ANNO QUINQUAGESIMO SECUNDO

GEORGII III. REGIS.

Cap. 107.

An Act for making and maintaining a Railway from the End of the *Llanvihangel* Railway, in the Parish of *Llanvihangel Crucorney*, in the County of *Monmouth*, to or near to the Twelfth Mile Stone, in the Road leading from the Town of *Abergavenny*, in the County of *Monmouth*, to the City of *Hereford*.

[20th *May* 1812.]

WHEREAS the making and maintaining a Railway for the Passage of Waggons and other Carriages from the End or Termination of a certain Railway called the *Llanvihangel Railway*, at or near the Village of *Llanvihangel Crucorney* in the Parish of *Llanvihangel Crucorney*, in the County of *Monmouth*, through the several Parishes, Hamlets, Townships, and Places herein-after mentioned, to or near to the Twelfth Mile Stone in the Road leading from the Town of *Abergavenny*, in the County of *Monmouth*, to the City of *Hereford*, which said Mile Stone is situated in the Parish of *Ewyas Harrold* in the said County of *Hereford*, and near to *Llangua Bridge*, will open an easy and commodious Communication between the County of *Monmouth* and County and City of *Hereford*, which is at present much impeded by the very hilly, dilapidated, and ruinous State of the Roads in the said Two Counties, and will facilitate the Carriage and Conveyance of, and render cheaper the various Products and Commodities of the said Counties of *Monmouth* and *Hereford*, and materially assist the Agriculture of the Country, and tend greatly to improve the

Value of Land and Eſtates throughout the ſaid Line and the Neighbourhood thereof, and will conſiderably increaſe the Trade and Communication between the adjoining Counties, and in various other Reſpects will be of great Public Utility; but the ſame cannot be effected without the Authority of Parliament: And whereas the ſeveral Perſons herein-after named are willing and deſirous, at their own Expence, to make and maintain the ſaid Railway and other Works: 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 the Moſt Noble *Henry Charles* Duke of *Beaufort*, the Right Honourable *Henry* Earl of *Abergavenny*, Sir *Hungerford Hoſkyns* Baronet, *Richard Philip Scudamore* M.P., *Joſeph Auſtin*, *Matthew A'Deane*, *David Davies*, *John Duncomb* Clerk, *Edward Frere*, *John Foley* Clerk, *John George* Clerk, *James Gilbert*, *John Gabb*, *John Hodgkinſon*, *Moſes Harper*, *Samuel Hopkins*, *Thomas Hill*, *Thomas Hughes*, *Theophilus Jones* Clerk, *Nathaniel Mence*, *William Morgan* Clerk, *Thomas Phillipſ*, —— *Pratt* Widow, *William Powell* Clerk, *Patrick Thompſon*, *William Tomkins*, *Lewis Williams*, and *Thomas Wall*, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as they or the major Part of them aſſembled at any General Meeting to be held as herein after mentioned, ſhall nominate and appoint under their Hands, ſhall be and are hereby united into a Company, for the better carrying on, making, compleating, and maintaining the ſaid intended Railway and other Works by this Act authoriſed to be executed, according to the Rules, Orders, and Directions herein-after expreſſed and laid down, and ſhall for that Purpoſe be One Body Politic and Corporate by the Name of *The Groſmont Railway Company*, and by that Name ſhall have perpetual Succeſſion, and ſhall have a Common Seal, and by that Name ſhall and may ſue and be ſued, and alſo ſhall and may have Power and Authority from and after the paſſing of this Act, and at all Times thereafter, to purchaſe and hold Lands and Hereditaments to them, their Succeſſors and Aſſigns, for the Uſe of the ſaid Undertaking, and the ſeveral Works hereby authorized to be made, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain, and alſo to ſell the ſaid Lands and Hereditaments, or any Part or Parts thereof again; and the ſaid Company of Proprietors ſhall be and are hereby authorized and empowered, by themſelves, their Agents, Officers, Workmen, and Servants, to make, compleat, and maintain a Railway to be called *The Groſmont Railway*, paſſable for Waggons and other Carriages, to be conſtructed as herein-after appointed, from the End or Termination of a certain Railway called *The Llanvihangel Railway*, at or near the Village of *Llanvihangel Crucorney* in the Pariſh of *Llanvihangel Crucorney* in the County of *Monmouth*, through and into the ſeveral Pariſhes, Hamlets, Townſhips, and Places of *Llanvihangel Crucorney*, *Penbiddle*, and *Groſmont*, in the County of *Monmouth*, and of *Llancillow*, *Rowlſtone*, and *Ewyas Harrold*, in the County of *Hereford*, to or near to the Twelfth Mile Stone in the Road leading from the Town of *Abergavenny*, in the ſaid County of *Monmouth*, to the City of *Hereford*, which ſaid Mile Stone is ſituated in the ſaid Pariſh of *Ewyas Harrold* in the ſaid County of *Hereford*, and near to *Llangua Bridge*; and for the Purpoſes aforeſaid, the ſaid Company of Proprietors, their Deputies, Surveyors, Agents, Servants, and Workmen, are hereby authorized and empowered to enter into and upon

For appointing a Company to carry the Act into Execution.

the Lands and 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, aſcertain and appropriate ſuch Parts thereof as they ſhall think neceſſary and proper for the making or altering the ſaid intended Railway, and all ſuch other Works, Matters, and Conveniencies, as they ſhall think proper and neceſſary, for making, effecting, preſerving, and improving, completing, maintaining, and uſing the ſame; and alſo to bore, dig, cut, trench, ſough, get, raiſe, remove, take, carry away, lay, uſe, and manufacture any Earth, Clay, Stone, Soil, Rubbiſh, Trees, Roots of Trees, Beds of Gravel, Sand, or any other Materials or Things which may be dug, raiſed, or got in making the ſaid Railway and other Works, or out of the Lands or Grounds of any Perſon or Perſons adjoining or lying contiguous thereto, and which may be proper, requiſite, or neceſſary for making, carrying, or continuing, maintaining, altering, or repairing the ſaid Railway or other Works, or which may hinder, prevent, and obſtruct, the making, uſing, and completing, extending, or maintaining the ſame reſpectively according to the Intent and Purpoſe of this Act; and to make, build, erect, and ſet up, in, under, or upon the ſaid Railway or other Works, or upon the Lands adjoining or near the ſame reſpectively, ſuch and ſo many Bridges, Arches, Tunnels, Aqueducts, Wharfs, Houſes, Warehouſes, Toll Houſes, Watch Houſes, Weigh Beams, Cranes, Fire Engines, and other Machines, or other Works, Ways, Roads, and Conveniencies, as and where the ſaid Company ſhall think neceſſary and convenient, for the Purpoſes of the ſaid Undertaking; and alſo from Time to Time to alter, repair, and amend, or diſcontinue the ſame, and to make, divert, alter, widen, enlarge, and extend any Bridges, Ways, Roads, Paſſages, Tunnels, Aqueducts, or other Works or Conveniencies, as well for the carrying and conveying of Coal, Lime, Limeſtone, Minerals, Goods, Wares, Merchandize, and other Articles, to and from the ſaid Railway, as for the carrying and conveying of all Manner of Materials neceſſary for the making, finiſhing, erecting, repairing, maintaining, amending, widening, or enlarging the ſaid Railway, and the Works of and belonging to the ſame, which may be uſed for any of the Purpoſes thereof; and alſo to place, lay, work, or manufacture the ſaid Materials on the Ground 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 Railway; and alſo to make, ſet out, and appoint ſuch Roads and Ways convenient for hauling or drawing of Waggons and other Carriages paſſing upon the ſaid Railway, with Men, Horſes, or otherwiſe, and proper Places for Waggons and other Carriages to turn, lie, or paſs each other, as they the ſaid Company ſhall think convenient; and to conſtruct, erect, and keep in Repair, any Bridges, Arches, and other Works, in, upon, and acroſs any Rivers or Brooks, for the making, effecting, preſerving, improving, completing, uſing, maintaining, and repairing of the ſaid Railway or other Works; and to conſtruct, erect, and make and do all other Matters and Things which they ſhall think convenient or neceſſary for the making, effecting, altering, extending, preſerving, improving, completing, and uſing of the ſaid Railway and other Works, to be made or conſtructed in purſuance of and according to the true Intent and Meaning of this Act; they the ſaid Company of Proprietors, their Deputies, Agents, Servants, and Workmen doing as little Damage as may be

be in the Execution of the ſeveral Powers to them hereby granted, and making full Satisfaction in Manner herein-after mentioned to the Owners or Proprietors of and all Perſons intereſted in the Lands, Tenements, or Hereditaments which ſhall be taken, uſed, removed, diverted, or prejudiced, for all Damages to be by them ſuſtained in or by the Execution of all or any of the Powers of this Act; and this Act ſhall be ſufficient to indemnify the ſaid Company, and their Deputies, Servants, Agents, and Workmen, and all other Perſons whomſoever, for what they or any of them ſhall do by virtue of the Powers hereby granted, ſubject nevertheleſs to ſuch Proviſoes and Reſtrictions as are herein-after mentioned and contained.

Breadth of the Land to be taken for the Railway.

II. And be it further enacted, That the Lands and Grounds to be taken or uſed for the making and uſing of the ſaid Railway, ſhall not exceed Ten Yards in Breadth (except in ſuch Places where it ſhall be adjudged neceſſary for Waggons or other Carriages to turn, lie, or paſs each other, or for raiſing Embankments for croſſing the Vallies, or in deep cutting; or where any Warehouſes, Cranes, or Weighbeams may be erected; or where any Wharfs or other Places may be ſet out or appropriated for the Reception or Delivery of any Iron, Coal, Lime, Limeſtone, Minerals, Timber, or other Goods, Wares, or Merchandize, which ſhall be conveyed on the ſaid Railway; and except the Ground occupied by the Fences on the Sides thereof), and not above Sixty Yards in Breadth in any Place, without the Conſent in Writing of the Owners of the Lands or Hereditaments adjoining the ſaid Railway.

Company empowered to purchaſe Land for a Wharf.

III. Provided always, and be it further enacted, That the ſaid Company ſhall have full Liberty and Power to purchaſe any Parcel or Parcels of Land, not exceeding One Acre in the Whole, at the End or Termination of the ſaid Road, near the ſaid Twelfth Mile Stone, for the Purpoſe of making a Wharf or Wharfs.

Company not to erect Houſes on Lands of Hugh Powell Eſq. taken and not uſed for the Purpoſe of the Undertaking.

IV. And be it further enacted, That the ſaid Company ſhall not at any Time hereafter make, erect, or ſet up any Houſe, Cottage, or other Building upon any Parcel of Land or Ground of *Hugh Powell* Eſquire, which they may have taken or purchaſed for the Uſe of the ſaid Railway and other Works, unleſs the ſame ſhall be actually and *bonâ fide* neceſſary for the Uſe thereof.

Houſes, Gardens, &c. not to be injured except thoſe that are mentioned.

V. Provided alſo, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company, or any Perſon or Perſons acting by or under their Authority, to take, uſe, injure, or damage, for the Purpoſes of the ſaid Railway or other Works, or any other of the Purpoſes aforeſaid, any Houſe or other Building which was erected or built on or before the Firſt Day of *January* One thouſand eight hundred and twelve, or any Land or Ground which on the ſaid Firſt Day of *January* was ſet apart and uſed as or for a Garden, Orchard, Court Yard, Park, Paddock, Planted Walk, or Avenue to a Houſe, without the Conſent in Writing of the Owners and Occupiers thereof, other than and except a Garden and Orchard, now or late in the Occupation of *Samuel Parry* and *Edward Francis*, the Property of *Hugh Powell* Eſquire, ſituated in the Pariſh of *Llanvihangel Crucorney*, in the County of *Monmouth*; a Farm Yard, late in the Occupation of *William Addis*, and now of

of *Thomas Williams*, the Property of *Jeremiah Roſher* Eſquire, ſituated in the Hamlet of *Penbiddle*, in the Pariſh of *Llanvihangel Crucorney*, in the ſaid County of *Monmouth*; a Garden and Two Orchards, now or late in the Occupation of *Thomas Prichard*, ſituated in the ſaid Hamlet of *Penbiddle*, the Property of *Joan Jonas*; Two Gardens, Two Orchards, and a Farm Yard, now or late in the Occupation of the Proprietor *John Williams*, ſituated in the ſaid Hamlet of *Penbiddle*; an Orchard now or late in the Occupation of *Heſter Dobbs* and *John Dobbs*, ſituated in the Pariſh of *Groſmont*, in the ſaid County of *Monmouth*, the Property of *John Gabb* Eſquire; a Cottage and Garden now or late in the Occupation of *Thomas Morgan*, ſituated in the ſaid Pariſh of *Groſmont*, the Property of *Matthew A'Deane* Eſquire; Three Gardens and a Forge Yard now or late in the Occupation of *John Williams*, *Thomas Lewis*, and *David Phillips*, ſituated in the Pariſh of *Llancillow*, in the County of *Hereford*, the Property of *John Lucy Scudamore* Eſquire; an Orchard now or late in the Occupation of *William Price*, ſituated in the ſaid Pariſh of *Llancillow*, the Property of *Mary Gilbert* Widow; an Orchard in the Occupation of the Proprietor *George Wall*, ſituated in the ſaid Pariſh of *Llancillow*; a Garden and Two Orchards, in the Occupation of the Proprietor *Joſeph Ruſſell*, ſituated in the ſaid Pariſh of *Llancillow*; Two Orchards now or late in the Occupation of *Mary Price* Widow, ſituated in the Pariſh of *Rowlſtone*, in the ſaid County of *Hereford*, the Property of *John Lucy Scudamore* Eſquire; an Orchard now or late in the Occupation of the Proprietor *Thomas Jennings*, ſituated in the ſaid Pariſh of *Rowlſtone*; and Two Orchards and a Farm Yard, now or late in the Occupation of *John Jones*, ſituated in the ſaid Pariſh of *Rowlſtone*, the Property of *John Lucy Scudamore* Eſquire.

