the canal, the rates and tolls mentioned in schedule B. to this Act annexed:

Provided always, that in all cases where there shall be a fraction of a ton in the weight of lading in any vessel so to be navigated on the canal, a proportion of the said rates shall be demanded and taken by the 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.

Tonnage on articles passing to or from Stroudwater Canal in certain cases.

46. All coals, goods, wares, and merchandise passing upon the whole or upon any part of the canal and going up or coming down the Stroudwater Navigation to or from Walbridge, or any part of the said Stroudwater Navigation between Walbridge and the canal, shall pay the same tonnage to the proprietors of the Stroudwater Navigation as such coals, goods, wares, and merchandise would have paid if they had gone to or had been coming from the River Severn at Framilode.

And also in certain other cases.

47. All coals, goods, wares, and merchandise coming up or going down the Stroudwater Navigation, and into, through, or out of the canal or any part thereof, shall pay only one half of the tonnage which the same coals, goods, wares, and merchandise would pay for passing the whole length of the canal in the same kind of vessels that do navigate the said Stroudwater Navigation, anything herein contained to the contrary notwithstanding: Provided always, that no vessels passing upon the canal and crossing the said Stroudwater

Navigation, or vessels passing the said Stroudwater Navigation and crossing the canal, shall pay any toll for such crossing to either of the said companies.

How tonnage on timber shall be ascertained.

48. 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 be deemed, rated, or estimated as and for one ton weight, and all stone, coals, and other goods to be charged with the payment of rates for passing on the canal shall be deemed rated or estimated as and for twenty hundredweight to the ton, any usage of rating or estimating the same to the contrary notwithstanding.

Power to lessen and alter rates.

49. It shall be lawful for the Company from time to time at any general meeting to be held for that purpose (of which two calendar months notice shall be given in one Gloucester and in one Worcester newspaper, or in any such other manner as the Company shall at any general meeting 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 meeting (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, anything herein contained to the contrary notwithstanding.

Rates, &c. to be taken on feeders.

50. In case the Company shall render any of the feeders of the canal navigable it shall be lawful for them to demand and receive for all vessels navigating any such feeders the same rates, tolls, and duties as are herein-before granted for the navigation of the canal.

Rates to be charged for the use of stores, cranes, &c.

51. It shall be lawful for the Company to demand for the use of such stores, sheds, cranes, weighing machines, and measuring machines as they now have or may hereafter provide, of and from the owner or person having the charge of any goods, articles, or things deposited in such stores or sheds, or loaded, unloaded, weighed, or measured by means of such cranes, weighing machines, and measuring machines, and for the use of such lighters, steam tugs, and graving docks as they now have or may hereafter provide, of and from all persons using the same, such reasonable rates as the Company may from time to time appoint.

If goods remain more than a certain time on the wharves a wharfage to be paid.

52. If any goods, wares, or merchandise which shall be navigated, carried, or conveyed upon the canal shall remain upon any wharf belonging to the Company for a longer space of time than forty-eight hours after being first laid and deposited thereon, then

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and in every such case the Company shall thereafter be entitled to have and receive a reasonable allowance for the wharfage thereof over and above the rates, tolls, and duties herein-before authorised to be taken, not exceeding sixpence per ton per diem for all such goods, wares, or merchandise respectively.

Power to distrain for wharfage, &c.

53. The said Company shall and may take, seize, and detain, for the wharfage dues hereby granted and for warehouse rent, any goods, wares, or merchandise deposited in any warehouse or warehouses, or in or upon any wharf or place belonging to the Company in respect whereof such wharfage dues or warehouse rent shall become payable, and in case of non-claim of such goods, wares, and merchandise, or on nonpayment of such wharfage dues and rent, within the space of two months next after the same shall have been so deposited, to sell and dispose thereof by public auction or private contract as they shall think best, and out of the moneys to arise from such sale or sales pay and satisfy themselves the said dues and rent, and all costs, charges, and expenses attending such sale and sales, rendering the overplus (if any) upon demand to the owner or owners thereof respectively, oath being first made in writing, if required, by such owner or owners, of his, her, or their right and title to the said property so sold and disposed of, before some justice or justices of the peace of and for the said city or county of Gloucester, which oath any such justice is hereby duly authorised and required to administer.

Power to Company to determine which entrance vessels shall use.

54. It shall be lawful for the Company, or any officer thereof duly appointed for that purpose, from time to time and at all times to regulate and determine which of the two entrances to the canal from the River Severn, in the said parish of Berkeley, shall be used by any vessel about to enter the canal. Any master neglecting or refusing to comply with the directions of the Company or of such officer in this respect shall forfeit and pay to the Company for every such offence a sum not exceeding five pounds.

Repeal of existing Acts excepting sections in schedule A.

55. The said recited Acts of Parliament of the thirty-third year of the reign of His late Majesty King George the Third, chapter ninety-seven; thirty-seventh year of the same reign, chapter fifty-four; forty-fifth year of the same reign, chapter one hundred and four; fifty-eighth year of the same reign, chapter seventeen; third year of the reign of His late Majesty King George the Fourth, chapter fifty-three; sixth year of the same reign, chapter one hundred and thirteen; second and third years of the reign of His late Majesty King William the Fourth, chapter one hundred and eleven; and fourth year of the same reign, chapter fifty-four, shall

be and the same are hereby repealed, except the sections of the same Acts mentioned in schedule A. to this Act annexed, so far as the same sections were subsisting and unrepealed immediately before the passing of this Act.

Conveyances to remain in force.

56. Except as in this Act specially provided, all purchases, sales, conveyances, assignments, leases, rentcharges, mortgages, debts, bonds, contracts, agreements, securities, and other acts and things made, done, incurred, granted, entered into, executed, or instituted under or by virtue or in consequence of, or confirmed by any of the Acts or parts of Acts hereby repealed, or with reference to any of the purposes thereof, shall, notwithstanding the repeal of the said Acts or any parts thereof respectively, be as good, valid, and effectual to all intents and purposes as they would have been if the said Acts or parts of Acts had not been repealed, and may be proceeded on and enforced accordingly.

Continuance of liabilities of Company under repealed Acts.

57. Notwithstanding the repeal or partial repeal of the recited Acts as aforesaid, and except only as is by this Act otherwise expressly provided, everything before the passing of this Act done and suffered under or confirmed by any of the recited Acts by this Act repealed or partly repealed as aforesaid shall be as valid as if such Acts were not repealed or partly repealed as aforesaid; and the repeal or partial repeal thereof and this Act respectively shall accordingly be subject and without prejudice to everything so done, suffered, or confirmed, and to all rights, liabilities, claims, and demands, both present and future, which, if the said Acts were not repealed or partly repealed as aforesaid, and this Act were not passed, would be incident to or consequent on any and every thing so done, suffered, or confirmed.

Officers to continue.

58. Every officer and servant appointed by virtue of or acting under the authority of the said recited Acts repealed or partly repealed as aforesaid, or any of them, shall continue to hold and enjoy his office and employment, with the salary thereunto annexed, and be deemed an officer or servant of the Company, until he be removed from such office or employment; and he shall be subject to the like power of removal, rules, regulations, pains, and penalties in all respects whatsoever as if he were appointed under this Act.

Books to be evidence.

59. All books, plans, sections, certificates, writings, and document by any of the said recited Acts repealed or partly repealed as aforesaid, directed or authorised to be kept or made evidence, and which if this Act had not been passed would be receivable in evidence, shall be admitted in evidence in all courts of law and equity and elsewhere accordingly.

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Byelaws, &c. to remain in force.

60. All byelaws, resolutions, orders, notices, and proceedings of the Company or the committee thereof, made and taken before the passing of this Act, shall, during the space of six months after the passing of this Act, or until altered by the Company under the provisions of this Act, whichever event shall first happen, continue in full force and effect as if this Act had not been passed, and such byelaws may be enforced and all penalties thereunder may be recovered accordingly.

Expenses of Act.

61. All costs, charges, and expenses of and incidental to the application for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

PART II.

Certain powers and provisions relating to the Company in the Acts herein-before repealed in force at the time of the passing of this Act, and which are here renewed, varied, and extended.

Power to Company to lease rates.

62. It shall be lawful to and for the Company, and they are hereby authorised and empowered, at any of their general meetings, by writing under their common seal, from time to time to let to farm the rates hereby granted, or any part or parts thereof, upon the whole or any part or parts of the canal, unto any person or persons, for any time or term 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 and lessees thereof, and also such person or persons as such lessee or lessees shall appoint to collect and receive the rates so let, shall, during the continuance of such lease, be deemed collectors of the rates so let, and shall have the same powers and authorities for collecting and recovering the same as if they had been appointed for that purpose by the Company; provided public notice of the intention to let the said tolls, or any part thereof, be given by writing under the hand of the clerk of the Company by advertisement in one or more Gloucester newspaper at least thirty-one days prior to any such general meeting at which the said rates or any parts thereof are proposed to be let as aforesaid, and such advertisements shall continue to be published in such papers until such general meeting.

Regulating the exemption of stone, &c. from toll.

63. Stone, gravel, and sand passing from one part of the canal to another (the same not passing through any of the Company's locks), to be employed for the purpose only of making or repairing any public roads in any parish, township, village, or hamlet through

which the canal is or may be cut, not exceeding the distance of two miles from the 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 canal, shall not be charged with or liable to the payment of any of the rates herein-before authorised to be taken; and also 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 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.