Plan and Book of Reference to be authenticated by the Speaker of the Houſe of Commons, and depoſited with the Clerk of the Peace.

VI. And whereas a Survey has been taken to aſcertain the Practicability of making the ſaid Railway, and a Map or Plan, with a proper Book of Reference thereto, has been made in conſequence thereof, in order to ſhew the Line of the ſaid Railway; be it therefore further enacted, That there ſhall be Three Parts made of the ſaid Map or Plan, and a Book of Reference thereto, which ſhall be certified by the Right Honourable the Speaker of the Houſe of Commons, and ſeverally depoſited, one with the reſpective Clerks of the Peace of the ſaid Counties of *Monmouth* and *Hereford*, and the other with the Clerk of the ſaid Company; to either of which Maps, Plans, and Books of Reference, all Perſons ſhall have Liberty to reſort, and to examine or make Extracts from, or Copies of the ſame, as Occaſion ſhall require, paying to the ſaid reſpective Clerks for Copies of or Extracts from the ſaid Book of Reference, at the Rate of Sixpence for every One hundred Words; and either of the ſaid Maps or Plans and Books of Reference ſo certified, or true Copies thereof, ſhall be and are hereby declared to be good Evidence in all Courts of Law, or elſewhere; and the Clerk for the Time being to the ſaid Company of Proprietors, upon Six Days Notice to him given for that Purpoſe, ſhall and is hereby required, from Time to Time to produce the ſaid Map or Plan and the Book of Reference, to be ſo depoſited with him as aforeſaid, before the Commiſſioners to be appointed in Manner herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in ſuch Notice, in order that the ſame may be then and there given in Evidence, ſuch Clerk having a reaſonable Sum of Money allowed for his travelling Expences, Abſence from Home, and Attendance on ſuch Occaſions.

Not to deviate from the Line laid down in Plan without Consent.

VII. And be it further enacted, That the said Company, in making the said intended Railway, shall not pass through and into the Grounds of *Hugh Powell* Esquire, situated on the right Hand Side of the Turnpike Road leading from the Town of *Abergavenny* to the City of *Hereford*, nor deviate more than One hundred Yards in any other Part of his Land, nor more than Two hundred Yards from the Course or Direction delineated on the said Maps or Plans, and set forth in the said Book of Reference, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom any Lands, Grounds, or Hereditaments do or shall respectively belong, into, through, or over which any Deviation is desired to be made.

Land Owners omitted in the Book of Reference not to obstruct making the Railway.

VIII. Provided always, and be it further enacted and declared, That the said Company shall and may make the said intended Railway and other Works into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whomsoever, into whose Estates, Lands, or Grounds, such Deviation as aforesaid shall extend, although their Names are not mentioned in the said Book of Reference, or into, through, across, or over the Estates, Lands, or Grounds of any Person or Persons whose Name or Names shall appear to the Satisfaction of the Commissioners hereby appointed, and be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference; or that instead thereof the Name or Names of some other Persons, to whom such last mentioned Estates, Lands, and Grounds do not belong, have or hath been by Mistake inserted therein; any Thing herein contained to the contrary thereof in anywise notwithstanding.

For making Roads in lieu of those injured.

IX. Provided also, and be it further enacted, That in all Cases when, in Exercise of the Powers aforesaid, any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, taken, or so much injured, as to be impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company, or their Successors, shall, at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so cut through, taken, or injured as aforesaid, or as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition, where the former Road cannot be more immediately restored.

Form of the Railway when it crosses any Road.

X. Provided always, and be it further enacted, That where the said Railway shall cross any Turnpike Road or Public Highway, the Ledge or Flange of such Railway, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Road.

Proprietors to agree with Persons for making the said Railway.

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

Contracts in Writing, for any of the Purpoſes aforeſaid, ſhall be binding upon the ſaid Company, and all other the Parties thereto, and their reſpective Succeſſors, Heirs, Executors, or Adminiſtrators; and that Actions and Suits may be maintained thereon, and Damages and Coſts recovered againſt the ſaid Company, or either of the Parties failing in the Execution thereof.

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

XII. And be it further enacted, That after any Lands, Grounds, or Hereditaments ſhall be ſet out and aſcertained for making the ſaid Railway, or any Part or Parts thereof, and for providing and conſtructing the Wharfs and other Works and Conveniences, and for the doing the ſeveral other Matters or Things which the ſaid Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it ſhall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Huſbands, Guardians, Truſtees, and Feoffees in Truſt for Charitable and other Purpoſes, Committees, Executors, and Adminiſtrators, and all other Truſtees and Perſons whomſoever, not only for and on Behalf of themſelves, their Heirs and Succeſſors, but alſo for and on Behalf of their *Ceſtuique* Truſts or Wards, whether Infants, Iſſue unborn, Lunatics, Idiots, Femes Covert, or other Perſon or Perſons, and to and for all Femes Covert who are or ſhall be ſeiſed, poſſeſſed of, or intereſted in their own Right, or entitled to Dower or other Intereſt therein, and to and for all and every other Perſon or Perſons whomſoever, who is, are, or ſhall be ſeiſed, poſſeſſed of, or intereſted in any Lands, Grounds, or Hereditaments which ſhall be ſo ſet out and aſcertained for the Purpoſes aforeſaid, to contract for, ſell, and convey the ſame, and every Part thereof, unto the ſaid Company; and all Bodies Politic, Corporate, or Collegiate, and all other Perſons whomſoever, ſo conveying as aforeſaid, are hereby indemnified for what they ſhall reſpectively do in relation to any ſuch Sale which he, ſhe, they, or any of them ſhall make by virtue and in purſuance of this Act; and all ſuch Contracts, Agreements, Sales, Conveyances, and Aſſurances ſhall be made at the Expence of the ſaid Company, and ſuch of them as ſhall be made of any Lands or other Hereditaments to the ſaid Company, ſhall be made according to the following Form; (*videlicet*),

Contracts and Sales to be made at the Expence of the ſaid Company.

Form of Conveyance to the Company.

‘ I of , in Conſideration of the Sum of
‘ to me paid, (or in Conſideration of the annual
‘ Rent of to me to be hereafter yielded and paid, or as may be agreed
‘ upon), by *The Groſmont Railway Company*, do hereby grant and releaſe
‘ to the ſaid Company all [*deſcribing the Premiſes to be conveyed*], and all
‘ my Right, Title, and Intereſt, to and in the ſame and every Part thereof,
‘ to hold to the ſaid Company and their Succeſſors for ever, by virtue
‘ and according to the true Intent and Meaning of an Act paſſed for
‘ making and maintaining the ſaid Railway. In Witneſs whereof, I have
‘ hereunto ſet my Hand and Seal this Day of in
‘ the Year of our Lord .’

Which ſaid Conveyance ſhall be kept by the Clerk or Clerks to the ſaid Company, who ſhall from Time to Time, when requeſted, deliver atteſted Copies thereof to any Perſon or Perſons requiring the ſame, and ſhall have and receive Sixpence for every One hundred Words of each ſuch atteſted Copy, and ſo in Proportion for any leſs Number of Words:

And

And every such Conveyance to be made by virtue of this Act in the Form and Manner aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever; any Law, Statute, Usage, or Custom, to the contrary thereof in anywise notwithstanding.

Commons and Waste Lands to be conveyed by the Lords of Manors.

XIII. And be it further enacted, That in all Cases where in making the said Railway, or other Works hereby authorized, there shall be occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyances of such Parts of such Commons or Wastes by the Lord or Lords, Lady or Ladies for the Time being, of the Manor or Manors in which the same are situated, to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof (without the Commoners or other Persons interested therein, joining in such Conveyance), and the said Commissioners shall ascertain what Proportion of the Purchase Money shall be due to the said Lord or Lords, Lady or Ladies, for his, her, or their Interest in such Commons or Wastes, and such Proportions shall be thereupon paid to him, her, or them, for his, her, or their own Use; and the Remainder of the said Purchase Money shall be paid to the Overseers of the Poor of the Township, Hamlet, or Parish in which such Commons or Wastes shall lie, and be applied by them in Aid of the Poor Rates of such Township, Hamlet, or Parish; and the Receipts of the said Lord or Lords, Lady or Ladies, and of such Overseers respectively, shall be a sufficient Discharge or sufficient Discharges to the said Company of Proprietors for the same.

The Company compellable to purchase small Slips of Land left by the Sides of the Railway.

XIV. And be it further enacted, That if in making the said Railway or any of the said Works, any Pieces or Parcels of Land or Grounds shall be cut through and divided, so that what shall be left on each or either Side of the said Railway shall be less than Half an Acre in Quantity, or less than Eighteen Yards in average Breadth throughout the whole Length thereof; and if the Owner or Owners of any such Pieces or Parcels of Land or Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Railway, then and in every such Case, the said Company shall also take and purchase the Piece or Parcel, Pieces or Parcels of Land or Ground so to be left on each or either Side of the said Railway, being less than Half an Acre in Quantity, or less than Eighteen Yards in average Breadth, throughout the whole Length thereof as aforesaid; and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Railway; provided the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents and Profits of such small Pieces or Parcels of Land or Ground respectively shall require the said Company to take and purchase the same, but not otherwise.

Company empowered to sell Lands which may not be wanted.

XV. And be it further enacted, That it shall be lawful for the said Company to sell and dispose of, and by Indenture under their Common Seal absolutely to grant and convey such Part or Parts of the Lands, Grounds, or other Hereditaments which shall be so purchased by and conveyed to the said Company as aforesaid, and as shall not be wanted for the Purposes of this Act; and also to lay out and appropriate any Part of the said Lands, Grounds, and other Hereditaments, as and for a Way or Ways, Avenue or Avenues, Passage or Passages; and that all such Con-

veyances from the ſaid Company ſhall be valid and effectual, any Law, Statute, or Cuſtom to the contrary thereof in anywiſe notwithſtanding; and upon Payment of the Money which ſhall ariſe by the Sale or Sales of ſuch Lands, Grounds, and other Hereditaments, or any Part or Parts thereof reſpectively, it ſhall be lawful for the Treaſurer or Treaſurers for the Time being to the ſaid Company to ſign and give Receipts for the Money for which the ſame ſhall be ſo ſold, which Receipts ſhall be ſufficient Diſcharges to any Perſon or Perſons for the Purchaſe Money for which ſuch Lands, Grounds, or other Hereditaments ſhall be ſold, or for ſo much thereof as in ſuch Receipt ſhall be expreſſed to be received; and no ſuch Perſon or Perſons ſhall be anſwerable for any Loſſes, Miſapplication, or Nonapplication of ſuch Purchaſe Money, or any Part thereof: Provided always, that the ſaid Company, before they ſhall ſell and diſpoſe of ſuch Lands, Grounds, or other Hereditaments, ſhall firſt offer to reſell the ſame to the Perſon or Perſons from whom the ſame ſhall have been purchaſed; and in caſe ſuch Perſon or Perſons ſhall not then or thereupon agree, or ſhall refuſe to repurchaſe the ſame, any Affidavit to be made and ſworn before a Maſter Extraordinary in the High Court of Chancery, or before One of His Majeſty's Juſtices of the Peace for the County where ſuch Lands, Grounds, or other Hereditaments ſhall lie, by ſome Perſon or Perſons no way intereſted in the ſaid Lands, Grounds, or other Hereditaments, ſtating that ſuch Offer was made by or on Behalf of the ſaid Company, and was not then or thereupon agreed to, or was refuſed by the Perſon or Perſons to whom the ſame was ſo made, ſhall be in all Courts whatſoever ſufficient Evidence and Proof that ſuch Offer was made, and was not agreed to, or was refuſed by the Perſon or Perſons to whom it was made, as the Caſe may be; and in caſe the ſaid Company, and the ſaid Parties intereſted in ſuch Lands and Grounds, or other Hereditaments cannot agree as to the Price or Prices to be paid for the ſame, it ſhall be aſcertained and ſettled by the Commiſſioners hereby appointed, in ſuch Manner, and ſubject to ſuch Verdict of a Jury, if required, as herein directed.

Satisfaction to be made either in Groſs Money or by Annual Rents.

XVI. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Truſtees and other Perſon or Perſons herein-before capacitated to ſell or convey Lands and other Hereditaments, and any other Owner or Owners, Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the ſaid Railway or other Works hereby authorized and intended to be made, may accept and receive Satisfaction for the Value of ſuch Lands, Grounds, and Hereditaments, and for the Damages to be ſuſtained by making or completing the ſaid Works herein-before directed, either in groſs Sum or by Annual Rents, as ſhall be agreed upon by and between the ſaid Parties intereſted reſpectively, or any of them, and the ſaid Company; and in caſe the ſaid Company and the ſaid Parties intereſted in ſuch Lands and Grounds or other Hereditaments cannot agree as to the Amount or Value of ſuch Satisfaction, the ſame ſhall be aſcertained and ſettled by the Commiſſioners hereby appointed, in ſuch Manner and ſubject to ſuch Verdict of a Jury if required, as is herein-after directed; and all ſuch Yearly Rents or Sums as ſhall be agreed on between the ſaid Company and the ſaid Parties intereſted in ſuch Lands and Grounds or other Hereditaments, or as ſhall be ſo aſcertained and ſettled as aforeſaid, ſhall be charged on the Rates ariſing by virtue of this Act, and ſhall be paid by the ſaid Company either Yearly or Half-yearly, as the ſame ſhall be agreed or ordered to become due

If Parties cannot agree, Price to be ſettled by Commiſſioners or a Jury, and Annual Rents charged on the Rates.

and payable; and in case the same shall not be paid within Thirty Days next after the same shall become due and payable, it shall be lawful for the said Commissioners, or any Three or more of them, although not assembled at any Meeting to be held by virtue of this Act, and they are hereby required, by an Order under their Hands, to appoint One or more Person or Persons to receive the Rates hereby granted and made payable, and to pay the same to such Person or Persons to whom such Rents or Sums shall be due and unpaid as aforesaid, the said Commissioners taking such Security from every such Collector for the due and faithful Execution of his Office, as they shall judge proper and sufficient; and every Person so appointed shall be deemed a Collector of the said Rents, and shall have the same Power and Authority for collecting the same, and shall receive and retain thereout a reasonable Satisfaction for his Trouble therein, in like Manner as if he had been appointed a Collector of the said Rates by the said Company, until such Rents or Sums with all Acts and Damages occasioned by the Non-payment thereof shall be fully satisfied and paid, or it shall be lawful for such Bodies Politic, Corporate or Collegiate, Trustees, or other Person or Persons to whom such Rents or Sums shall be due and owing as aforesaid, to sue for and recover the same, with Costs of Suit by Action of Debt, in any of His Majesty's Courts of Record, or otherwise to seize and distrain any Waggons, Carriages, or other Goods or Effects of the said Company, which shall be found upon the said Railway, or in or upon the Wharfs, Warehouses, or other Works thereto belonging, (Information of such Distress being immediately given to the said Company, by Notice in Writing delivered to some or One of their Clerks or Collectors of the Rates, or affixed to some of their Premises near to the Place where such Distress was made,) and to detain the same until Payment of such Rents or Sums then due and owing, together with the reasonable Charges attending such Distress; and if such Distress shall not be redeemed within Seven Days next after making the same, and Notice thereof given in Writing as aforesaid, such Waggons, Carriages, or other Goods or Effects so distrained, shall and may be sold and disposed of in such Manner as the Law directs in Cases of Distress for Rent.

Compensation by annual Rents only to be made to Spiritual Persons.

XVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend so as to authorize or empower the said Company of Proprietors to make any Satisfaction, by way of annual Rent, to any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, for any Messuages, Lands, Tenements, or Hereditaments, which shall or may be taken or used by the said Company of Proprietors for the Purposes of this Act, (other than and except to Spiritual Persons in respect of Glebe Lands or Tythes as herein-after provided.)

Commissioners and their Qualifications.

XVIII. And be it further enacted, That every Person who shall in his own Right or in the Right of his Wife, and not as a Mortgagee, or Trustee or Lessee, be seized of or entitled unto an Estate of Freehold or Copyhold of Inheritance, or both, situate within the Counties of *Monmouth* and *Hereford*, or either of them, of the clear yearly Value of Two hundred Pounds over and above all Rents, Annuities, Incumbrances, and Reprizes, (except Property Tax), or possessed of a Personal Estate of the Amount of Five thousand Pounds in the Stocks or Public Funds, or on Mortgage, Lease, Bonds, or Special Securities for Money, or being the eldest Son or Heir apparent of a Peer, or of a Person qualified to serve in Parliament

liament as a Knight of the Shire, ſhall be and are hereby appointed Commiſſioners for ſettling, determining, and adjuſting all Matters, Queſtions, and Differences which ſhall or may ariſe between the ſaid Company and the ſeveral Owners of and Perſons intereſted in any Lands, Grounds, Tenements, or Hereditaments, which ſhall or may be taken, uſed, affected, or prejudiced by the Execution of any of the Powers hereby granted; and every Perſon ſo qualified ſhall be and is hereby appointed a Commiſſioner for all other the Purpoſes of this Act, for which Commiſſioners are hereby appointed, but no Perſon ſhall act or be qualified to act as a Commiſſioner for the Execution of the Powers hereby given to ſuch Commiſſioner during the Time of his holding any Place of Profit ariſing out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the ſaid Undertaking, or concerned or intereſted in any Contract or Bargain to be made for the Purpoſes of this Act, or in any Caſe where he ſhall be anyway intereſted or concerned in the Matter in queſtion, nor unleſs he ſhall reſide in the Counties of *Monmouth* and *Hereford*, or one of them, or (except in giving Notice of the Firſt Meeting of the ſaid Commiſſioners, and adminiſtering the Oath or Affirmation herein-after mentioned) until he ſhall have taken and ſubſcribed an Oath or Affirmation to the Effect following, before any Three or more of the ſaid Commiſſioners, who are hereby authorized and required to adminiſter the ſame; (*videlicet*,)

Oath of Commiſſioners.

'I *A. B.* do ſwear, (or, being one of the People called *Quakers*, do ſolemnly affirm), That I will truly and impartially, according to the Evidence which ſhall be laid before me, and to the beſt of my Skill and Knowledge, execute and perform the Powers and Authorities veſted in me as a Commiſſioner, by an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled, *An Act* [*here inſert the Title of this Act*], and that I am qualified to act as a Commiſſioner according to the Direction of the ſaid Act. So help me GOD.'

Penalty on Commiſſioners not being qualified.

And if any Perſon ſhall act as a Commiſſioner in the Execution of this Act, not being qualified as herein-before mentioned, every ſuch Perſon ſhall for every ſuch Offence forfeit the Sum of Two hundred Pounds to any Perſon who ſhall ſue for the ſame, to be recovered with full Coſts of Suit, by Action at Law in any of His Majeſty's Courts of Record; and ſuch Perſon ſo ſued ſhall prove that he is qualified as aforeſaid, or otherwiſe ſhall pay the Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs, than that ſuch Perſon hath acted as a Commiſſioner in the Execution of this Act: Provided always, that every Act, Matter, and Thing, which ſhall be done by ſuch Commiſſioners as laſt aforeſaid, ſhall be valid and effectual to all Intents and Purpoſes, notwithſtanding any ſuch Want of Qualification as aforeſaid.

Commiſſioners may act as Juſtices of the Peace, but not while they hold any Place of Profit under this Act.

XIX. And be it further enacted, That any of the ſaid Commiſſioners who are or ſhall be Juſtices of the Peace for either of the ſaid Counties ſhall and may, notwithſtanding their being Commiſſioners, act as Juſtices of the Peace in the Execution of this Act; but that no Perſon who ſhall have or accept any Place of Profit ariſing out of the Rates to be raiſed by virtue of this Act, or ſhall be a Proprietor of any Share or Shares in the ſaid Undertaking, or ſhall be concerned or intereſted in any Contract or Bargain made or to be made for or on account of the ſaid Undertaking, ſhall be capable of acting as a Juſtice of the Peace in any Matter reſpecting the

the ſame, ſo long as he ſhall hold or be intereſted in ſuch Place of Profit, Share or Shares, Contract or Bargain, as aforeſaid.

Notice of Commiſſioners Meetings to be given.

XX. And be it further enacted, That no Meeting whatſoever of the ſaid Commiſſioners, ſhall at any Time or Times be had for putting in Execution any of the Powers or Authorities veſted in them by this Act, unleſs previous Notice of the Time and Place and Purpoſes of ſuch Meeting ſhall be given and inſerted in ſome Newſpaper uſually circulated in the Counties of *Monmouth* and *Hereford*, at leaſt Twice before ſuch Meeting; and that every Meeting of the ſaid Commiſſioners, to be held by virtue of this Act, ſhall be public; and that no Act, Order, or Proceeding of the ſaid Commiſſioners, or any of them, in the Execution of this Act, (except in ſuch Caſes as are hereby otherwiſe directed), ſhall be valid, unleſs the ſame ſhall be made or done at a Meeting to be held in purſuance of this Act; and that all Powers and Authorities, of what Nature ſoever, by this Act given to or veſted in the ſaid Commiſſioners, ſhall and may from Time to Time be exerciſed by a Majority of the Commiſſioners preſent at every ſuch Meeting, ſuch Meeting on all Occaſions not conſiſting of leſs than Three Commiſſioners.

On Application of the Proprietors or Land-Owners Commiſſioners to meet.

XXI. And be it further enacted, That upon Application in Writing being made by or on Behalf of the ſaid Company, or by the Owners or Occupiers of any Lands or Hereditaments to be taken for or affected by the ſaid Railway or other Works, or any of the Works neceſſary or relating thereto, or any of them, to any One or more of the Commiſſioners or Perſons qualified to act as a Commiſſioner, requeſting or deſiring that a General Meeting of the ſaid Commiſſioners may be holden, the Commiſſioners ſo applied to ſhall, and they are hereby reſpectively authorized and required, within Seven Days after ſuch Requeſt or Application, to give Notice in Manner aforeſaid of a General Meeting to be held at ſuch Time and Place as ſhall be ſpecified in ſuch Notice, ſuch Time not being leſs than Fifteen Days, nor more than Twenty-four Days, from the Day on which ſuch Requeſt ſhall be made to them as aforeſaid; and the ſaid Commiſſioners are hereby authorized, empowered, and required to aſſemble at the Time and Place ſo to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and veſted in them, in Execution, and ſhall then adjourn themſelves, and afterwards meet at ſuch Time and Place as the ſaid Commiſſioners there aſſembled ſhall think proper or convenient; and if it ſhall happen that there ſhall not appear at any Meeting which ſhall be appointed to be had or held by the ſaid Commiſſioners, a ſufficient Number of Commiſſioners to act at ſuch Meeting, and to adjourn to any other Time, then and from Time to Time, as often as the Caſe ſhall happen, the Clerk or Clerks to the ſaid Commiſſioners ſhall and may, by Notice to be given in Manner aforeſaid, appoint the Commiſſioners to meet at the Place where the laſt Meeting of the ſaid Commiſſioners was appointed to be held, on that Day Fortnight after the Day on which the laſt Meeting of the ſaid Commiſſioners was appointed to be held.

Power to hold occaſional Meetings.

XXII. Provided always, and be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, and they are hereby empowered, although they ſhall not be aſſembled at any Meeting to be held by virtue of this Act, from Time to Time, and at all Times, upon

upon such Request made as aforesaid, by Notice or Writing signed by them, and published in Manner aforesaid, to summon a Meeting of the said Commissioners, at such Time and Place as shall be mentioned in such Notice, for settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment of the said Commissioners.

Proceedings to be entered into a Book.

XXIII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered into a Book or Books to be kept for that Purpose, such Book or Books to be open at all seasonable Times for the Inspection of any Person or Persons interested in the said Proceedings, or his or their Agent or Solicitor, and desirous of seeing and examining the same without Fee or Reward; and such Entries being signed by such Number of the said Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings shall be deemed Originals, and the same or true Copies thereof shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may and are hereby required at their First Meeting to appoint One out of Three Persons to be named by the said Company to be their Clerk, and from Time to Time may remove any such Person, and on such Removal or in case any such Clerk shall die or quit the said Employment, the said Company or their Committee for the Time being shall, within the Space of One Calendar Month after Notice in Writing for that Purpose shall have been given by the said Commissioners, nominate and appoint Three Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received; and the said Commissioners shall and may appoint such One of the said Three last-mentioned Persons as they shall think proper, to be their Clerk, and in like Manner a Clerk to the said Commissioners shall be from Time to Time nominated and appointed as Occasion shall require, and such Clerk shall be paid for his Care, Expences and Trouble in the Execution of his Office by the said Company, and any Clerk who shall be removed or die or quit the Service as aforesaid, his Executors or Administrators shall within One Calendar Month after such Notice in Writing to him or them respectively given by the said Commissioners, produce and deliver up to such Commissioners all Books, Accounts, Papers or Writings whatsoever relating to the Execution of his Office which shall be in his or their Custody or Power, and every such Person neglecting or refusing to produce and deliver up such Books, Papers, or Writings after such Notice as aforesaid, shall for every such Neglect or Refusal respectively, forfeit the Sum of One hundred Pounds, to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record; in which Action no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed.

Commissioners to examine Witnesses on Oath, &c. and to settle any Matters in Dispute.