To prevent lock-keepers, &c. giving any preference.

64. If any lock-keeper, wharfinger, or other officer belonging to the Company shall give any undue preference to any vessel in passing through any lock upon the canal, or in loading or unloading any goods or other things at any of the wharfs, warehouses, weigh-beams, cranes, or other machines belonging to the Company, he shall forfeit and pay the sum of twenty shillings for every such offence.

Vessels under 20 tons not to pass the locks but on certain conditions.

65. No vessel of less register tonnage than twenty tons shall pass through any of the locks of the canal without the consent of the Company or their principal agent in writing first had and obtained, unless the owner or person having the care of such vessel shall pay tonnage for the same as for a vessel of twenty tons register tonnage.

Masters of certain vessels to put their names on outside of same.

66. Every owner or master of a vessel (not being of the burthen of one hundred tons or upwards, and not being a vessel exempt from the payment of the said rates) passing upon the canal shall cause his or her name and place of abode and the number of such vessel to be entered with the clerk of the Company, and shall also cause such name and number to be painted in large white capital letters and figures on a black ground, six inches high at the least and of a proportionate breadth, on the outside of the head or stern of every such vessel higher than the place to which the same shall sink into

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the water when fully laden, and also shall and is hereby required to fix on each side thereof respectively correct indexes of copper, lead, or other metal of such graduated dimensions and of such convenient height and under such regulations as the Company shall from time to time direct, so that the true weight of the lading on board may at all times be thereby ascertained and shown, and shall permit and suffer every such vessel to be gauged or measured at the expense of the Company whenever it shall be requested by them or any person or persons appointed by them for that purpose; and every owner or master of any vessel who shall navigate the same upon the canal without having such name, figures, and index thereon as are hereinbefore directed, or shall alter, erase, deface, or destroy the same or any part thereof, or shall fix thereon any false name, figure, or index, or who shall refuse to permit and suffer the same to be gauged and measured, or shall wilfully suffer or permit any vessel upon the canal to be loaded or unloaded without a stage being laid from the side of such vessel to the bank of the canal, shall forfeit and pay a sum not exceeding forty shillings for every such offence.

The Company to regulate navigation.

67. All vessels passing upon the canal shall, upon meeting any other vessel, stop at or go back to and lie in some place to be provided for that purpose in such manner as the Company shall from time to time direct and appoint; and if any vessel shall be placed or suffered to remain in any part of the canal so as to obstruct the navigation thereof, and the person having the care of such vessel shall not, immediately upon request made, remove the same, he shall for every such offence forfeit any sum not exceeding twenty shillings for every hour such obstruction shall continue after the making such request, and it shall be lawful for any agent or officer of the Company to cause any such vessel to be unloaded if necessary, and to be removed in such manner as shall be proper for preventing such obstruction, and to seize and distrain such vessel and the loading thereof, or any part of such loading, until the charges occasioned by such removal are paid; and if any person shall float any timber upon the canal, or shall suffer the loading of any vessel navigating in or upon the canal to lie over the side thereof so as to obstruct the passage of any other vessel, and shall not immediately upon notice given to him for that purpose remove such obstruction, or if any person throw any ballast, gravel, stones, or rubbish into any part of the canal, or any trenches or watercourses for the repair or cleansing of which the Company are liable, or if any person shall wantonly, carelessly, or negligently open or cause to be opened any lock gate, or any paddles, valve, or clough belonging to any lock to be erected on the canal, or suffer any vessel to strike or run upon

any of the bridges or locks thereof, or shall wilfully flush or draw off the water from any part of the canal, or shall leave any of the said valves or cloughs open and running after any vessel shall have passed any such lock, every person so offending shall forfeit and pay for every such offence any sum not exceeding five pounds; and if any person shall wilfully and maliciously and to the prejudice of the Company break, throw down, damage, or destroy any banks or other works now erected and made, or to be erected and made by virtue of this Act, every person so offending 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 shall have power and authority to cause such person to be punished in like manner as felons are directed to be punished by the laws or statutes of this realm, 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.

For securing the entrance from the River Severn into the locks.

68. If any vessel shall be fastened, tied, or moored, or shall be or remain in or upon the River Severn, near any of the Company's locks or basins, or shall be sunk in any part of the canal or of the river contiguous thereto, so as in any case to obstruct, delay, or interrupt the passage and entrance into, upon, through, or out of the canal, the person or persons having the care of any such vessel shall for every such offence forfeit any sum not exceeding twenty shillings for every hour such obstruction shall be wilfully continued after notice in writing given by or on the part of the Company to remove the same, and it shall be lawful for any agent or officer of the Company to cause any such vessel to be unloaded (if necessary), and to be removed in such manner as shall be proper for preventing such obstruction, and to seize and distrain such vessel and the loading thereof, or any part of such loading, until the charges occasioned by such removal shall have been paid; and if any person or persons shall by any means obstruct or cause to be obstructed, hindered, or prevented the free use and exercise of any way or passage over any bridge, towing-path, or road belonging to the Company, and shall not immediately, upon like notice given to him, her, or them, remove such last-mentioned obstruction, every such person or persons so offending shall for every such offence in like manner forfeit and pay any sum not exceeding twenty shillings for every hour the same shall thereafter continue.

For fencing off towing-paths.

69. The Company shall at their own proper charges, after any land shall be taken for the use of the canal, divide and separate and keep the canal constantly divided and separated from the lands or

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grounds adjoining thereto with good and sufficient fences, to be set or made on the lands or grounds which shall be so taken by them as aforesaid, and shall at their own costs and charges from time to time maintain and support the said fences, and the Company shall also at their own charges from time to time maintain and support such and so many convenient gates and stiles in and through the fences to be by them so made as aforesaid, and also such bridges for the accommodation of estates, arches, culverts, drains, and passages over, under, by the side of, or into the canal, and also make proper and convenient watering places for cattle, where by means of the canal cattle shall have been deprived thereof, and at all times supply the same with water for the use of the owners and occupiers of the lands, grounds, or hereditaments adjoining to the canal, and the Company shall at their own costs and charges support and maintain all bridges over the canal in a good and sufficient state of repair, such bridges in the case of a common highway to be maintained of a breadth of twelve feet, with a sufficient fence on either side; and in case the Company shall refuse or neglect to make, erect, and set up such fences as aforesaid, and also such gates and stiles in and through the same, or such bridges, arches, tunnels, culverts, drains, or other passages, or such watering places for cattle as aforesaid, or to repair, maintain, and support such gates, stiles, bridges, passages, arches, culverts, and watering places, when erected, set up, and made, of such dimensions and in such manner as aforesaid, for the space of six calendar months next after notice shall have been given by or on behalf of the owners or occupiers of any such lands, grounds, or hereditaments, who may be aggrieved by any such refusal or neglect, it shall be lawful for any such owners or occupiers to make, erect, or set up such fences, gates, stiles, bridges, passages, arches, culverts, watering places, and other conveniences as aforesaid, and to maintain, repair, and support the same from time to time as occasion shall require, so that in making and maintaining the works aforesaid the canal shall not be stopped or injured for any longer space of time or in any other manner than is absolutely necessary for the doing thereof, and all the reasonable expenses thereof shall be paid to such respective owners or occupiers as aforesaid by the Company within the space of three calendar months next after an account and demand shall have been delivered and made thereof, and in default of such payment such owners or occupiers respectively may recover and levy the same in such manner as is herein mentioned and expressed touching the prosecuting, suing for, obtaining, or levying of claims and demands against the Company: Provided always, 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 every side of such bridge, which fence shall not be less than four feet above the surface of such bridge.

Company may cleanse the adjoining watercourses at the landowners expense.

70. In case at any time the ditches and drains belonging to the owner or occupier of any lands adjoining or lying contiguous to the now existing canal shall not be sufficiently open for the free passage of the water from the drains, weirs, culverts, and passages belonging to the now existing canal, and the same shall not be remedied within one month after notice for that purpose given to such owner or occupier by the clerk to the Company, it shall be lawful for the Company as often as there shall be occasion to cause to be opened and cleansed the said ditches and drains as aforesaid, and the reasonable expenses thereof, to be ascertained in case of difference by arbitration in the manner provided by "The Companies Clauses Consolidation Act, 1845," shall be repaid to the Company by such owner or occupier, provided such owner or occupier be not thereby obliged to dig his ditches or drains wider or deeper or more frequently than for the purposes of good husbandry he ought to have done in case this Act had not been made, and in case of refusal to satisfy the same for the space of three months after demand made thereof the same shall and may be recovered in such manner as any penalties are herein directed to be recovered.

Rights of lords of manors and landowners to fishery saved.

71. The lord and lords of all and every manor or manors through which the canal is or shall be made shall have and be entitled to the exclusive right of fishery of and in so much of the canal as shall be made over and through the common or waste lands within his, her, or their manor or manors respectively, and the owner or owners of all other lands or grounds through which the canal is or shall be made shall also have and be entitled to the exclusive right of fishery of and in so much of the canal as shall be made in, over, or through his, her, or their lands or grounds respectively, so as in the use and exercise of the said rights of fishery the canal shall not be prejudiced or obstructed or any water drained or exhausted from or out of the canal, and so as the Company or their agents, servants, or workmen, or any of them, shall not be liable to any penalty, action, or prosecution for or by reason of the taking or destroying of any fish in the canal which shall be taken, killed, or destroyed through or by means of the letting off the water out of the canal for or on account of repairs of works to be done in or about the same.