XXIV. And be it further enacted, That the said Commissioners shall be, and they are hereby authorized and required at any of their Meetings, to examine Witnesses upon Oath, to be administered by them, touching any Matter which may, in pursuance of this Act, be submitted to the Consideration of the said Commissioners, and they are hereby empowered and enabled, by Writing under their Hands, to determine and adjust, from Time to Time, what Sum or Sums of Money shall be paid by the said Company (either in Gross or by an Annual Rent or Payment), for the

abſolute Purchaſe of, or as a Recompence for the Uſe of the Lands, Grounds, or Hereditaments, which ſhall be ſo ſet out and aſcertained as aforeſaid for making the ſaid Railway, or for any other the Purpoſes of this Act; and alſo to adjuſt and determine the Compenſation to be made by the ſaid Company, for any Damages which may, or ſhall at any Time or Times hereafter, be ſuſtained by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons reſpectively, being Owners of or intereſted in any Lands, Grounds, Tenements, or other Hereditaments, for or by Reaſon of the ſevering or dividing the ſame, or by Reaſon of the making, uſing, repairing, or maintaining the ſaid Railway, or other Works or Conveniencies belonging thereto, by Reaſon or Means of the Execution of any of the Powers given to the ſaid Company.

If Parties are diſſatisfied with the Determination of Commiſſioners, Value to be aſcertained by a Jury.

XXV. Provided always, and be it further enacted, That if the ſaid Company, or their General Committee for the Time being, or any ſuch Body Politic, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons, ſo intereſted or entitled as aforeſaid, ſhall be diſſatisfied with any ſuch Judgment or Determination of the ſaid Commiſſioners, and ſhall give Notice thereof in Writing to any Three or more of the Commiſſioners, within Twenty-one Days next after the ſame ſhall have been made, or ſhall refuſe or neglect to ſubmit any ſuch Matter to the Determination of the ſaid Commiſſioners; or if any ſuch Body Politic, Corporate, or Collegiate, Truſtee or Truſtees, or other Perſon or Perſons intereſted or entitled as aforeſaid, ſhall refuſe to receive, upon due Tender thereof made, ſuch Purchaſe Money, or the Firſt Payment of ſuch Annual Rent, or ſuch Recompence as ſhall be ſo determined to be paid, or ſhall, upon Notice in Writing given to the principal Officer of any ſuch Body Politic, Corporate, or Collegiate, or to ſuch Truſtee or Truſtees, Perſon or Perſons reſpectively, or left at the laſt or uſual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments, to be made uſe of for the Purpoſes of this Act, for the Space of Twenty-one Days next after ſuch Notice, Neglect, or Refuſal to treat, or ſhall not agree with the ſaid Company, or by Reaſon of Abſence or otherwiſe, ſhall be prevented from treating, or through Diſability by Marriage, Coverture, or other Impediment, cannot treat for themſelves, or make ſuch Agreement or Agreements as ſhall be neceſſary for the Purpoſes aforeſaid, or ſhall not, within the before-mentioned Space of Twenty-one Days, produce and fully diſcloſe the State of the Title to the Premiſes which they are or ſhall be in Poſſeſſion of, and to the Intereſt which they claim therein, then and in every ſuch Caſe the ſaid Commiſſioners ſhall, and are hereby empowered and required to iſſue a Warrant, under their Hands and Seals, to the Sheriff of the County in which the Lands in queſtion ſhall be ſituated; and in caſe ſuch Sheriff or his Under Sheriff ſhall be One of the ſaid Company, or enjoy any Office or Truſt under them, or ſhall be otherwiſe intereſted in the Matter in queſtion, then to any One of the Coroners of ſuch County, who ſhall not be ſo intereſted as aforeſaid; and in caſe all the ſaid Coroners of the ſaid County and Liberty ſhall be ſo intereſted, then to One of the laſt Perſons who filled the Office of Sheriff of ſuch County, and who ſhall not be intereſted as aforeſaid, commanding ſuch Sheriff, Coroner, or other Perſon, to impannel, ſummon, and return a Jury; and the ſaid Sheriff, Coroner, or other Perſon is hereby required accordingly to impannel, ſummon, and return a Jury of Twenty-four ſufficient and indifferent Men, qualified.

qualified according to the Laws of this Realm, to be returned for Trials of Iſſues in His Majeſty's Courts at *Weſtminſter*, to appear before the ſaid Commiſſioners, at ſuch Time and Place as in ſuch Warrant ſhall be appointed, ſuch Time not being leſs than Eight, or more than Fourteen Days, next after ſuch Warrant ſhall be ſerved upon the ſaid Sheriff, Coroner, or other Perſon; and in caſe a ſufficient Number of Jurymen ſhall not appear at the Time and Place ſo to be appointed as aforeſaid, ſuch Sheriff, Coroner, or other Perſon, ſhall return other honeſt and indifferent Men of the Standers-by, or that can ſpeedily be procured to attend that Service (being ſo qualified as aforeſaid), to make up the ſaid Jury to the Number of Twelve, and every ſuch Jury and Jurymen ſhall be liable and ſubject to the ſame Regulations, and to the ſame Pains and Penalties for Default, as if he and they had been returned for the Trial of any Iſſue joined in any of His Majeſty's Courts at *Weſtminſter*, and all Parties concerned may have their lawful Challenges againſt any of the ſaid Jurymen, but ſhall not challenge the Array; and the ſaid Commiſſioners are hereby empowered and required, by Summons or Notice, to be ſigned by Three or more of the ſaid Commiſſioners, either previous to or at the Time of any ſuch Meeting or Meetings, to ſummon or call before them all and every Perſon or Perſons who ſhall be thought neceſſary to be examined as a Witneſs or Witneſſes touching the Matter in queſtion, either by or before them the ſaid Commiſſioners, or by or before any Jury or Juries as aforeſaid, as the Caſe may be, and to hear and examine ſuch Witneſs or Witneſſes, upon Oath; and the ſaid Commiſſioners may order and authorize the ſaid Jury, or any Six or more of them, to view the Place or Places, or Matter or Matters in queſtion, which Jury, upon their Oaths, which Oaths, as well as the Oaths to ſuch Perſon or Perſons as ſhall be called upon to give Evidence, the ſaid Commiſſioners, or any One of them, is or are hereby empowered to adminiſter, ſhall enquire of, aſſeſs, and aſcertain the Sum of Money or annual Rent to be paid for the Purchaſe of ſuch Lands or other Hereditaments, or the Recompence to be made for the Damages that ſhall or may be ſuſtained as aforeſaid, and ſhall aſſeſs ſeparate Damages for the ſame, and the ſaid Commiſſioners ſhall give Judgment for ſuch Purchaſe Money, Rents, or Recompence ſo to be aſſeſſed by ſuch Jury, which ſaid Verdict, and the Judgment thereupon pronounced as aforeſaid, ſhall be ſigned by the ſaid Commiſſioners, and ſhall be binding and concluſive, to all Intents and Purpoſes, againſt all Bodies Politic, Corporate, or Collegiate, and all other Perſons, and ſhall not be removed by *Certiorari* or other Proceſs into any of His Majeſty's Courts of Record at *Weſtminſter* or any other Court, any Law or Statute to the contrary notwithſtanding.

Fine upon Sheriff, &c. making Default.

XXVI. And be it further enacted, That if the Sheriff or other Perſon ſo directed to ſummon and return a Jury as aforeſaid, or his Deputy or Agent, ſhall make Default in the Premiſes, he ſhall for every ſuch Offence forfeit the Sum of Twenty Pounds; and if any Perſon ſo ſummoned and returned as aforeſaid upon ſuch Jury ſhall not appear, or appearing ſhall refuſe to be ſworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act, or if any Perſon ſo ſummoned to give Evidence ſhall not appear, or appearing ſhall refuſe to be ſworn or examined, or to give Evidence, every Perſon ſo offending, having no reaſonable Excuſe to be allowed by the ſaid Commiſſioners, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Pounds,

Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the ſaid Commiſſioners, or any Three or more of them, by Diſtreſs and Sale of the Goods and Chattels of the Perſon ſo offending, rendering the Overplus, after ſuch Penalty and the Charges of ſuch Diſtreſs and Sale ſhall be deducted, to the Owner or Owners thereof, and every ſuch Penalty which ſhall be paid by or recovered from any Perſon who ſhall have been ſummoned to give Evidence as aforeſaid, ſhall go and be paid to the Perſon or Perſons who ſhall appear to the ſaid Commiſſioners to have been injured by the Default of ſuch Perſon; and that all and every Perſon and Perſons who in any Examination to be taken by virtue of this Act ſhall wilfully and corruptly give falſe Evidence before the ſaid Commiſſioners, or before any ſuch Jury as aforeſaid, ſhall and may be proſecuted for the ſame, and upon Conviction thereof ſhall be ſubject to ſuch Puniſhments and Diſqualifications as any Perſon and Perſons can or may be ſubject to for wilful and corrupt Perjury by the Laws and Statutes of this Realm.

Expences of Commiſſioners, Witneſſes, and Jury, by whom to be paid.

XXVII. And be it further enacted, That whenſoever a Jury is or ſhall be called by the Commiſſioners as aforeſaid, or any Witneſs or Witneſſes is, are, or ſhall be examined by and before the ſaid Commiſſioners alone, or by and before the ſaid Commiſſioners and Jury jointly, as herein-before declared, the ſaid Commiſſioners ſhall, and they are hereby required, according to their Diſcretion, to give and award to the ſaid Sheriff or Coroner, and to each of the ſaid Jurors and Witneſſes, in every ſuch Caſe, ſuch ſeveral and reſpective Sum and Sums of Money as ſhall be a reaſonable Recompence for the Expences, Loſs of Time, and Trouble of their Journey and Attendance; and in each and every Caſe where a Verdict ſhall be given for more Money, or for a greater Annual Rent as a Recompence or Satisfaction for the abſolute Sale of any Lands, Grounds, and other Hereditaments, of any Perſon or Perſons whomſoever, or as a Compenſation for any Damages done or to be done to ſuch Lands or other Hereditaments or Property, than had been previouſly offered by or on Behalf of the ſaid Company, before the Meeting of the ſaid Commiſſioners, or than had been by them determined and aſſeſſed as aforeſaid; or when any Verdict ſhall be found for any Damages, where the Diſpute is for Damages only, and where no Compenſation had been previouſly offered or tendered in reſpect thereof, by and on Behalf of the ſaid Company; or where, by reaſon of Abſence in Foreign Countries, or any other Impediment or Diſability as aforeſaid, there ſhall not be found any Perſon or Perſons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compenſations from the ſaid Company, as herein-before mentioned, then and in all ſuch Caſes, all the Expences of calling ſuch Commiſſioners, ſummoning and returning ſuch Jury, and taking ſuch Verdicts, ſhall be ſettled by the ſaid Commiſſioners, and be defrayed by the ſaid Company; but if any Verdict ſhall be given for the ſame Sum or Rent that has been previouſly offered by or on Behalf of the ſaid Company, or had been ſo determined or aſſeſſed by the ſaid Commiſſioners, or for a leſs Sum than had been ſo previouſly offered, determined, or aſſeſſed, or in caſe no Damages ſhall be given by the Verdict, where the Diſpute is for Damages only, or in caſe of ſuch Refuſal to enter into Treaty with, or make Conveyances to or receive Compenſation from the ſaid Company, by any Bodies Politic, Corporate, or Collegiate, or by any Perſon or Perſons whomſoever who is or are, by the Proviſions of this Act or otherwiſe, legally capacitated

to treat and convey, or receive such Compensation as aforesaid, then and in all such Cases (except where, by reason of Absence or otherwise, any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of calling a Meeting of such Commissioners, summoning and returning such Jury, and taking such Verdict, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company shall have such Concerns, Controversies, or Disputes; which said Costs and Expences, having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, or so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Sum or Sums of Money, shall be deemed and taken, to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged; or otherwise such Costs and Expences, in case the same shall not be paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, in and by such Ways and Means as are herein-after provided for the Recovery of Penalties and Forfeitures.

Persons requesting Juries to enter into Bonds to prosecute.

XXVIII. And be it further enacted, That all and every Person or Persons making complaint, and requesting such Jury to be summoned, shall, before the said Commissioners shall issue out their Warrant for that Purpose, enter into a Bond with sufficient Sureties to the Treasurer of the said Company in any Penalty not exceeding Two hundred Pounds, with Condition to prosecute his, her, or their Complaint, and to bear and pay all the Costs and Expences of summoning and returning such Jury, and taking such Verdict, in case the same shall be given for no greater or for a less Sum or Rent than had been offered by or on Behalf of the said Company, or than had been assessed by the Commissioners before the summoning and returning the said Jury or Juries for the Purchase of or as a Recompence for any Lands, Grounds, or Hereditaments, or as a Compensation for any Damages, or in case no Verdict shall be found for Damages where the whole Dispute was, whether any Damage was or was not done as aforesaid.

Notice of Injury to be given to Proprietors before Complaint made to Commissioners.

XXIX. And be it further enacted, That the said Commissioners shall not, nor shall any of them be obliged or allowed by virtue of this Act, to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him or them sustained, or supposed to be sustained by virtue or in consequence of the Execution of any of the Powers of this Act, unless Application shall have been made in Writing in relation thereto, by or on Behalf of such Person or Persons to the said Company, or to their Clerk, Fourteen Days at the least before such Complaint shall be made to the said Commissioners, and within the Space of Three Calendar Months after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

For making Recompence for Damages not herein-before particularly provided for.

XXX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is herein-

herein-before provided, then and in every ſuch Caſe the Recompence or Satisfaction for ſuch Damage ſhall from Time to Time be ſettled and aſcertained in ſuch Manner as herein-before directed, in reſpect to any other Recompence or Satisfaction herein-before mentioned; and ſuch Recompence or Satisfaction, and alſo the Recompence or Satisfaction to be made by the ſaid Company for any other Damages herein-before mentioned, the Mode of recovering which is not herein particularly provided for, ſhall and may be recovered in the ſame Manner as is herein-before provided for the Recovery of annual Rents in Arrear as aforeſaid.

Verdict as to Value of Lands and Damages to be aſcertained ſeparately.

XXXI. And be it further enacted, That the ſaid Commiſſioners and Juries reſpectively ſhall award all Determinations, Judgments, and Verdicts, which they ſhall reſpectively make and give in the Execution of the Powers hereby veſted in them concerning the Value of Lands and other Hereditaments, ſeparately and diſtinctly from the Conſideration of any other Damages ſuſtained or to be ſuſtained by any Perſon or Perſons, in conſequence of the Execution of any of the Powers of this Act, and ſhall diſtinguiſh the Value ſet upon the Lands and other Hereditaments, and the Money adjudged for ſuch Damages as aforeſaid, ſeparately and apart from each other.

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

XXXII. And be it further enacted, That upon Payment or legal Tender of ſuch Sum or Sums of Money, or giving ſuch Security as the ſaid Commiſſioners ſhall approve, for Payment of any ſuch Annual Rent as ſhall have been contracted or agreed for between the Parties, or adjuſted and determined by the ſaid Commiſſioners, or aſſeſſed by ſuch Jury or Juries in Manner reſpectively as aforeſaid, for the Purchaſe of any ſuch Lands, Tithes, or other Hereditaments, or as a Recompence of the yearly Produce or Profits thereof, or as a Compenſation for Damages as herein-before mentioned, to the Proprietor or Proprietors of ſuch Lands and Premiſes, or to ſuch other Perſon or Perſons as ſhall be intereſted therein, or entitled to receive ſuch Money, Rent, or Compenſation reſpectively, at any Time after the ſame ſhall have been actually ſo agreed for, determined, or aſſeſſed; or if the Perſon or Perſons ſo entitled or intereſted, or any of them, ſhall not be able to make a good Title thereto, to the Satisfaction of the ſaid Company, or cannot be found, or ſhall refuſe to receive the ſame, or execute ſuch Conveyance, then, upon the Payment of the ſaid Sum or Sums of Money into the Bank of *England*, as the Caſe may be, in the Manner by this Act directed, for the Uſe of ſuch Perſon or Perſons ſo intereſted or entitled as aforeſaid, then and in all or any of the ſaid Caſes, as often as the ſame ſhall happen, it ſhall be lawful for the ſaid Company, and their Agents, Workmen, and Servants, immediately to enter into and upon ſuch Lands, Grounds, and other Hereditaments reſpectively, and then and thereupon, ſuch Lands and Grounds, and other Hereditaments, together with the yearly Profits thereof, and all the Eſtate, Uſe, Truſt, or Intereſt of any Perſon or Perſons therein, ſhall from thenceforth be veſted in and become the ſole Property of the ſaid Company, to and for the Purpoſes of this Act, for ever; and ſuch Tender, Payment, Inveſtment, or Depoſit, or giving of ſuch Security for the ſame as aforeſaid, ſhall not only bar all Right, Title, Claim, Intereſt, and Demand of the Perſon or Perſons to whom the ſame ſhall or ought to have been made, but alſo ſhall extend to, and be deemed and conſtrued to bar the Dower of the Wife of every ſuch Perſon, and all Eſtates Tail and

other Eſtates in Reverſion or Remainder, or his, her, or their Iſſue, and of every other Perſon whomſoever therein: Provided nevertheleſs, that before ſuch Payment, Security, Tender, Inveſtment, or Depoſit as aforeſaid, it ſhall not be lawful for the ſaid Company, or any Perſon acting under their Authority, to dig or cut the Lands or Grounds of the Perſon or Perſons entitled to ſuch Payment or Security, for the Purpoſe of making the ſaid Railway, without the Leave and Conſent in Writing of ſuch Perſon or Perſons reſpectively.

Verdicts to be recorded.

XXXIII. And be it further enacted, That all the Determinations of the ſaid Commiſſioners which ſhall be ſubmitted to and acquieſced in by the Parties concerned, and alſo the ſaid Judgments and Verdicts, ſhall be tranſmitted to and be kept by the Clerk of the Peace for the ſaid County in which the Queſtion ſhall ariſe, and ſhall be deemed to be Records to all Intents and Purpoſes; and the ſame, or true Copies thereof, ſhall be allowed to be good Evidence in all Courts whatſoever; and all Perſons ſhall have Liberty to inſpect the ſame, paying for ſuch Inſpection the Sum of Two Shillings, and to have Copies thereof, paying for every Copy the Sum of Eight-pence for every One hundred Words, and ſo in Proportion for any leſs Number of Words.

Application of Compenſation when amounting to or exceeding 200l.

XXXIV. And be it further enacted, That if any Money ſhall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchaſed, taken, or uſed, by virtue of the Powers of this Act for the Purpoſes thereof, which ſhall belong to any Corporation, Feme Covert, Infant, Lunatic, or any other Perſon or Perſons under any other Diſability or Incapacity, ſuch Money ſhall, in caſe the ſame ſhall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* "The *Groſmont* Railway Company," together with the Name or Names of ſuch Perſon or Perſons as Three of the ſaid Commiſſioners ſhall, by Writing under their Hands, direct and appoint, to the Intent that ſuch Money ſhall be applied under the Direction and with the Approbation of the ſaid Court, to be ſignified by an Order made upon a Petition to be preferred in a ſummary Way by the Perſon or Perſons who would have been entitled to the Rents and Profits of the ſaid Lands or Hereditaments, in the Purchaſe of the Land Tax, or towards the Diſcharge of any Debt or Debts or ſuch other Incumbrance or Part thereof as the ſaid Court ſhall authorize to be paid, affecting the ſame Lands or Hereditaments, or affecting other Lands or Hereditaments ſtanding ſettled therewith, to the ſame or to the like Uſes, Intents, or Purpoſes; or where ſuch Money ſhall not be ſo applied, then the ſame ſhall be laid out and inveſted under the like Direction and Approbation of the ſaid Court, in the Purchaſe of other Lands or Hereditaments, which ſhall be conveyed and ſettled to, for, and upon ſuch and the like Uſes, Truſts, Intents, and Purpoſes, and in the ſame Manner as the Lands or Hereditaments which ſhall be ſo purchaſed, taken, or uſed, as aforeſaid, ſtood ſettled or limited, or ſuch of them as at the Time of making ſuch Conveyance and Settlement ſhall be exiſting undetermined and capable of taking Effect; and in the mean Time and until ſuch Purchaſe ſhall be made, the ſaid Money ſhall, by Order of the ſaid Court of Chancery, upon Application thereto, be inveſted by the ſaid Accountant General in his Name, in the Purchaſe of

Three

Three Pounds *per Centum* Conſolidated, or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean Time and until the ſaid Bank Annuities ſhall be ordered by the ſaid Court to be ſold for the Purpoſes aforeſaid, the Dividends and annual Produce of the ſaid Conſolidated or Reduced Bank Annuities ſhall from Time to Time be paid by Order of the ſaid Court, to the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments ſo hereby directed to be purchaſed, in caſe ſuch Purchaſe or Settlement were made.

Application where the Compenſation is leſs than 200l. and exceeds 20l.

XXXV. Provided always, and be it further enacted, That if any Money ſo agreed or awarded to be paid for any Lands or Hereditaments, purchaſed, taken, or uſed for the Purpoſes aforeſaid, and belonging to any Corporation, or to any Perſon or Perſons under Diſability or Incapacity as aforeſaid, ſhall be leſs than the Sum of Two hundred Pounds, and ſhall exceed the Sum of Twenty Pounds, then and in all ſuch Caſes the ſame ſhall, (at the Option of the Perſon or Perſons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments ſo purchaſed, taken, or uſed, or of his, her, or their Guardian or Guardians, Committee or Committees, in caſe of Infancy or Lunacy,) to be ſignified in Writing under their reſpective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the ſaid Accountant General of the High Court of Chancery, and be placed to his Account as aforeſaid, in order to be applied in Manner herein-before directed; or otherwiſe the ſame ſhall be paid (at the like Option) to Two Truſtees, to be nominated by the Perſon or Perſons making ſuch Option, and approved of by Three or more of the ſaid Commiſſioners, ſuch Nomination and Approbation to be ſignified in Writing under the Hands of the nominating and approving Parties, in order that ſuch Principal Money, and the Dividends ariſing thereon, may be applied in any Manner herein-before directed, ſo far as the Caſe be applicable, without obtaining or being required to obtain the Direction or Approbation of the ſaid Court of Chancery.

Application where the Money is leſs than 20l.

XXXVI. Provided alſo, and be it further enacted, That where ſuch Money, ſo agreed or awarded to be paid as next before mentioned, ſhall be leſs than Twenty Pounds, then and in all ſuch Caſes the ſame ſhall be applied to the Uſe of the Perſon or Perſons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments ſo purchaſed, taken, or uſed for the Purpoſes of this Act, in ſuch Manner as the ſaid Commiſſioners, or any Three or more of them, ſhall think fit; or in caſe of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Uſe and Benefit of ſuch Perſon and Perſons ſo entitled reſpectively.

Money allowed for Lands, &c. purchaſed, to be paid into the Bank, in the Name of the Accountant General, and to be ſubject to the Order of the

XXXVII. And be it further enacted, That in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be awarded as aforeſaid, ſhall not be able to make a good Title to the Premiſes to the Satisfaction of the ſaid Company, or ſhall refuſe to execute ſuch Conveyance or Conveyances, or in caſe ſuch Perſon or Perſons to whom ſuch Sum or Sums of Money ſhall be ſo awarded as aforeſaid cannot be found, or if the Perſon or Perſons entitled to ſuch Lands and Tithes, or other Hereditaments, be not known or diſcovered, then and in every ſuch Caſe as aforeſaid, it ſhall be lawful for the ſaid Commiſſioners to order the ſaid Sum or Sums of Money aſſeſſed

and,

and awarded for any Purchaſe Money, or in Recompence for any Damage as aforeſaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties intereſted in the ſaid Lands, Tithes, or other Hereditaments (deſcribing them), ſubject to the Order, Controul, and Diſpoſition of the ſaid Court of Chancery; which ſaid Court of Chancery upon the Application of any Perſon or Perſons making Claim to ſuch Sum or Sums of Money, or any Part thereof by Motion or Petition, ſhall be and is hereby empowered, in a ſummary Way of Proceeding or otherwiſe, as to the ſaid Court ſhall ſeem meet, to order the ſame to be laid out and inveſted in the Public Funds, and to order Diſtribution thereof, or Payment of the Dividends thereof, according to the reſpective Eſtates, Title, or Intereſt of the Perſon or Perſons making Claim thereto, and to make ſuch Order in the Premiſes as to the ſaid Court ſhall ſeem juſt and reaſonable; and the Caſhier or Caſhiers of the Bank of *England*, who ſhall receive ſuch Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for the ſame, mentioning and ſpecifying for what and for whoſe Uſe the ſame is or are received, to ſuch Perſon or Perſons as ſhall pay any ſuch Sum or Sums of Money into the Bank as aforeſaid.

Court of Chancery, in caſe Perſons cannot make a good Title, or cannot be found.

Caſhier to give a Receipt for the Money.

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

Where any Queſtion ſhall ariſe, touching the Title to the Money to be paid, the Perſon who ſhall be in Poſſeſſion of the Lands, &c. ſhall be deemed entitled thereto according to ſuch Poſſeſſion, unleſs it be a wrongful Poſſeſſion.

XXXIX. Provided alſo, and be it further enacted, That where, by Reaſon of any Diſability or Incapacity of the Perſon or Perſons, or Corporation, entitled to any ſuch Lands, Tenements, or other Hereditaments, the Purchaſe Money whereof ſhall be required to be paid into the Court of Chancery, and to be applied in the Purchaſe of other Lands, Tenements, and other Hereditaments, to be ſettled to the like Uſes, in purſuance of this Act, or ſo much of ſuch Expences as the ſaid Court ſhall deem reaſonable to be paid by the ſaid Company, who ſhall from Time to Time pay ſuch Sums of Money, for ſuch Purpoſes as the ſaid Court ſhall direct.

The Court of Chancery may order reaſonable Expences of Purchaſes to be paid by the Company.

XL. And be it further enacted, That in caſe any Lands or Hereditaments to be uſed for the Purpoſes of this Act ſhall happen to be in Mortgage to any Perſon or Perſons, it ſhall be lawful for the ſaid Company, upon Application

For paying off Mortgages on Lands uſed by the Company.

Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Company are authorized and required to pay such Sum or Sums of Money after the same shall have been so agreed for and adjusted, or assessed in Manner aforesaid, for such Lands in Mortgage, in Part of the Principal Money that shall be due on such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, together with Six Months Interest upon the Monies so to be paid: Provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money, by an Indorsement to be made on the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal due on such Mortgage or Mortgages.