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Mines, &c. reserved to lords of manors or other proprietors.

72. Nothing herein contained shall extend to defeat, prejudice, or affect the right of any lord or lords of any manor or of any owner or owners of any lands or grounds in, upon, or through which the canal has been or shall be made, to the mines and minerals lying and being within or under the lands or grounds made use of for that purpose, but all such mines and minerals are hereby reserved to the lord or lords of every such manor and to such owner or owners of such lands or grounds respectively, and it shall be lawful for the lord or lords of such manor and for the owner or owners of such lands or grounds respectively (subject to the conditions and restrictions herein contained) to work, get, drain, take, and carry away to his and their own use such mines and minerals, so that the canal be not thereby in any way injured, prejudiced, or obstructed.

Rights of Commissioners of Sewers reserved.

73. Where the canal crosses any of the public reens, sewers, or watercourses in the county of Gloucester, the Company shall and they are hereby directed to make, maintain, and keep in good repair sufficient drains, gouts, or culverts under such canal for conveying away the water of such reens, sewers, or watercourses, and which drains, gouts, or culverts shall and are hereby declared to be under the power or control and direction of Her Majesty's Commissioners of Sewers for such parts as lie within the lower level of the said county of Gloucester, and such parts as lie out of or above the said lower level shall and are hereby directed to be under the control, power, and direction of the Company.

Power to alter and vary drains, sewers, and watercourses within the lower level of the county of Gloucester.

74. It shall be lawful for the Company, and they are hereby authorised and directed, with the consent of Her Majesty's Commissioners of Sewers within the lower level of the said county of Gloucester, and the owners or proprietors, whether 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 of such drains, gouts, ditches, culverts, sluices, droughs, reens, sewers, or watercourses as the 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, whether bodies politic, corporate, or collegiate, or other person or persons, or the guardians, committees, or 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 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 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 expense 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.

Company to make drains, &c.

75. The Company shall and are hereby required at their own proper costs and charges to make or cause to be made such arches, tunnels, drains, culverts, or other passages for water over, under, or into the canal of such depth and breadth as shall be sufficient at all times to convey the water from the lands adjoining or lying near to the canal without obstructing or impeding the same, and likewise to make or cause to be made such back drain or drains, ditch or ditches, as the owners or occupiers of the said respective lands shall deem necessary, and shall be sufficient to carry off any water which may ooze or pass through any of the banks of the canal to the prejudice of any of the lands or grounds contiguous thereto, such ditches to be of the depth of four feet at the least from the level of the lands, and of the width of three feet at the least, and the Company making satisfaction for the ground so used for the same, to be ascertained in manner prescribed in the case of lands acquired under this Act, and that all such arches, tunnels, drains, ditches, culverts, and other passages shall from time to time be supported, maintained, and kept in good and sufficient repair by the Company, and if at any time or times after one calendar month's notice shall be given in writing by or on behalf of the owner or occupier, owners or occupiers, of any land contiguous or adjoining to the canal, who shall find him, her,

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or themselves aggrieved by the obstruction of the said watercourses, to the Company, that the said arches, tunnels, drains, ditches, culverts, or other passages are not made, cleansed, and repaired and maintained according to the true intent and meaning of this Act, it shall be lawful for any suc person or persons by or on whose behalf such notice shall be given, by his, her, or their servants, agents, or workmen, as often as there shall be occasion, to make, cleanse, and repair such arches, tunnels, drains, culverts, or other passages, and the reasonable expenses thereof shall be defrayed by the Company, and in case of refusal or neglect to pay the same for the space of three calendar months after demand thereof made as aforesaid, such expenses shall and may be recovered and levied in such manner as is herein mentioned and expressed touching the prosecuting, suing for, obtaining, or levying of claims and demands against the Company.

Power for landowners to use pleasure boats.

76. It shall be lawful for the owners and occupiers of any lands adjoining to the canal to use any pleasure or farming boat or boats upon the canal (not passing through any lock unless they shall first pay a sum of twenty pence for lockage or obtain the consent of the Company) without any interruption from the Company or any of their officers or agents and without paying any rate for the same, but such pleasure or farming boats shall not be made use of for carrying any goods or other things except materials and implements in husbandry from one farm to another or from one part of a farm to another, such farm or parts of a farm belonging to one person or in the occupation of one tenant only, and so as the same shall not obstruct or prejudice the navigation of the canal.

Provisions with respect to diverted line of Stroudwater Navigation.

77. Whereas in the construction of the canal under the powers and provisions of the Company's recited Acts of Parliament or some or one of them, the Company have at their own costs and charges lengthened and continued the upper reach or level of the said Stroudwater Navigation, and raised or varied so much of the lowest reach or level as might be answerable thereto for a space not exceeding in the whole one thousand two hundred yards, such space or extent being computed and measured from the upper part of the head of the Whitminster Lock downwards upon the said navigation towards the west, and have done and performed all works, matters, and things requisite and necessary thereto; and for the better carrying into effect the purposes aforesaid the Company have changed, diverted, and turned the course or channel of the said Stroudwater Navigation within the limits aforesaid, and the Company have been empowered to set up, erect, place, raise, and con-

tinue all such mounds, embankments, and other works, and to do, execute, and perform all and every such other works, and acts, matters, and things, in and upon the banks and towing-path of the said Stroudwater Navigation within the limits aforesaid as should and might be necessary for the purposes aforesaid: And whereas the aforesaid powers and authorities were given and granted to the Company upon the express conditions following; (that is to say,) that the Company should and would from and after the altering, diverting, and turning of the course or channel of the said Stroudwater Navigation in manner aforesaid, and also from and after the raising and making of such mounds, embankments, and other works upon the banks and towing-path of the said navigation, for the purposes herein-before mentioned, from time to time for ever thereafter, when and as often as occasion should require, at their own costs and charges well and sufficiently repair, uphold, maintain, amend, puddle, and keep in repair the mounds, embankments, and other works appertaining thereto so placed, set up, raised, and made upon the said banks and towing-path of the said navigation, and also the banks and towing-path of the said navigation throughout the whole limits of its diverted line or channel, and also of the mounds, embankments, and other works which should or might be raised or made in pursuance of the powers hereby recited in, by, and with all and all manner of needful and necessary reparations, amendments, maintaining, and puddling whatsoever: Be it therefore enacted, that the said Company shall continue to observe and perform the said conditions under the penalties herein-after contained.

Company to drain lands.

78. The Company shall and they are hereby directed and required from time to time for ever, when and as often as occasion shall require, at their own costs and charges well and sufficiently to drain, and cause and procure to be drained, the lands and grounds lying contiguous, adjacent, or near to the said diverted line or channel, mounds, embankments, and other works raised or to be raised and made in manner aforesaid, to the approbation of the company of proprietors of the Stroudwater Navigation.

Power to maintain weirs.

79. And whereas in and by the said in part recited Act of the thirty-third year of the reign of His late Majesty King George the Third, the Company had the power granted to them to supply the now existing canal whilst the same should be making and when made with water from all rivers, brooks, springs, streams, rivulets, and watercourses, subject to the restrictions therein mentioned, which should be found in digging or making the said now existing canal, or within the distance of one thousand seven hundred and

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Lock, and by and through the said Stroudwater Navigation unto and into the canal, and to make necessary erections and buildings, and to do and perform all such other acts, matters, and things as shall be found necessary or expedient for that purpose, as well as for the purpose of making, taking care of, repairing, and maintaining such weir or weirs, aqueduct or aqueducts, pipe or pipes, trunk or trunks, sluice or sluices, and other works as aforesaid, anything in the said recited Acts or any of them, or in any other Act or Acts, or in any law, usage, or custom, to the contrary notwithstanding.

Limitation of power to vary position of weir or weirs.

80. The Company shall not vary the point or place where the said water shall be brought into the said Stroudwater Navigation, other than below or on the westward side of the said lock called Whitminster Lock, without the consent of the company of proprietors of the said Stroudwater Navigation for that purpose first had and obtained, nor deviate more than one hundred yards from the course or direction of the line of the works delineated on the map or plan and set forth in the book of reference referred to in the said recited Act of the 4th Will. IV. cap. liv.

Power to take water.

81. It shall be lawful to and for the Company and they are hereby authorised and empowered to take from the said Stroudwater River or River Froome, by any of the ways and means by this Act provided, a constant, competent, and sufficient supply of water for the cleansing, scouring, and replenishing the canal, so as to keep up the same to the height of seventeen feet six inches at the least, and from that height to the height of eighteen feet, when and whilst the same can be done or effected without prejudice or injury to the said Stroudwater Navigation, or to the right of the proprietors of the said last-mentioned navigation to supply the same with water from the said Stroudwater River or River Froome by means of the said weir called Whitminster Weir as aforesaid, such height of eighteen feet being always reckoned and regarded as completed and obtained when the surface of the water in the canal shall be on a level with the sill of the Whitminster Weir aforesaid, and with one or more conspicuous mark or marks to be made corresponding with such level on the walls of the canal and Stroudwater Navigation at the junction of the canal and said navigation; and such height of seventeen feet six inches to be ascertained and determined also by one or more conspicuous mark or marks to be made on the said walls, at the depth of six inches below the last-mentioned mark aforesaid.