Proprietors to raise Money amongst themselves for making the Railway and other Works

XLI. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves in such Proportion as they shall think proper, a competent Sum of Money for making and completing the said Railway, Wharfs, Bridges, and other Works and Conveniencies belonging or requisite thereto, not exceeding in the Whole the Sum of Thirteen thousand Pounds (except as herein-after mentioned), and the same shall be divided into Shares of One hundred Pounds each; and that such Shares shall be numbered in regular Progression; and every such Share always be distinguished by the Number to be applied to the same; and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive, at such Time and Times as the said Company of Proprietors shall, at a General or Special Meeting to be convened for that Purpose, as Meetings on other Occasions are directed to be convened, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or Collegiate, Person and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed; and all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons of and in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

XLII. And

Application of Money to be raiſed.

XLII. And be it further enacted, That all the Money to be raiſed by the ſaid Company by virtue of this Act ſhall be laid out and applied in the firſt Place, for and towards the Payment, Diſcharge, and Satisfaction of all Coſts, Charges, and Expences in applying for, obtaining and paſſing this Act, and all other Expences preparatory and relating thereto, and all the Reſidue and Remainder of ſuch Money for and towards purchaſing Lands and Grounds, making, completing, and maintaining the ſaid Railway, Bridges, and other Works, and other the Purpoſes of this Act, and to no other Uſe, Intent, or Purpoſe whatſoever.

Subſcribers to have a Vote for every Share.

XLIII. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, and other Perſon or Perſons who ſhall by virtue of this Act have ſubſcribed for, or ſhall become entitled to be and in the actual Poſſeſſion of One or more Share or Shares in the ſaid Undertaking, his, her, or their reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, ſhall be deemed a Proprietor of every ſuch Share and ſhall have a Vote for and in reſpect of every ſuch Share in the ſtated and Special General Aſſemblies to be held as herein appointed, for carrying on the ſaid Undertaking, which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy conſtituted under the Seal of ſuch Body Politic, Corporate, or Collegiate, or the Hands of ſuch other Perſon, every ſuch Proxy being a Proprietor of the ſaid Undertaking, and every ſuch Vote by Proxy ſhall be as good and ſufficient to all Intents and Purpoſes as if ſuch Principal had voted in Perſon, and every ſuch Queſtion, Matter, or Thing which ſhall be propoſed, diſcuſſed or conſidered, in any ſtated or Special General Aſſembly of the ſaid Company ſhall be determined by the Majority of Votes and Proxies then preſent, computing One Vote to every Share or Shares; the Appointment of which Proxies may be made according to the Form following:

Form of Proxy.

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

All Queſtions to be decided by a Majority of Votes.

And that every Election of Committees and Officers, and Queſtions, Matters, and Things whatſoever, which ſhall be propoſed, diſcuſſed, or conſidered in any General or Special Aſſembly of the ſaid Company to be held by virtue of this Act, ſhall be finally determined by a Majority of Votes and Proxies then preſent, computing One Vote to every Share as aforeſaid; and that at every ſuch Aſſembly One of the Proprietors preſent ſhall be appointed Chairman, who ſhall not only be entitled to vote as a Proprietor or Proxy, but in caſe of an Equality of Votes ſhall have the deciſive and caſting Vote: Provided always nevertheleſs, that no Perſon ſhall have more than Ten Votes in his or her own Right, nor more than Fifteen other Votes in Right of any Proxy or Proxies.

XLIV. And

Proprietors may raiſe an additional Sum amongſt themſelves if neceſſary.

XLIV. And be it further enacted, That in caſe the Money herein-before authorized to be raiſed ſhall be found inſufficient for the making, completing, and maintaining of the ſaid Railway and other the Works hereby authoriſed to be made, and defraying all neceſſary Charges and Expences relating thereto, then and in ſuch Caſe it ſhall be lawful for the ſaid Company to raiſe and contribute amongſt themſelves, in Manner and Form aforeſaid, and in ſuch Shares and Proportions as to them ſhall ſeem meet, or raiſe by the Admiſſion of new Subſcribers any further or other Sum of Money for completing and perfecting the ſaid Undertaking, not exceeding the Sum of Seven thouſand Pounds; and every Body Politic, Corporate or Collegiate, or other Perſon, being a Subſcriber, towards raiſing ſuch further or other Sum of Money, ſhall be a Proprietor in the ſaid Undertaking, and ſhall have a like Vote, by themſelves, himſelf, or herſelf, or their, his, or her Proxies or Proxy, in reſpect of every One hundred Pounds of the ſaid additional Sum ſo to be raiſed, and ſhall alſo be liable to ſuch Forfeitures, and ſtand intereſted in all the Profits and Powers of the ſaid Undertaking, in Proportion to the Sum that he, ſhe, or they ſhall or may ſubſcribe thereunto, as generally and extenſively, to all Intents and Purpoſes, as if ſuch further or other Sum hereby allowed to be ſubſcribed for and raiſed had originally been Part of the ſaid Sum of Thirteen thouſand Pounds.

Power to raiſe Money by Mortgage.

XLV. Provided always, That in caſe the ſaid Company ſhall be deſirous of raiſing the ſaid Sum of Seven thouſand Pounds, or any Part thereof, by Mortgage of the ſaid Undertaking, it ſhall be lawful for the ſaid Company, by an Order of any General Aſſembly, to borrow and take up at Intereſt all or any Part of the ſaid Sum of Seven thouſand Pounds on the Credit of the ſaid Undertaking; and the ſaid Company, or their Committee, after an Order of any General Aſſembly, are hereby authoriſed and empowered to aſſign the Property of the ſaid Undertaking, and the Rates ariſing or to ariſe by virtue of this Act, or any Part thereof (the Coſts and Charges of aſſigning the ſame to be paid out of ſuch Rates) as a Security for any Sum or Sums of Money ſo to be borrowed with Intereſt, to ſuch Perſon or Perſons, or to his or their Truſtee or Truſtees who ſhall advance the ſame; all which ſaid Mortgages or Aſſignments ſhall be made under the Common Seal of the ſaid Company, in the Form and to the Effect following; (that is to ſay),

Form of Mortgage.

'BY virtue of an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled *An Act* [*here inſert the Title of this Act*], We the Company of Proprietors of the ſaid Undertaking, incorporated by and under the ſaid Act, in Conſideration of the Sum of to us in Hand, paid by *A. B.* of do hereby bargain, ſell, and aſſign, unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, the ſaid Undertaking, and all and ſingular the Rates ariſing and payable unto us by virtue of the ſaid Act, and all our Eſtate, Right, Title, and Intereſt of, in, and to the ſame; to hold unto the ſaid *A. B.* his Executors, Adminiſtrators, and Aſſigns, until the ſaid Sum of with Intereſt for the ſame, after the Rate of *per Centum per Annum*, ſhall be fully paid and ſatisfied. Given under our Common Seal this Day of '

And all and every Perſon or Perſons to whom ſuch Mortgage or Aſſignment ſhall be made, ſhall be equally entitled, One with the other, to his, her, or their Proportion of the ſaid Rates and Premiſes according to the

respective Sums in such Assignments mentioned to be advanced, without any Preference by Reason of Priority of any such Assignments, or on any other Account; and a Memorial of every such Assignment, containing the Date, Name or Names, Addition or Additions of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall, within Thirty Days from the Date of every such Assignment, be entered in one or more Book or Books to be kept by the Clerk to the said Company, which Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, and any other Person or Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Mortgage or Mortgages, Assignment or Assignments, shall be made as aforesaid, or who shall be entitled to the Money due thereon, shall and may from Time to Time transfer his, her, or their Right or Interest therein, to any Person or Persons by Writing under his, her, or their Hand and Seal, or Hands and Seals, in the Form or to the Effect following:

Form of Transfer of Mortgage.

'I *A. B.* of in Consideration of the Sum of paid by *C. D.* of do hereby transfer a certain Mortgage numbered, made by the *Grosmont* Railway Company to bearing Date the Day of for securing the Sum of and all Interest now due or to become due thereon, and all my Right and Property therein, to the said *C. D.* his Executors, Administrators, and Assigns. Dated this Day of .'

And every such Transfer shall, within Thirty Days next after the Date thereof, be produced to the Clerk of the said Company, who shall cause a Memorial to be made thereof in like Manner as of the original Mortgages or Assignments, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence, and after such Entry made every such Transfer shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators and Assigns, to the full Benefit thereof, and Payment thereon, and it shall not from thenceforth be in the Power of any Person or Persons who shall have made such Transfer, to make void, release, or discharge the original Mortgage, or any Money thereby secured, or any Part thereof; and the Interest of the Money which shall be borrowed or raised by Mortgage as aforesaid shall be provided for and paid Half-yearly to the several Persons entitled thereto, before any yearly or other Interest or Dividends due to the said Company, or any of them, shall be made, paid, or divided: Provided always, that no Person to whom any such Assignment shall be made or transferred as aforesaid, shall be capable of acting or voting by virtue of such Assignment, either as Principal or by Proxy, at any Assembly or Meeting of the said Company, for or on Account of his or her having lent or advanced any Money on the Credit of any such Assignment.

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

Assignees not to vote on account of having lent Money.

XLVI. And be it further enacted, That the First General Assembly of the said Company, for putting this Act into Execution, shall be held at the *Angel* Inn in the Town of *Abergavenny*, in the said County of *Monmouth*, upon the Second *Wednesday* next after the passing of this Act, or as soon after as conveniently may be, at the Hour of Twelve of the Clock at Noon; and all future General Assemblies of the said Company, except such General Assemblies as herein-after-mentioned, shall be held on the Third *Tuesday* in the Month of *April* in every Year, at the Hour of Twelve of the Clock at Noon, at such Place or Places within the said Counties

General Assembly.

ties of *Monmouth* and *Hereford*, as the ſaid Company at their preceding General Aſſembly ſhall from Time to Time direct or appoint, of which future General Aſſemblies Fifteen Days previous Notice at the leaſt ſhall be given by public Advertiſement in ſome Newſpaper uſually circulating in the ſaid Counties of *Monmouth* and *Hereford*, or in ſuch other Manner as the ſaid Company at their reſpective General Aſſemblies ſhall direct; and the ſaid Company at ſuch reſpective General Aſſemblies ſhall chooſe and elect out of ſuch of the ſaid Proprietors as at the Time of ſuch Election ſhall reſpectively be poſſeſſed in their own Right of Three Shares at the leaſt in the ſaid Undertaking, Nine Perſons qualified as aforeſaid to be a Committee to manage the Affairs of the ſaid Company as herein directed; and the ſaid Company ſhall have Power and Authority at any ſuch General Aſſembly, to remove and diſplace any Perſon or Perſons who ſhall have been choſen a Member or Members of ſuch Committee, or any Officer or Officers under them, to chooſe and elect others in Caſes of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules and Directions which may have been preſcribed or laid down by virtue of this Act, with regard to their Proceedings amongſt themſelves, as they ſhall think proper (the Method of calling General or Special Aſſemblies, and their Time and Place of Meeting, and voting and appointing Committees only excepted); and ſhall have Power and Authority to make ſuch Rules and Orders for the good Government of the ſaid Company, their Deputies, Servants, Agents, and Workmen, and the ſaid Committee, and their Servants, Agents, and Workmen, and for the whole, complete, and total Superintendance, Regulation, Protection, and Management of the ſaid Undertaking; and alſo for and concerning all ſuch Goods, Wares, and Commodities, as ſhall be conveyed thereon, and Perſons uſing the ſaid Railway, and alſo for the well-governing of all Perſons who ſhall be employed in the conveying of any Goods, Wares, and Commodities, and other Articles and Things upon any Part of the ſaid Railway; and to declare any of the ſaid Rules and Orders ſo made, to be a Bye-Law or Bye-Laws of the ſaid Company; and from Time to Time to alter and repeal the ſaid Bye-Laws, Rules, Orders, and Regulations, and to impoſe and inflict ſuch reaſonable Fines and Forfeitures upon all Perſons who ſhall offend againſt the ſame, as to the major Part of ſuch General Aſſembly ſhall ſeem meet, not exceeding the Sum of Ten Pounds for any One Offence, ſuch Fines and Forfeitures to be levied and recovered by ſuch Ways and Means as herein-after is mentioned, which ſaid Rules, Bye-Laws, and Orders being reduced into Writing under the Common Seal of the ſaid Company and printed, ſhall be binding upon and obſerved by all Parties, and ſhall be ſufficient in any Court of Law or Equity to juſtify all Perſons who ſhall act under the ſame, provided that they be not repugnant to the Laws of that Part of the United Kingdom called *England*, or to the Proviſions and Directions in this Act contained, or to any of them; and all ſuch Bye-Laws, Rules, and Orders, ſhall be ſubject to Appeal in Manner herein directed; and every ſuch General Aſſembly ſhall have Power to call for, audit, and ſettle all Accounts of Money received, laid out, and diſburſed, on account of the ſaid Undertaking by the Treaſurers Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Perſon or Perſons whomſoever, employed by or concerned for or under them, in and about the ſaid Undertaking, and the Works thereto belonging; but no Vote or Votes by Proxy ſhall be given, or have any Power in or to the Audit and Settlement of Accounts;

and

and the ſaid Company ſhall have Power to adjourn themſelves from Time to Time to ſuch Place or Places in the Counties of *Monmouth* and *Hereford*, or either of them, as they ſhall have occaſion for the further Execution of this Act.

General Aſſembly for chooſing Committees to conſiſt of Fifty Shares.

XLVII. Provided always, and be it further enacted, That if at any General Aſſembly there ſhall not be Perſons preſent who ſhall be poſſeſſed of or entitled to at leaſt Fifty Shares in the ſaid Undertaking, either as Principals or Proxies, no Choice of a Committee, nor any Removal of a Perſon or Perſons from any ſuch Committee, nor any Election of any Perſon or Perſons in the Room of ſuch of the Members of the ſaid Committee who ſhall die, or decline to act, ſhall be made, nor ſhall any Bye-Law, Rule, or Regulation to be made or altered at that Time, but in ſuch Caſe there ſhall be another Aſſembly of the ſaid Company of Proprietors, at the ſame Place, at the Expiration of Four Weeks, and if a ſufficient Number of Proprietors, as Principals or by Proxies, ſhall not then attend, the ſaid General Aſſembly ſhall ſtand adjourned to that Day Fortnight next following; each of ſuch Meetings to be advertiſed in ſome Newſpaper uſually circulated in the Counties of *Monmouth* and *Hereford*; and ſuch Choice, Removal, or new Appointment of any Member of any ſuch Committee ſo before appointed, ſhall then take place, and not before; and ſuch Committee ſo before appointed ſhall continue to act, and have the ſame Powers as they had and were poſſeſſed of, until a new Committee ſhall be appointed as aforeſaid; and in caſe of Failure of aſſembling a greater Number of Proprietors having ſuch Shares or Subſcriptions, as Principals or Proxies, at ſuch Firſt General Aſſembly, every Proprietor who ſhall not attend ſuch Second Aſſembly in Perſon or by Proxy, ſhall forfeit to the ſaid Company of Proprietors, unleſs he ſhall have a ſufficient Excuſe for his Non-attendance, for every Share or Subſcription of One hundred Pounds which he or ſhe ſhall poſſeſs in the ſaid Undertaking, the Sum of Two Pounds to be deducted out of his or her next ſucceeding Payment of Intereſt or Dividends of the Profits of the ſaid Undertaking, as the Caſe may happen; and in caſe no Intereſt or Dividends ſhall be payable to ſuch Perſon or Perſons making Default as aforeſaid, within Three Calendar Months next after the making of ſuch Default, then the Payment of the Forfeiture of Twenty Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any of the Penalties or Forfeitures impoſed by this Act.

Aſſembly of Proprietors may be eſpecially convened.

XLVIII. And be it further enacted, That if it ſhall at any Time appear that for the more effectually putting this Act into Execution, a Special General Aſſembly of the ſaid Company is or ſhall be neceſſary to be held, it ſhall be lawful for any Three or more of the ſaid Proprietors, who may each of them be poſſeſſed of or entitled unto Three Shares at the leaſt in the ſaid Undertaking, to cauſe Twenty-one Days Notice at the leaſt to be given thereof, in ſome Newſpaper uſually circulating in the Counties of *Monmouth* and *Hereford*, or in ſuch other Manner as the ſaid Company ſhall, at any General Aſſembly, direct or appoint; ſpecifying in ſuch Notice the Reaſon and Intention of requeſting ſuch Special Aſſembly, and the Time when and the Place where the ſame ſhall be held, which Place ſhall be within Ten Miles of the ſaid Railway; and the ſaid Proprietors are hereby authorized to meet purſuant to ſuch Notice, and ſuch of them as

as ſhall be preſent ſhall proceed to the Execution of the Powers by this Act given to the ſaid Company, with reſpect to the Matters ſo ſpecified only; and all and every ſuch Act and Acts of the Proprietors, or the major Part of them, met together at every ſuch Special General Aſſembly (provided ſuch major Part ſhall be poſſeſſed of at leaſt Forty Shares in the ſaid Undertaking, either as Principals or Proxies, or both), ſhall be as valid, with reſpect to the Matters ſpecified in ſuch Notice, as if the ſame had been done at any ſtated General Aſſembly.

General Aſſembly to appoint Officers.

XLIX. And be it further enacted, That it ſhall be lawful for the ſaid Company, at any General Aſſembly, and they are hereby authorized and required, from Time to Time, to nominate and appoint a Treaſurer or Treaſurers, and One or more Collector or Collectors of the ſaid Rates, and alſo One or more Clerk or Clerks to the ſaid Company, and alſo to ſuch Committee, and ſuch other Officers as they ſhall think proper, and ſhall take ſufficient Security from every ſuch Treaſurer or Treaſurers, Collector or Collectors, Clerk or Clerks, or other Officers having the Care or Cuſtody of any Money to be raiſed or received by virtue of this Act, for the due Execution of their reſpective Offices, as the ſaid Company ſhall think proper, and from Time to Time to remove any ſuch Treaſurer or Treaſurers, Collector or Collectors, Clerk or Clerks, or other Officers, or any of them; and ſuch Clerk or Clerks ſhall attend the General Aſſemblies of the ſaid Company, and the Meetings of the ſaid Committee, and ſhall, in a proper Book or Books, to be provided by the ſaid Company for that Purpoſe, enter and keep a true and perfect Account of the Names and Places of Abode of the ſeveral Proprietors of the ſaid Undertaking, and of the ſeveral Perſons who ſhall from Time to Time become Owners and Proprietors of, or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Tranſactions of the ſaid Company and Committee reſpectively; and every Proprietor of the ſaid Undertaking ſhall and may, at all convenient Times, have Recourſe to, and peruſe and inſpect the ſame; and alſo the Book or Books to be kept by the Clerk or Clerks to the ſaid Commiſſioners *gratis*, and may demand and have Copies thereof, or of any Part thereof, paying for every One hundred Words ſo to be copied the Sum of One Shilling; and if any ſuch Clerk or Clerks to the ſaid Company and Committee, or to the Commiſſioners, ſhall refuſe to permit any Proprietor to inſpect or peruſe any ſuch Book or Books of Proceedings, at all convenient Times and Seaſons, or refuſe to make any ſuch Copy or Copies in a reaſonable Time, at the Rate or Price aforeſaid, he ſhall for every ſuch Offence forfeit and pay the Sum of Five Pounds for the Benefit of the ſaid Undertaking; and in caſe any ſuch Treaſurer, Collector, or Clerk ſhall die, be removed from, or quit the Service of the ſaid Company, it ſhall be lawful for the ſaid Company, at their ſaid ſtated or ſpecial General Aſſemblies, or for the Committee of the ſaid Proprietors to appoint any other fit Perſon or Perſons to execute ſuch Office or Offices, in the Place of ſuch Perſon or Perſons who ſhall ſo die, be removed from, or quit the Service of the ſaid Proprietors, or of the ſaid Committee; but in caſe any ſuch new Appointment be made by the ſaid Committee, the ſame ſhall only continue until the next ſtated or Special General Aſſembly of the ſaid Proprietors, when the Appointment of ſuch Perſon or Perſons to ſuch reſpective Office or Offices ſhall either be confirmed, or ſuch other fit Perſon or Perſons appointed to ſucceed to ſuch Office or Offices, as the

ſaid

ſaid Proprietors, at ſuch ſtated or Special General Aſſembly, ſhall think proper.

Powers of the Committee, and Regulations.

L. And be it further enacted, That no Member of the ſaid Committee (although he may be a Proprietor of many Shares in the ſaid Undertaking) ſhall have more than One Vote in any Committee, except the Chairman, who in caſe of an equal Diviſion ſhall always have a Second or Caſting Vote, although he may have given One Vote before; and every ſuch Committee ſhall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Reports of their Proceedings to the ſaid ſtated General Aſſemblies, and if required to the ſaid Special General Aſſemblies of the Proprietors, and ſhall obey their Orders and Directions; but no Perſon holding any Place, Office, or Employment, under the ſaid Company, ſhall be capable of being choſen to ſerve on any ſuch Committee during the Time of his Continuance of ſuch Place, Office, or Employment; and in order to defray the Expences of their Meetings, the ſaid Committee ſhall from Time to Time receive out of the Capital Stock of the ſaid Proprietors, ſuch Sum or Sums of Money as ſhall be directed, adjuſted, and ſettled at ſuch ſtated General Aſſemblies; and the ſaid Committee (ſubject nevertheleſs at all Times to ſuch Orders and Directions as aforeſaid) ſhall, by themſelves or their Clerk or Clerks as aforeſaid, keep a full and true Account of all Monies diſburſed and Payments made by the ſaid Committee, and by all and every Perſon and Perſons employed by or under them, and of all and every Sum and Sums of Money which they ſhall receive on Behalf of or in reſpect of ſuch Undertaking, from any Collector or Collectors of the ſaid Rates or other Officer or Officers, or from any other Perſon or Perſons whomſoever employed in, or having any Concerns, Dealings, or Tranſactions with the ſaid Undertaking, or in or with any Part or Parts thereof, and ſhall regularly by themſelves or their Clerk or Clerks as aforeſaid, write, inſert, and enter in a Book or Books to be from Time to Time provided at the Expence of the ſaid Company for that Purpoſe, Notes, Minutes, or Copies (as the Caſe ſhall require), of every ſuch Contract, Bargain, Receipt and Diſburſement; and of all other their Orders and Proceedings, which Book or Books ſhall be depoſited with, and kept locked up under the Care and Direction of the ſaid Committee, (provided always, that every Proprietor upon every reaſonable Deſire ſhall have free Acceſs thereto, as herein-before mentioned, for his or her Inſpection); and the ſaid Committee ſhall have Power from Time to Time to make ſuch Call or Calls of Money from the Subſcribers to and Proprietors of the ſaid Undertaking, to defray the Expences of or to carry on the ſame, as they from Time to Time ſhall find wanting and neceſſary for thoſe Purpoſes, ſo that no ſuch Call ſhall exceed the Sum of Ten Pounds upon each Share which any Perſon or Perſons ſhall or may be poſſeſſed of or entitled unto in the ſaid Undertaking; and ſuch Calls ſhall not be made, but at the Diſtance of Thirty Days at the leaſt from each other; and Twenty-one Days Notice at the leaſt ſhall be given of all ſuch Calls as aforeſaid, by Advertiſement in ſome Newſpaper uſually circulating in the ſaid Counties of *Monmouth* and *Hereford*; which Monies ſo called for, ſhall be paid to ſuch Perſon and Perſons, and in ſuch Manner as the ſaid Committee ſhall from Time to Time appoint and direct, for the Uſe of the ſaid Undertaking; and ſuch Committee ſhall, until the next General Aſſembly to be holden in Manner aforeſaid, meet at ſuch Times, and at

Power of Committee to make Calls.

such Places, and from Time to Time adjourn themselves to such other Time and Place, as they shall think fit, within Ten Miles of some Part of the said Railway; and at all Meetings of the said Committee, One of the Members present shall be appointed Chairman; and all Questions, Matters, and Things, which shall be proposed, discussed, or considered at such Meetings, shall be finally determined by the Majority of Votes then present, the whole Number present not being in any Case less than Three; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Messuages, Lands, Tenements, and other Hereditaments and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking; and every Owner or Owners of any Share or Shares in the said Undertaking, shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons, and at such Time and Place, as the said Committee shall from Time to Time direct and appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money so called for as aforesaid, at the Time and Place so to be appointed as aforesaid, it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, or more than One Imparlance, shall be allowed; or the said Company may and they are hereby authorized at any General Assembly, to declare the Shares belonging to any Persons refusing or neglecting to pay any such Calls in Manner aforesaid, to be forfeited to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a Public Sale by the said Company for the most Money that can be gotten for the same; and the Produce thereof shall be equally divided amongst the rest of the said Company, in Proportion to their respective Shares and Interests in the said Undertaking: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice in Writing, under the Hand of the Clerk or Treasurer of the said Company, shall have been given to, or Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some stated or Special General Assembly of the said Company, which shall be held after the End of Three Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

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

Proceedings in Actions for Calls.

LI. And be it further enacted, That in any Action to be brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Company, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant or Defendants being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto for such and so many Call or Calls of such or so many Sum or Sums of Money upon such or so many Share

Share or Shares belonging to the ſaid Defendant, or Defendants (as the Caſe may happen to be) whereby an Action hath accrued to the ſaid Company by virtue of this Act, without ſetting forth the ſpecial Matter; and on the Trial of ſuch Action it ſhall only be neceſſary to prove that the Defendant or Defendants at the Time of making ſuch Call or Calls was or were a Proprietor or Proprietors of ſome Share or Shares in the ſaid Undertaking, and that ſuch Call or Calls was or were in fact made, and that ſuch Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made ſuch Call or Calls, or any other Matter whatſoever; and the ſaid Company ſhall thereupon be entitled to recover what ſhall appear due, unleſs it ſhall appear that any ſuch Call exceeded the Sum of Ten Pounds for every Sum of One hundred Pounds, or was made within the Diſtance of Twenty-eight Days from the laſt preceding Call, or without Notice given in any Newſpaper as aforeſaid.

Proprietors in Arrear not to vote.

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

On the Death of any Subſcriber before Shares completed, Executors may do it.