Weir not to be more than six inches

82. The sill of the said weir or weirs so to be made and maintained as aforesaid shall not be more than six inches below the top

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below the Whitminster Weir.

of the sill of the said weir called the Whitminster Weir, without the consent of the said Stroudwater Navigation Company; and the Company shall at their own proper costs and charges, and they are hereby required to make, erect, put, and place, if not already made, erected, and placed, in some part of the works authorised as aforesaid, one or more good and sufficient pentstock, sluice, or gate, pentstocks, sluices, or gates, for the purpose of preventing and cutting off the said supply of water from the said Stroudwater River or River Froome, when need shall or may require or the same may or ought to be done under the powers and provisions in this Act contained for that purpose; and also at their own proper costs and charges to make, put, and place, if not already made and placed, in and upon the sides and bottom of the said Stroudwater Navigation, where the water of the said Stroudwater River or River Froome shall be brought into the same as aforesaid, a good and sufficient coating, covering, or lining, or other works, to be made of suitable and proper materials, and under the direction and to the satisfaction of the said company of proprietors of the Stroudwater Navigation, for the purpose of securing the said last-mentioned navigation, and the sides and bottom thereof, and every part thereof, from damage or injury by the flowing or coming into the same of the water of the said Stroudwater River or River Froome as aforesaid, and in case such coating, covering, or lining, or other works shall be found not to answer the said intended purpose, then the Company shall, at their own proper costs and charges, adopt such further measures, do such other works, and use such other means as may be effectual for that purpose, and so from time to time as often as the measures adopted and made use of shall prove ineffectual for the purposes aforesaid; and the Company shall also from time to time hereafter, when and as often as occasion shall require, at their own proper costs and charges well and sufficiently maintain, puddle, and keep in repair the said pentstock, sluice, or gate, pentstocks, sluices, or gates, and also the said coating, covering, or lining of the sides and bottom of the said Stroudwater Navigation, and the masonry and other works to be made in pursuance of the powers hereby granted, and also the banks of the said navigation adjoining or contiguous thereto.

The Company to make a sluice or gate for stopping the supply of water when need be.

Also to line the Stroudwater Navigation where the water falls into it.

To repair, &c.

The Bristol Road level of the Stroudwater Navigation to be first supplied.

83. Notwithstanding any provisions herein-before contained, the pond, level, reach, or length of the said Stroudwater Navigation called the Bristol Road Level, extending from the lock on that navigation near to the road leading from Gloucester towards Bristol to the said lock called the Whitminster Lock at Wheatenhurst aforesaid, shall from time to time and at all times be fully and perfectly supplied with water from the said Stroudwater River or

River Froome before any water shall be taken or allowed to go or pass from the said river through the said Stroudwater Navigation unto and into the canal under the powers and provisions herein-before contained, unless with the consent of the said company of proprietors of the said Stroudwater Navigation first had and obtained; and in case the water in the said Bristol Road Level shall at any time or times be below the sill of the said weir or feeder called the Whitminster Weir, by which the said Stroudwater Navigation is supplied and fed with water from the said Stroudwater River or River Froome, then and in every such case the Company, on application made to them, or to any or either of their agents, servants, or workmen, by the said Stroudwater Navigation Company, or any or either of their agents, servants, or workmen, for that purpose, shall forthwith close or stop the supply of water which they are hereby authorised and empowered to take until the said Bristol Road Level shall be raised to a level with the sill of the said weir called the Whitminster Weir; and if the Company or their agents, servants, or workmen shall at any time or times take any supply of water from the Stroudwater River or River Froome contrary to the provisions lastly herein-before contained, the Company shall for every such offence forfeit and pay to the said company of proprietors of the Stroudwater Navigation a penalty of fifty pounds for each and every day during which the same shall be so done or permitted, every such penalty to be recovered in like manner as is herein-after mentioned respecting the recovery of the costs, charges, damages, and expenses of the proprietors of the said Stroudwater Navigation.

Stroudwater Navigation from Whitminster Lock to the junction to be repaired by Company.

84. So much of the said Stroudwater Navigation as extends from the upper part of the head of the said Whitminster Lock to the junction of the canal with that navigation shall for ever hereafter be cleansed and kept perfectly free from mud, soil, silt, and other matter therein, by and at the costs, charges, and expenses of the Company, and the Company shall not, in or by the doing thereof or otherwise, cause any obstruction, annoyance, or impediment on that part of the said Stroudwater Navigation.

Powers granted not to hinder the navigation of the Stroudwater Navigation, or the right to let out the water for repairs, &c.

85. Nothing herein contained, or the powers hereby granted, or any or either of them, shall hinder or prevent the free, constant, and unrestricted use of that part of the said Stroudwater Navigation which lies between the said lock on that navigation near to the road leading from Gloucester towards Bristol and the canal where it crosses the said Stroudwater Navigation, as well as every or any other part of the said Stroudwater Navigation, for or by the passage of boats, barges, lighters, or other vessels thereon or otherwise, or

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shall abridge, restrain, obstruct, vacate, or alter, or be held, construed, or taken to abridge, restrain, obstruct, vacate, or alter the right, power, and authority of the said company of proprietors of the said Stroudwater Navigation over the same, or the right, power, or authority to draw down and let out the water therefrom, or from any part thereof, for the purpose of repairing the locks and other works of the said navigation, or of cleansing, mudding, and repairing the same, or the banks or sides thereof, or for any other lawful, proper, and necessary purpose or occasion which shall require the water therein to be so drawn down and let out as aforesaid, at their will and pleasure, and that as fully, freely, and perfectly to all intents and purposes as if this Act had not been made (anything in this Act contained to the contrary notwithstanding), and when and as often as and whilst the said company of proprietors of the Stroudwater Navigation shall require the water therein to be so drawn down or let out as aforesaid the right, power, and authority of the Company to take the said water of the Stroudwater River or River Froome into the said Stroudwater Navigation under the authority of this Act shall be suspended; and the Company, on application made to them, or to any or either of their agents, servants, or workmen, by the said Stroudwater Navigation Company, or any or either of their agents, servants, or workmen, for that purpose, shall forthwith close or stop the supply of water which they are hereby authorised and empowered to take; and in case the Company or their agents, servants, or workmen shall at any time permit or suffer the water of the said Stroudwater River or River Froome to flow or pass into the said Stroudwater Navigation whilst the water therein shall be required to be drawn down and let out as aforesaid, for the purposes aforesaid, or either of them, contrary to the provision last herein-before mentioned, the Company shall for every such offence forfeit and pay to the said company of proprietors of the Stroudwater Navigation a penalty of two hundred pounds for each and every day during which the same shall be done or permitted to be done, every such penalty to be recovered in like manner as is hereinafter mentioned respecting the recovery of the costs, charges, damages, and expenses of the said company of proprietors of the said Stroudwater Navigation.

The Company to stop the water on application;

and on refusal so to do, to pay a penalty of 200*l.*

On refusal to stop the water, the Stroudwater Company may close the sluices or otherwise

86. In case the Company, or their servants, agents, or workmen, shall at any time after such request as aforesaid neglect or refuse to close or stop the supply of water from the said Stroudwater River or River Froome upon any or either of the occasions and for any or either of the purposes when or whereon the said supply of water is by this Act authorised to be closed or stopped as aforesaid, or in

case the water of the said river shall be permitted to flow into the said Stroudwater Navigation contrary to the provisions herein-before contained in that behalf, it shall be lawful for the said company of proprietors of the Stroudwater Navigation, or their or any or either of their agents, servants, and workmen, of their or his own proper authority, to enter upon and to close, shut, or let down the said pentstock, sluice, or gate, pentstocks, sluices, or gates, so made and erected or to be made and erected as aforesaid, for the purpose of stopping and cutting off the said supply of water, or by any other ways and means to cut off, stop, hinder, and prevent the water of the said Stroudwater River or River Froome from passing or flowing into the said Stroudwater Navigation for so long time and so often as the same shall be requisite and necessary, or is by this Act ordered and directed to be done, anything in this Act to the contrary thereof notwithstanding.

stop the water for the purposes, &c.

87. And in order the more effectually to secure a supply of water to the canal so as to keep the level of the water therein to the height of seventeen feet six inches at the least, and from that height to the height of eighteen feet, to be ascertained in manner herein-before mentioned, be it further enacted, that the Company shall have full power to erect, form, place, and set up, if not already elected, formed, placed, and set up, and to maintain and keep one or more floodgate or floodgates, sluice or sluices, stop or stops, and hatches, with the necessary masonry and other works thereto, on that part of the said Stroudwater River or River Froome which lies between the weir or weirs hereby authorised to be made and a certain mill formerly called the Whitminster Mill, and to do and perform all such other acts, matters, and things as shall be necessary or expedient for that purpose, as well as for the purpose of repairing and maintaining such floodgate or floodgates, sluice or sluices, stop or stops, and hatches and other works as aforesaid, anything in the said recited Acts or any of them, or in any other Act or Acts, or in any law, usage, or custom, to the contrary notwithstanding.

Power to erect floodgates on Stroudwater River.

88. From and after the passing of this Act the Company, their successors or assigns, shall alone be answerable, responsible, or liable in damages for any injury, damage, or trespass which shall or may be caused or done to any person or persons, or to his, her, or their lands or tenements, goods or chattels, by means or in consequence of any height of the water in the said Stroudwater Navigation which shall or may at any time hereafter be caused or occasioned by the Company or by any or either of their agents, servants, or workmen in or by the taking or regulating the water of the said Stroudwater River or River Froome under the powers of this Act.

The Company to be answerable for any damage in consequence of raising the water.

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Floodgates to be raised in case of floods.

89. In case of any sudden flood, or if from any other cause the water in the said Stroudwater River shall have arisen to a greater height than the same should or might lawfully be before the 16th day of June 1834, then it shall and may be lawful to and for the said Stroudwater Navigation Company, their successors or assigns, and their agents, servants, or workmen, or for any other person or persons, of their, his, or her proper authority to enter upon and to raise, draw up, or open any floodgate or floodgates, sluices or hatches, gate or gates upon or across the said Stroudwater River, and to permit and suffer the water of the said river to pass off and flow through the same down its proper and accustomed course or channel so and in such manner and to such extent and for so long time and so often as it shall be requisite and necessary, and when and whilst the same shall be requisite and necessary for preventing the water of the said river by means of the sudden flood or otherwise from rising to or attaining, or from remaining and continuing at a greater height than the same might be lawfully raised, continued, or kept before the said 16th day of June 1834, anything in this Act contained to the contrary notwithstanding.

If the Company neglect to do, &c. the Stroudwater Company may do the works, &c., and recover costs.

90. In case the Company shall at any time hereafter neglect or refuse well and sufficiently to do, execute, and perform all and every or any of the acts, matters, and things, repairs, and cleansing herein-before specified and directed to be done and performed for the security, safety, repair, maintenance, or convenience of the said Stroudwater Navigation by the Company, or on their part and behalf, to the satisfaction and according to the direction and with the approbation of the said company of proprietors of the said Stroudwater Navigation, within a reasonable time after request made in that behalf by or on the part of the said last-mentioned company or otherwise, according to the directions or intentions of this Act, then and in every such case it shall and may be lawful to and for the said Stroudwater Navigation Company to enter and to do, execute, and perform all and every or any of the several acts, matters, and things, repairs, and cleansing herein-before in that behalf specified, or which ought to have been done, executed, or performed by the Company; and the costs and charges thereof shall be repaid to the said company of proprietors of the said Stroudwater Navigation by the Company, and in case of nonpayment thereof on demand then the said Stroudwater Navigation Company shall and may sue for and recover from and against the Company the said costs, charges, expenses, by action or suit in any courts of competent jurisdiction, together with full costs, or the same shall or may be recovered and levied by any other of the ways and means herein expressed or men-

tioned touching the prosecuting, suing for, obtaining, or levying of claims or demands against the Company.

Payment to the Stroudwater Company for each day's interruption.

91. The Company shall pay to the said company of proprietors of the said Stroudwater Navigation the sum of ten pounds for each and every day during which the navigation upon the said Stroudwater Navigation shall be interrupted or impeded by means of making the said coating, covering, or lining, and laying down any pipe or pipes, trunk or trunks, aqueduct or aqueducts, and the works appertaining thereto, or of the doing or performing of all and every or any of the several acts, matters, and things which shall or may be done or performed by virtue or under the authority of this Act or otherwise by the Company; and also for each and every day during which the navigation upon the Stroudwater Navigation shall at any time hereafter be interrupted or impeded by means or by occasion of the execution of all and every or any of the powers and authorities hereby granted; and the Company shall from time to time for ever hereafter indemnify and keep harmless the said company of proprietors of the Stroudwater Navigation from and against all and all manner of action and actions, cause and causes of action, suits, claims, molestations, demands, damages, and losses whatsoever which shall or may in anywise be sued, prosecuted, or recovered against the said last-mentioned company by occasion of the execution of the several powers and authorities hereby granted, and shall repay, reimburse, and satisfy to the said last-mentioned company all such costs, charges, damages, losses, and expenses whatsoever as they the said Stroudwater Navigation Company shall or may sustain or be put to directly or indirectly thereby, or for or by reason of the execution of the several powers and authorities hereby granted, which said several payments, indemnifications, reimbursements, satisfactions, costs, charges, damages, and expenses respectively, in case of nonpayment thereof on demand, shall and may be prosecuted, sued for, and recovered against the Company by action or suit in any court of competent jurisdiction, together with full costs of suit, or the same shall and may be recovered and levied by any other of the ways or means expressed or mentioned herein touching the prosecuting, suing for, obtaining, or levying of claims or demands against the Company.

Indemnity to the Stroudwater Company.

Gatekeeper at the junction and superintendent of the weir to take care of the

92. A gatekeeper shall be appointed by the Company with the consent and approbation of the Stroudwater Navigation Company, and as often as he is removed another shall be appointed by the Company, with the like approbation and consent of the said Stroudwater Navigation Company, for the purpose of attending the gates

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Whitminster Lock.

on the canal at the junction thereof with the said Stroudwater Navigation for the preservation of the water in the Stroudwater Navigation, and such gatekeeper, and also every or any person or persons who shall be employed by the Company to superintend the weir or weirs and other works hereby authorised to be made for the purpose of taking water from the said Stroudwater River or River Froome under the powers herein contained, shall from and after the passing of this Act be and be deemed to be the servant or servants as well of the said company of proprietors of the Stroudwater Navigation as of the Company, removable by either of the said companies, and shall attend to and take care of the gates of the said lock called Whitminster Lock for the preservation of the water in the said level or reach of the said Stroudwater Navigation called the Bristol Road Level, and for preventing any waste or loss of water out of or from the said reach or level in consequence of any variation from time to time in the height or level of the water in that part of the said Stroudwater Navigation which lies below the said lock, and between the same and the crossing of the said navigation by the canal, and which said gatekeeper and other person or persons aforesaid shall at all times hereafter be under the direction and control and subject to the orders of the said company of proprietors of the Stroudwater Navigation for the purpose aforesaid.

Appointment of gatekeeper.

93. If any person so appointed gatekeeper to the Company shall at any time be negligent of his duty so that water shall be wasted out of the said Stroudwater Navigation, and the Company shall neglect or omit to appoint another gatekeeper in his place for the space of fourteen days in the whole after notice of such neglect from the Thames and Severn Canal Company, or after the removal or death of any former gatekeeper, then in any of the said cases it shall and may be lawful for the company of proprietors of the Thames and Severn Canal, at any general assembly or meeting of a committee of that company, to appoint another gatekeeper in his place, with the consent and approbation of the said Stroudwater Navigation Company, and the said gatekeeper so appointed by the said Thames and Severn Canal Company, with such consent as aforesaid, shall be paid by the Company for his attendance, services, and care in the same manner as if he had been appointed by them, and shall not be removed unless for neglect of duty, or with the consent and approbation of the said Thames and Severn Canal Company and the said Stroudwater Navigation.

Payment to the Thames and Severn

94. Whenever the navigation of the said Stroudwater Navigation shall be interrupted or impeded by means of the canal, or any altera-

tions or reparations to be made thereto, the Company shall pay to the said Thames and Severn Canal Company a sum of money (to be ascertained in manner herein-after mentioned) for each and every day that the navigation of the said Stroudwater Navigation shall be so interrupted, and so from time to time and at all future times; and in order to ascertain the sum and sums of money to be paid by the Company, the said Thames and Severn Canal Company shall produce their sufficient books of account and verify the same upon oath if required, and shall state therefrom the gross amount of the tonnage which shall have been paid or be payable to the said Thames and Severn Canal Company for all coals, goods, wares, and merchandise which shall have passed from out of the said Thames and Severn Canal into that part of the Stroudwater Navigation which forms part of the basin at the junction of the canal with the said Stroudwater Navigation, and from such part of the said Stroudwater Navigation into the said Thames and Severn Canal, during the six calendar months next immediately preceding the day on which notice shall be given of the intended interruption of the navigation in the said Stroudwater Navigation by any of the means aforesaid, and an average of one day's tonnage shall be made and taken upon and from such gross amount, and the Company shall pay to the said Thames and Severn Canal Company a sum of money equal to two third parts of such one day's average tonnage for each and every day that the navigation of the said Stroudwater Navigation shall at any time or times be interrupted or impeded by the means aforesaid.

Company for interruption to the Stroudwater Navigation by making the canal.

95. The Company shall, before they interrupt or impede the navigation of the said Stroudwater Navigation, give one calendar month's previous notice to the said Thames and Severn Canal Company of their intention to interrupt or impede the navigation of the said Stroudwater Navigation by the means aforesaid, and shall likewise advertise the same in a Bristol and in a Gloucester newspaper, to the end all persons interested in the navigation of the said Thames and Severn Canal may be informed thereof.

Notice to the Thames and Severn Company before the Stroudwater Navigation be interrupted.

96. Whereas the Company under the powers of the said recited Acts of Parliament, or some or one of them, have contracted and agreed with the owners of certain mills now or heretofore called Framilode Mills, and the site of certain other mills now or heretofore called Baldwin's Mills, together with divers messuages or tenements, parcels of land, watercourses, floodgates, works, easements, and appurtenances to the said mills and site of mills, messuages, and tenements respectively belonging, all situated or being in the parishes of

Rentcharges for water and mills secured.

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Fretherne, Saul, Eastington, and Moreton Valence, or some or one of them, in the county of Gloucester, and with the owners of certain mills now or heretofore called Whitminster Mills, together with certain buildings, parcels of land, watercourses, floodgates, works, easements, and appurtenances to the same belonging, situated or being in the parishes of Wheatenhurst and Frampton-upon-Severn, or one of them, in the said county of Gloucester, for the purchase thereof, and have also agreed on the amount of compensation to be awarded for the injury occasioned to such millowners by reason of the Company taking the water from the said River Froome for the purposes of the canal: And whereas such purchase money and compensation under the powers aforesaid took the form of an annual payment secured as a first charge on the gross revenue of the canal, and it is desirable that such priority should be continued: Be it therefore further enacted, that the annual payments to which the Company are now liable, as such purchase money and compensation as aforesaid, shall accordingly be deemed and taken to form a part of the outgoings, charges, and expenses incidental to the carrying on of the said canal, and shall be paid accordingly out of the tolls, rents, and profits or other income of the Company before any other of such incidental outgoings, charges, and expenses, and before any other charges, payments, or expenses whatsoever.

Power for Company to purchase mills, &c.

97. It shall be lawful for the Company and they are hereby authorised and empowered to contract with all bodies politic, corporate, or collegiate, and other persons whomsoever, for the purchase of any mill or mills, stream or streams of water, lands, tenements, or hereditaments, either for supplying the canal with water or for erecting or providing any messuages, tenements, warehouses, or other buildings thereon for the depositing or keeping any goods, merchandise, or other things carried or conveyed or intended to be carried or conveyed upon the canal, or for making any convenient roads, avenues, and ways leading thereto, or otherwise, which they the Company shall judge requisite and necessary, provided such bodies politic, corporate, and collegiate, and the owners and proprietors of and other persons interested in such mill or mills, stream or streams of water, lands, tenements, or hereditaments, or the guardians, committees, or trustees of such of them as shall be under any disability or incapacity of acting for themselves, shall be consenting to sell the same, but not otherwise, and it shall be lawful for all bodies politic, corporate, or collegiate, and all other person or persons whomsoever, to grant or sell unto the Company and their successors any mill or mills, stream or streams of water, lands, tenements, or hereditaments whatsoever, for the purposes aforesaid, in the same manner as

parties are authorised and empowered to convey lands under and by virtue of this Act.

Canal Company not to erect weirs in certain places.

98. Nothing in this Act contained shall authorise or empower or be deemed or construed to authorise or empower the Company to erect, build, maintain, or keep any weir, aqueduct, sluice, culvert, or other work at a place where or whereon a certain weir lately existed on the canal near to a place called Frampton Pill, in the parishes of Frampton-upon-Severn and Slimbridge, in the said county of Gloucester, or within one thousand yards of the site of such weir, other than the weirs, aqueducts, sluices, culverts, or other works which the Company are or may be authorised or empowered to make or maintain prior to the passing of this Act.

No erections to be placed on the Lower Walk at Hempstead.

99. The Company shall not at any time hereafter have the power of making any wharf or erecting any crane or any building, engine, or erection whatsoever in or upon a certain close in the parish of Hempstead, called the Lower Walk, formerly belonging to Daniel Lysons, Doctor of Physic, without the consent in writing of the owner thereof for the time being, and the banks of the said canal shall not at any time be raised above the level of the said close called the Lower Walk.

Appointment of bridge-keepers within the parishes of Cam, Coaley, Slimbridge, and Berkeley, to be subject to the approval of Lord Fitzhardinge, &c.

100. If the 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 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 Company, subject to the approval of Francis William Fitzhardinge, Baron Fitzhardinge (claiming as of right to be Earl and Baron of Berkeley), of Berkeley Castle, in the said county of Gloucester, or subject to the approval of such person or persons as for the time being shall be seised of the estates in the said parishes whereof William Fitzhardinge Berkeley was seised on the tenth day of June one thousand eight hundred and twenty-five, 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 Company or by their clerk or agent to 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

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to act, unless 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 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.

The Company to dismiss bridge-keepers on complaint.

101. If the said person or persons so seised as last aforesaid for the time being shall at any time or times after any person or persons shall have been appointed by the 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 parishes, 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 person or persons so seised as aforesaid for the time being shall signify the same in writing to the Company, then and in every such case the 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.

Owners of lands in Frampton to go along the towing-paths.

102. It shall be lawful to and for all and every person and persons being inhabitants or an inhabitant of or an owner or occupier of lands in the parish of Frampton-upon-Severn in the said county of Gloucester, and to and for his, her, or their servants or agents, from time to time and at all times hereafter to go, pass, and repass, either with or without cattle, for the purpose of communication only with a certain common called Slimbridge Warth, along the towing-paths from any part of the said parish of Frampton-upon-Severn to the said warth, and to drive their horses, cows, sheep, or other cattle to and from the said warth along the said towing-paths without paying any toll or being liable to make any other satisfaction to the Company for the same.

Persons deprived of roads to use towing-paths.

103. In all cases where the owner or owners, occupier or occupiers of any close or closes, or piece or pieces of land or ground, adjoining or lying near to the canal, shall by means of anything done in pursuance of the said recited Acts or of this present Act be deprived of as commodious an access to and from such close or closes, or piece or pieces of land or ground, as they enjoyed on the 9th day of May 1797, and can or may have access to the same by means of the towing-path on the sides of the canal, then and in such case it shall and may be lawful to and for such owner or owners, occupier or occupiers, and to and for his, her, and their servants or agents, from time to time and at all times hereafter to go, pass, and

repass, either with or without horses, cattle, carts, or other carriages, along the said towing-path to and from such close or closes, or piece or pieces of land or ground, and to drive their horses, cows, sheep, or other cattle to and from such close or closes, or piece or pieces of land or ground, along the said towing-path for the purposes of such communication only, without paying any toll or being liable to make any satisfaction to the Company for the same, so long as such owner or owners, occupier or occupiers, shall be deprived of such access by the means aforesaid.

Bridges leading to Slimbridge Warth to be kept in repair.

104. The Company shall at their own costs and charges support, maintain, and keep in sufficient repair two strong and substantial bridges over the canal to lead into the said Slimbridge Warth, each bridge to be of the breadth of twelve feet, with proper fences on each side, for the accommodation of persons having rights of common on the said common called Slimbridge Warth, and also for the accommodation of the owners and occupiers of certain lands called the New Ground, and for the accommodation of the owners and occupiers of all other lands (if any) which may lie between such part of the canal which goes through the said common called Slimbridge Warth and the River Severn, one of which said bridges shall be so maintained opposite to the road or highway which now leads from Slimbridge Church into the said common called Slimbridge Warth, and the other shall be so maintained opposite to the road or highway which now leads from Cambridge into the said common called Slimbridge Warth.

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SCHEDULES referred to by the foregoing Act.

SCHEDULE A.

33rd George III. Cap. 97.

Preamble.

Section 1. Whereas the navigation of the River Severn between the city of Gloucester and the port of Bristol and the Bristol Channel is at present subject to great obstructions, and is not only very unsafe and uncertain, but also not navigable for vessels of large burthen: And whereas the making and maintaining a canal for the navigation of ships of large burthen as well as boats, craft, and other vessels from the said river at or near the city of Gloucester into a place called Berkeley Pill in the parish of Berkeley in the county of Gloucester will open a much more safe and certain navigable communication between the port of Gloucester and the Bristol Channel and foreign ports, as well as the port of Bristol and other British ports, than at present, and will be the means of extending the trade and commerce of this kingdom, and will be thereby of great public utility; 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 Samuel Skey, William Reynolds, Thomas Turner, John Taylor, George Russell, Charles Taylor, George Humphreys, Penny Lloyd, Charles Lloyd, Thomas Botfield, Robert Gomery, Richard Cope, Reverend Roger Clayton, Thomas Carden, Joseph Berwick, James Skey, Thomas Brockhurst junior, Aaron York, Aaron York junior, Jonathan Worthington, Thomas Husband, Jonathan Skey, Benjamin Pearkes, John Wilkinson, William Banks, Thomas Westfaling, John Smith, Alexander Brodie, Robert Pardoe, Samuel Elyard, Edward Devett, John Wastie, Thomas Farley, Robert Raikes, Thomas Tovey, Hughes, spinster, Hughes, spinster, John Ready, Reverend Benjamin Newton, Mary Ferry, William Loveday, Samuel Skey junior, Robert Honeybourn, Thomas Barnes, Thomas Baylis, William Price, John Smith, John Cooke, Edward Tawny, Robert Lucas, Martin Lucas, William Ruffell, Giles Greenaway, Thomas Welles, Edmund Stock, Edward Elton, William Cother, Thomas Blunt, William Fendall, Sir John Guise, Baronet, Thomas Weaver, John Jefferies, Samuel Woodcock, John Pitt, John Skinner Stock, Thomas Mee, Edwin Jeynes, Robert Morris, Abraham Saunders, Abraham Saunders junior, David Saunders, James Jelf, Samuel Niblett, John Turner, George Goodyar, Bartholomew Fox, John Coles, James Commeline, Nicholas Barnes, William

Company of proprietors.

Fendall, Daniel Willey, Edward James, Higgins, Richard Chandler, John Tovey, Edward Holder, Thomas Palin, Thomas Parker, George Connibeer, George Hincks, Watkin Crowther, Cheston, M.D., Thomas Price, Samuel and John Niblett, Nayler, Charles Brandon Trye, Charles Evans, John Phillpotts, Samuel Commeline, and Elizabeth Hancock, and their several and respective successors, executors, administrators, and assigns, together with such person or persons as shall at any time hereafter be possessed of one or more share or shares as herein-after mentioned of and in the said navigation, shall be and are hereby united into a company for the better carrying on, making, completing, and maintaining the said intended canal according to the rules, orders, and directions herein-after mentioned and expressed, and shall for that purpose be one body politic and corporate by the name of The Gloucester and Berkeley Canal 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 also shall and may have power and authority to purchase lands, tenements, and hereditaments to them and their successors and assigns for making the said canal and the several works hereby authorised to be made, without incurring any of the penalties or forfeitures of the statutes of mortmain, and also to sell any of the lands, tenements, or hereditaments purchased for the purposes aforesaid, and the said Gloucester and Berkeley Canal Company shall be and are hereby authorised and empowered, by themselves, their deputies, agents, officers, and workmen, to make and complete a canal navigable and passable for 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, in the following line; (that is to say,) through part of the said city and through certain lands called Lanthony, and through the parishes of Hemstead, Quedgeley, Hardwick, Haresfield, Standish, Moreton Valence, Wheatenhurst, Fretherne, Saul, Frampton-upon-Severn, Slimbridge, and Berkeley, and to supply the said intended canal whilst the same shall be making and when made with water from all rivers, brooks, springs, streams, rivulets, and watercourses, subject to the restrictions herein-after mentioned, which shall be found in digging or making the said intended canal, or within the distance of one thousand seven hundred and sixty yards from any part of the said intended canal; and the said canal company are hereby authorised and empowered, by themselves and their deputies, agents, officers, and workmen, to make one or more reservoir or reservoirs, bason or basons, jetty or jetties, and such pound locks, stop gates, wharfs, quays, and docks, and to errect one or more fire engine or engines, or other machines for the purpose of supplying the said intended canal with water, and also such and so many feeders, aqueducts, and channels as they shall think fit for supplying the said intended canal and reservoirs with water, and also to cleanse, scour, cut, dig, open, deepen, enlarge, or straighten the streams, brooks, or watercourses which come or may be brought into or made to communicate therewith respectively, subject to the restrictions herein-after mentioned, and to dig, cut, or raise the banks of any of the said streams, brooks, or watercourses for bringing water into the said intended canal, and to make such proper trenches or passages for water, in, upon, or through the lands adjoining or near to the said intended canal, or such streams, brooks, or watercourses as aforesaid, or

Incorporated.

Their power.

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any of them, as shall seem necessary or proper, and for the purposes aforesaid the said canal company, their deputies, agents, officers, and workmen, are hereby authorised and empowered to enter into and upon the lands or grounds of any person or persons, bodies politic, corporate, or collegiate whatsoever, and to survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended canal, and any such reservoir or reservoirs, and all such other works, matters, and conveniences as they shall think proper and necessary for making, preserving, improving, completing, maintaining, and using the said intended canal and other works, and also to bore, dig, cut, trench, sough, get, remove, take, carry away, and lay, earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended canal or other works, or out of the lands or grounds of any person or persons adjoining or lying convenient thereto, so as the same does not exceed one hundred yards, and which may be proper, requisite, or convenient for making, carrying on, continuing, maintaining, or repairing the said intended canal or other works, or which may hinder, prevent, or obstruct the making, using, or completing, extending, and maintaining any such feeders, trenches, passages, aqueducts, culverts, weirs, watercourses, drains, back drains, and such other works aforesaid as shall be necessary and proper to convey water to or from the said intended canal according to the intent and purpose of this Act, and also to make, build, erect, and set up in or upon the said intended canal, or upon the lands adjoining or near the same, such and so many bridges, piers, arches, tunnels, aqueducts, sluices, locks, floodgates, weirs, pens for water, water stanks, reservoirs, drains, wharfs, quays, houses, warehouses, toll-houses, watch-houses, landing-places, weighing-beams, cranes, fire-engines, or other machines, dry docks, and other works, ways, roads, towing-paths, and conveniences, as and where the said canal company shall think requisite and convenient for the purposes of the said navigation within the distance aforesaid, and also from time to time to alter, repair, and amend or discontinue the same, and to divert, alter, widen, enlarge, and extend any bridges, ways, roads, passages, locks, tunnels, reservoirs, culverts, weirs, aqueducts, trenches, sluices, and other works or conveniences as well for the carrying and conveying of goods and other things to and from the said intended canal as for the carrying and conveying of all manner of materials necessary for the making, directing, finishing, altering, repairing, maintaining, amending, widening, or enlarging the said intended canal, and the works of or belonging to the said navigation, or useful for any purpose therein, and also place, lay, work, or manufacture the said materials on the lands or grounds near to the place or places where the said works or any of them shall be or are intended to be made, erected, repaired, or done, and also to make, maintain, repair, and alter any fences or passages over, under, or through the said intended canal, or the reservoirs, tunnels, aqueducts, soughs, trenches, passages, feeders, culverts, weirs, watercourses, drains, back drains, and sluices respectively, which shall communicate therewith, and also to make, set out, and appoint such towing-paths, banks, roads, and ways convenient for towing, haling, or drawing of ships, boats, craft, and other vessels passing upon the said intended canal with men,

horses, or otherwise, and proper places for ships, boats, barges, and other vessels navigated upon the said intended canal to turn, lie, or pass each other, as they the said canal company shall think convenient, and to construct, erect, and keep in repair any piers, arches, aqueducts, and other works in, upon, and across any rivers or brooks for the making, using, maintaining, and repairing of the said intended canal and the towing-paths on the sides thereof, and also to construct, erect, make, and do all other matters and things which they shall think convenient and necessary for the making, erecting, preserving, improving, completing, and using the said intended canal and other works, in pursuance of and according to the true intent and meaning of this Act, they the said canal company and their several deputies, agents, officers, and workmen doing as little damage as may be in the execution of the several powers to them hereby granted, and making satisfaction in manner herein-after mentioned to the owners or proprietors of and other persons interested in any lands, tenements, or other hereditaments, waters, watercourses, brooks, or rivers respectively, which shall be taken, used, removed, diverted, or prejudiced, for all damages to be by them sustained in or by the execution of any of the powers of this Act, and this Act shall be sufficient to indemnify the said canal company, and their deputies, agents, officers, and workmen, and all other persons for what they or any of them shall do by virtue of the powers hereby granted.

Copyhold rights preserved.

Section 8. Provided always, that all contracts, agreements, bargains, sales, and exchanges of any lands, grounds, or hereditaments which are of the nature of copyhold shall be executed and completed by surrender thereof in the respective courts of the manors whereof the same are held according to the custom of the said manors respectively, and shall remain subject to such and the same fines, rents, and services as the same would have been subjected to if this Act had not been made.

Disposal of purchase money for lands in mortgage with another estate.

Section 27. Provided always, that where two estates are under settlement to the same uses and trusts, and one of such estates shall be subject or liable to any mortgage or other incumbrance, and the said canal shall be cut through the other of such estates only, or any part thereof, then it shall and may be lawful for the person or persons interested in such estates in possession to cause the money which shall be paid by the said canal company as aforesaid to be applied in discharge of such mortgage or other incumbrance, so far as the same will extend.

Public Act.

Section 99. And be it further enacted, that this Act shall be allowed in all courts whatsoever as a public Act, and all judges, justices, and other persons are hereby required to take notice of it as such without specially pleading the same.

37th George III. Cap. 54.

Compensation for Slimbridge Warth Common.

Section 12. And whereas it was in and by the said recited Act enacted and declared, that so much of the purchase money for the several commons and commonable lands through which the said canal would pass as should be

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deemed to be the value of the interest of the lord of the manor and of the persons entitled to the right of common in such commons, should be paid to the surveyors of the highways of the respective parishes, tithings, or hamlets, and be applied by such surveyors to the repairs of the highways within the said respective parishes, tithings, or hamlets in such manner as should be directed by any order or orders of vestry which might be made for that purpose, and that the receipt or receipts of such surveyors should and were thereby declared to be a full and effectual discharge to the said canal company for the several sums so paid by them or on their behalf for the purchase of such commons: And whereas the said canal at the time of passing the said Act was intended to be cut in such a direction that only small parts of any commons or commonable lands would have been taken into or for the use of the said canal, but inasmuch as the said canal is under the authority of this Act intended to pass through a common of considerable extent called Slimbridge Warth (two third parts of which said common or of the rights of common thereon belong to the inhabitants of the parish of Slimbridge, and the remaining third part of the said common or of the rights of common thereon belongs to the inhabitants of the parish of Frampton-upon-Severn), and as a considerable part of such warth will be taken into or for the use of the said canal, it hath been thought expedient that so much of the said recited Act as affects the application of the money to be paid by the said canal company for the purchase of such part of the said warth called Slimbridge Warth as will be used for the purposes of the said canal should be repealed: Be it therefore further enacted, that so much of the said recited Act as affects the application of the money to be paid by the said canal company for the purchase of such part of the said warth called Slimbridge Warth as will be used for the purposes of the said canal shall be and the same is hereby repealed, and that the purchase money which shall be paid for such part or parts of the said common called Slimbridge Warth as shall be taken into or for the use of the said canal shall be paid to the persons and upon the trusts following; (that is to say,) two third parts of such purchase money shall be paid to the Right Honorable Frederick Augustus Earl of Berkeley (lord of the manors of Slimbridge, Hurst, and Sages), the rector of the said parish of Slimbridge for the time being, the Reverend William Davis junior, clerk, Thomas Purnell Purnell, Esquire, William Underwood, edge tool maker, and Edward Phillimore, yeoman (trustees nominated by and on behalf of the parish of Slimbridge), or to the survivor or survivors of them (whose receipt or receipts shall and is and are hereby declared to be a full and effectual discharge to the said canal company for the same), upon trust to be by such trustees, or the survivors or survivor of them, laid out as soon as conveniently may be in the purchase of lands, tenements, or hereditaments in fee simple in the county of Gloucester, which lands, tenements, or hereditaments when purchased shall be conveyed to the said trustees, or the survivors or survivor of them, or to the trustees for the time being, and to their heirs, upon trust for them the said trustees, or the survivors or survivor of them, or the trustees for the time being, to let and set the said lands, tenements, or hereditaments, and the rents, issues, and profits thereof to receive, and the same once in every year from time to time for ever to give and distribute to and amongst such

poor inhabitants of the said parish of Slimbridge as do not receive parochial relief, in such parts and proportions as to the trustees for the time being shall seem meet; and until such lands, tenements, or hereditaments shall be so purchased as aforesaid upon trust for the said trustees, or the survivors or survivor of them, or the trustees for the time being, to lay out and invest such two third parts of such purchase money in the three per centum consolidated bank annuities, and the interest, dividends, and proceeds thereof to be from time to time applied by the said trustees, or the survivors or survivor of them, or the trustees for the time being, in the same manner as the rents, issues, and profits of the lands, tenements, or hereditaments when purchased are directed to be applied, and when and as soon as any one or more of the said trustees shall happen to die, it shall and may be lawful to and for the remaining trustees or trustee, by writing under their or his hands or hand, to elect and choose a new trustee or trustees in the room of that or those so deceased (the lord of the manors of Slimbridge, Hurst, and Sages, and the rector of the said parish of Slimbridge for the time being, always to be two of the trustees), and so from time to time as often as the case shall happen, and thereupon the said three per centum annuities, or the lands, tenements, or hereditaments which shall have been purchased, shall be transferred or conveyed to the said new trustee or trustees jointly with the remaining trustees or trustee, and which new elected trustee or trustees shall from time to time have equal power with the said old trustees as they would have had if they had been originally named and appointed by this Act; and the remaining one third part of such purchase money shall be paid to Nathaniel Winchcome, Esquire, Samuel Peach Peach, Esquire, Richard King, Esquire, and the Reverend William Jenkin, clerk (trustees nominated by and on behalf of the parish of Frampton-upon-Severn), or to the survivors or survivor of them (whose receipt or receipts shall and is and are hereby declared to be a full and effectual discharge to the said canal company for the same), upon trust to be by such trustees, or the survivors or survivor of them, laid out as soon as conveniently may be in the purchase of lands, tenements, or hereditaments in fee simple in the county of Gloucester, which lands, tenements, or hereditaments when purchased shall be conveyed to the said trustees, or the survivors or survivor of them, or to the trustees for the time being, and to their heirs, upon trust for them the said trustees, or the survivors or survivor of them, or the trustees for the time being, to let and set the said lands, tenements, or hereditaments, and the rents, issues, and profits thereof to receive, and the same once in every year from time to time for ever to give and distribute to and amongst such poor inhabitants of the parish of Frampton-upon-Severn aforesaid as do not receive parochial relief, in such parts and proportions as to the trustees for the time being shall seem meet; and until such lands, tenements, or hereditaments shall be so purchased as aforesaid, upon trust for the said trustees, or the survivors or survivor of them, or the trustees for the time being, to lay out and invest such one third part of such purchase money in the three per centum consolidated bank annuities, and the interest, dividends, and proceeds thereof to be from time to time applied by the said trustees, or the survivor or survivors of them, or the trustees for the time being, in the same manner as the rents, issues, and profits of the lands, tenements, or hereditaments

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when purchased are directed to be applied; and when and as soon as any one or more of the said trustees shall happen to die, it shall and may be lawful to and for the remaining trustees or trustee, by writing under their or his hands or hand, to elect and choose a new trustee or trustees in the room of that or those so deceased, and so from time to time as often as the case shall happen, and thereupon the said three per centum annuities, or the lands, tenements, or hereditaments which shall have been purchased, shall be transferred or conveyed to the said new trustee or trustees jointly with the remaining trustees or trustee, and which new elected trustee or trustees shall from time to time have equal power with the said old trustees as they would have had if they had been originally named and appointed by this Act.

Trustees not to incur the penalties of the statute of mortmain.

Section 13. And be it further enacted, that the trustees hereby named and appointed or to be hereafter named and appointed by or on the part and behalf of the said parish of Slimbridge, and also the trustees hereby named and appointed or to be hereafter named and appointed by or on the part and behalf of the said parish of Frampton-upon-Severn, shall and may have power and authority to purchase lands, tenements, and hereditaments to them and their heirs or successors (such successors to be named and appointed in manner herein-before mentioned), without incurring any of the penalties or forfeitures of the statutes of mortmain, any law, usage, or custom to the contrary thereof in anywise notwithstanding.

Public Act.

Section 24. 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 the same being specially pleaded.

4th William IV. c. 54.

If the Company cease to take water from the River Froome through the Stroudwater Canal, they may derive their supply from the said river by other means.

Section 21. And be it further enacted, that if at any time hereafter the said Gloucester and Berkeley Canal Company shall cease to take water from the said Stroudwater River, otherwise called the River Froome, through the said Stroudwater Canal, otherwise called the Stroudwater Navigation, then and in such case it shall and may be lawful to and for the said Gloucester and Berkeley Canal Company to take water from the Stroudwater River or River Froome by means of a steam engine or steam engines, or by means of pipes to be laid in and along the land lying between that part of the said river from whence the said water may be taken and the said Gloucester and Berkeley Canal, or by means of one or more cut or cuts, bank or banks, trough or troughs, pipe or pipes under the bed of or along or by the side of the said Stroudwater Navigation, and upon, over, or through the lands and grounds contiguous thereto, and for either of the purposes aforesaid to make, form, place, and lay down any pipes, banks, trunks, or to erect a steam engine or steam engines or other works, and to do and perform all such matters and things as may be requisite for the purpose, as well as for the purpose of repairing and keeping the same in repair, the said company of proprietors of the said Gloucester and Berkeley Canal, their

agents, servants, and workmen, doing as little damage as may be in the execution of the powers hereby granted, and making satisfaction to any body politic, corporate, or collegiate, corporation aggregate or sole, and other person or persons entitled thereto, for the land or ground to be taken or used, and for any damage which may be done or which shall arise or accrue in consequence thereof.

Owners of land to be paid.

Section 22. And be it further enacted, that the said Gloucester and Berkeley Canal Company shall pay to the owner or owners of lands through which the said weir or weirs, feeder or feeders, aqueduct or aqueducts, shall be made, or where the said pipe or pipes, trunk or trunks, sluice or sluices, floodgate or floodgates, hatches, erections, buildings, or other works shall be laid down or placed, for the land to be taken for the use of the said canal, and for making the said weir or weirs, feeder or feeders, sluice or sluices, aqueduct or aqueducts, erections, buildings, or other works, and laying down or placing the said pipe or pipes, trunk or trunks by virtue of this Act, such sum or sums of money as shall be agreed upon between the said owner or owners and the said company, and in case the said company and the owner or owners of such lands cannot or do not agree as to the amount or value, price, or purchase money, the same shall be ascertained and settled by the verdict of a jury, if required, to be summoned and impanelled in manner directed by the herein-before recited Act of the sixth year of the reign of His said late Majesty King George the Fourth.

SCHEDULE (B.)

	Per Ton Register. £	s.	d.
For every steam vessel entering the docks, basins, or canal from foreign parts - - - - - - -	0	2	0
For every steam vessel entering the docks, basins, or canal from any part of the United Kingdom of Great Britain and Ireland, including the Channel Islands - - - - - -	0	1	0
For every sailing vessel entering the docks, basins, or canal from foreign parts - - - - - - -	0	1	0
For every sailing vessel entering the docks, basins, or canal from any port of the United Kingdom of Great Britain and Ireland, including the Channel Islands, other than the ports in the Bristol Channel eastward of Lundy Island - - - -	0	0	6
For every sailing vessel entering the docks, basins, or canal from any port in the Bristol Channel to the eastward of Lundy Island -	0	0	3
And if any steam vessel or sailing vessel, being of less than two hundred tons measurement, shall remain within the said docks, basins, or canal for a longer period than fourteen days, or being of			

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	Per Ton Register. £ s. d.
two hundred tons and less than four hundred tons measurement for a longer period than twenty-one days, or being of four hundred tons measurement or upwards for a longer period than twenty-eight days, then for the period during which such vessel shall remain beyond the periods aforesaid respectively, the further rate following, viz.:—	
For every week or part of a week, per ton - - -	0 0 2

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