LIII. And be it further enacted, That if any Owner or Owners of any Share or Shares in the ſaid Undertaking ſhall happen to die before ſuch Call or Calls ſhall have been made for the full Sum to be advanced on any Share or Shares which he, ſhe, or they ſhall have been poſſeſſed of or entitled to, without having made Proviſion by Will or otherwiſe, how or in what Manner ſuch Share or Shares ſhall be diſpoſed of, and how or by what Means the future Call or Calls in reſpect thereof ſhall be paid to the ſaid Company for the Purpoſe of the ſaid Undertaking, then and in ſuch Caſe the Executors or Adminiſtrators of ſuch Owner ſo dying, or the Truſtee or Truſtees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Perſon or Perſons entitled to the Eſtate and Effects of ſuch deceaſed Owner, ſhall be indemnified againſt all and every other Perſon or Perſons whomſoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforeſaid to complete every ſuch Subſcription; and if ſuch deceaſed Owner ſhall not have left Aſſets ſufficient, or in caſe the Executors or Adminiſtrators, Truſtee or Truſtees, Committee or Committees, Guardian or Guardians, ſhall refuſe or neglect to anſwer ſuch Calls, the ſaid Company ſhall be, and they are hereby authorized and required to admit any other Perſon or Perſons to be Proprietor or Proprietors of the Share or Shares of ſuch deceaſed Owner or Owners, on Condition that he, ſhe, or they ſo admitted do and ſhall, on or before ſuch Admiſſion, pay to the Executors or Adminiſtrators of ſuch deceaſed Owner or Owners, or to the Truſtee or Truſtees, Guardian or Guardians of any Infant or Infants, or to any other Perſon or Perſons who may be entitled to his or her Effects, the full Sum or Sums of Money which ſhall have been paid by ſuch Owner or Owners in his, her, or their Life-time, by virtue of or in purſuance of any Call or Calls, or otherwiſe, upon ſuch Share or Shares, or other Sum or Sums of Money, as the ſame can be ſold for; and in caſe no Perſon or Perſons can be found who is or

are

are willing to be admitted on such Conditions as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the Rest of the said Company, in Trust for and for the equal Benefit of all the Rest of the said Proprietors, in Proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold.

LIV. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors or Administrators, from and after Payment of the Sum of Fifty Pounds *per Centum* by him, her, or them, or his, her, or their Share or Shares in the said Subscription, but not before, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance of Sales shall be in the following Words, or to the like Effect (varying the Names and Descriptions of the contracting Parties, as the Case may require):

Form of Conveyance:

'I *A. B.* of in Consideration of paid to me by *C. D.* of do hereby bargain, sell, assign, and transfer to the said *C. D.* the Sum of Capital Stock of and in the Undertaking called *The Grosmont Railway*, to hold unto the said *C. D.* his Executors, Administrators, and Assigns, subject to the same Rules, Orders, and Restrictions, and on the same Conditions that I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to take and accept the said Capital Stock or Share of subject to the same Rules, Orders, Restrictions, and Conditions. As Witness our Hands and Seals, the Day of .'

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

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

LV. And be it further enacted, That after any such Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, although Fifty Pounds *per Centum* shall have been paid thereon, on pain of forfeiting his, her, or their respective Share or Shares therein, to the said Company, in Trust for the Benefit of all the said Proprietors, unless he, she, or they at the Time of such Sale

Sale or Transfer shall have paid or discharged, to the Treasurer of the said Company, the whole and entire Sum of Money which shall have been called upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

Regulations as to the Acquisition of Shares:

by Marriage;

LVI. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid, and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in Right of Marriage, shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage, or the Effect of such Register, shall be made and sworn to by some credible Person before One of the Judges at *Westminster*, or before a Master or Masters Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the said Counties of *Monmouth* and *Hereford*, or either of them; and the said Judges, Master or Masters Extraordinary in Chancery, and Justices of the Peace are hereby authorized and empowered to swear any such Person to such Affidavit, and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sale of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in Course of Administration, shall be entitled to receive the same, the said Will or the Probate thereof, or such Letters of Administration, shall be produced and shewn to the Law Clerk of the said Company, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or of the Letters of Administration in case the Proprietor shall have died intestate, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate, (as the Case may happen to be), before One of the Judges at *Westminster*, or before a Master or Masters Extraordinary in Chancery, or One of His Majesty's Justices of the Peace of the said Counties of *Monmouth* and *Hereford*, or either of them, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner herein-before mentioned.

or Will, or in Course of Administration.

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

LVII. And, for the better Security of the several Proprietors of the said Undertaking to their respective Shares therein, be it further enacted, That the said Company shall, and they are hereby required, at their First or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall then be entitled to the Shares in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company; and after such Entry, to cause their Common Seal to be affixed thereto; and also shall cause a Ticket or Instrument, with the Common Seal of the said Company affixed thereto, to be delivered to

every such Subscriber on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking; every such Proprietor paying to the Clerk Five Shillings and no more for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following, *videlicet*,

Form of Ticket.

'THE GROSMONT RAILWAY COMPANY.

'Number .

'THESE are to certify, That *A.B.* of
'is a Proprietor of the Share or Number, being One Share of the
'*Grosmont* Railway, subject to the Rules, Regulations, and Orders of
'the said Company; and that the said *A.B.* his [*or*, her] Executors,
'Administrators, [*or*, Successors], and Assigns, is and are entitled to the
'Profits and Advantage of such Share. Given under the Common Seal
'of the said Company, the Day of in the
'Year .'

Power to take Rates, &c.

LVIII. And, in consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Railway, and other Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company, from Time to Time and at all Times hereafter, to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, the several Rates herein-after mentioned, for the Tonnage of all Coal, Lime, Limestone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Railway, (that is to say),

Rates.

For all Dung, Compost, Limestone, and all Sorts of Manure and Materials for the Repair of Roads, Two-pence *per* Ton *per* Mile:

For all Lime, Chalk, Marl, Ashes, Peat, Clay, Bricks, and Sand, Three-pence *per* Ton *per* Mile:

For Coals, Cinders, Coke, Culm, Charcoal, Tin, Copper, Lead, Ore, Lead in Pigs or Sheets, Iron Stone or Ore, Iron in Pigs, Bar Iron, Timber, Tiles, Slates, Flagstones, and other Stones, Four-pence *per* Ton *per* Mile:

And for all other Goods, Wares, Merchandize, and Things whatsoever, Sixpence *per* Ton *per* Mile:

Which said respective Rates, to be fixed as aforesaid, shall be the same along the whole Line of the said Railway:

And in all Cases where there shall be a Fraction of a Ton, a Proportion of the same Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway, the Tonnage

Tonnage which ſhall be demanded and taken ſhall be after the Rate of the Number of Quarters of Miles which the ſaid Waggon, Cart, or other Carriage ſhall have paſſed; and where there ſhall be a Fraction of a Quarter of a Mile, ſuch Fraction ſhall be deemed and conſidered as a Quarter of a Mile; and in order to aſcertain and calculate with greater Preciſion and Facility the Diſtance for which Tonnage ſhall be demanded and taken upon the ſaid Railway, the ſaid Company of Proprietors ſhall cauſe the ſaid Railway to be meaſured, beginning at the End or Termination of the *Llanvihangel* Railway at or near *Llanvihangel Crucorney*, and Stones or other conſpicuous Marks to be ſet up, and for ever maintained, at the Diſtance of One Quarter of a Mile from each other, with proper Inſcriptions; and whenever any Waggon ſhall have paſſed One or more of ſuch Stones or Marks, or the Place where the ſame ſhall have been ſet up, ſuch Waggon ſhall be deemed to have paſſed One or more Quarters of a Mile along the ſaid Railway, and Tonnage for ſuch Diſtance ſhall be due and payable, although the Diſtance actually travelled be more or leſs than is thus computed.

Company empowered to take Tolls for Horſes, &c. paſſing on Railway.

LIX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company, from Time to Time, and at all Times for ever, to aſk, demand, take, and receive, to and for their own proper Uſe and Benefit, the ſeveral further Tolls following; (that is to ſay),

For every Horſe, Mare, Gelding, Colt, Mule, Aſs, or other Beaſt (not carrying or drawing any Goods, Wares, or Merchandize in reſpect whereof a Rate, Toll, or Duty is herein-before made payable), which ſhall or may go or travel upon the ſaid Railway, and ſhall paſs through or by any Stop Gate, or any other Gate or Toll Houſe to be erected upon or acroſs the ſame by the ſaid Company of Proprietors or their Succeſſors, and before ſuch Horſe, Mare, Gelding, Colt, Mule, Aſs, or other Beaſt, ſhall be permitted to paſs through or by the ſame, any Sum not exceeding Three-pence:

For all Cows and Horned or Neat Cattle (except Sheep and Swine) which ſhall or may go or be driven looſe upon the ſaid Railway, and ſhall paſs through or by any ſuch Stop Gate, or other Gate or Toll Houſe as aforeſaid, and before ſuch Cows and Horned or Neat Cattle ſhall be permitted to paſs through or by the ſame, any Sum not exceeding Two-pence each:

For all Swine and Sheep, any Sum not exceeding Fifteen-pence *per* Score:

And for all Waggons and Carriages carrying Perſons for Hire upon or along the ſaid Railway, any Sum not exceeding Two-pence *per* Mile for each Paſſenger or Perſon ſo travelling in ſuch Waggon or Carriage upon or along the ſaid Railway.

Collector of ſuch Tolls to deliver Tickets.

LX. Provided always, and be it further enacted, That the Collector or other Perſon appointed by the ſaid Company to receive the ſaid laſt-mentioned Tolls, ſhall on Payment thereof, give or deliver to the Perſon or Perſons paying the ſame, a Ticket ſpecifying the Day when, and the Number of Horſes or other Beaſts or Cattle, and of Perſons travelling for which the ſame ſhall be paid; and that ſuch laſt-mentioned Tolls ſhall not be demanded or taken or be payable more than once in any One Day upon ſuch Line of Railway (to be computed from Twelve of the Clock

at

at Night to Twelve of the Clock in the ſucceeding Night) for the ſame Horſe, Mare, Gelding, Colt, Mule, Aſs, Cow, or Horned or Neat Cattle, Pigs, Sheep, or other Beaſt or Paſſengers which ſhall paſs or repaſs through or by all or any of the Stop-gates or other Gates or Toll-houſes to be erected upon or acroſs ſuch Railway, ſo that the Perſon or Perſons who ſhall be travelling with or attending ſuch Horſe, Mare, Gelding, Colt, Mule, Aſs, or Horned or Neat Cattle, Pigs, or Sheep, or other Beaſt, Waggon, or Carriage, do and ſhall produce to the Collector or other Perſon appointed by the ſaid Company to receive ſuch Tolls at every ſuch Stop-gate or other Gate or Toll-houſe, through or by which the ſame ſhall paſs or repaſs, (if demanded) the Ticket which he or they ſhall have received at the Stop-gate or other Gate or Toll-houſe on the ſame Railway, at which he or they ſhall have already paid ſuch Toll.

Payment of Rates, and Recovery thereof.

LXI. And be it further enacted, That the Rates hereby authorized to be taken, ſhall be paid to ſuch Perſon or Perſons at ſuch Place or Places, at or near the ſaid Railway, in ſuch Manner and under ſuch Regulations, as the ſaid Company at any General Aſſembly or Aſſemblies ſhall direct or appoint; and in caſe of Denial or Neglect of Payment of any ſuch Rates or any Part thereof on demand to the Perſon or Perſons appointed to receive the ſame as aforeſaid, the ſaid Company may ſue and recover the ſame by Action of Debt or upon the Caſe, in any of His Majeſty's Courts of Record, or the Perſon or Perſons to whom ſuch Rates ought to have been paid, may and he or they is and are hereby empowered to ſeize the Goods or other Things for or in reſpect whereof any ſuch Rates ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and to detain the ſame until ſuch Payment ſhall be made; and alſo until Payment of all Arrears of the ſaid Rates which may be due from the Owner or Owners of ſuch Waggon or other Carriage to the ſaid Company, together with reaſonable Charges for ſuch Seizure and Detention, and if ſuch Goods ſhall not be redeemed within Seven Days next after the taking thereof, the ſame ſhall be appraiſed and ſold as the Law directs in caſe of Diſtreſs for Rent; and the ſaid Company ſhall have full Power from Time to Time at any General Aſſembly, to lower or reduce all or any of the ſaid Rates, and again to raiſe the ſame as they ſhall think proper, not exceeding the Rates herein-before mentioned, as often as it ſhall be deemed neceſſary for the Intereſts of the ſaid Undertaking.

Rates may be altered.

What Quantity of Goods ſhall be deemed a Ton.

LXII. And, for the better aſcertaining the Tonnage of Stone, Timber, and other Goods, to be charged with the Payment of ſuch Rates as aforeſaid, and the Contents or Burthen of the Waggons or other Carriages carrying and conveying ſuch Stone, Timber, and other Goods, Matters, and Things, on the ſaid Railway; be it further enacted and declared, That One hundred and twelve Pounds Weight, ſhall for the Purpoſes of this Act be deemed, rated, or eſtimated as for One hundred Weight, any Uſage to the contrary notwithſtanding; and if any Difference ſhall ariſe between any Collector of the ſaid Rates, and the Owner or other Perſon having the Care or Charge of any Waggon or other Carriage, or the Owner of any Goods, Wares, Merchandize, or other Things embarked or loaded therein, concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Matters or Things, therein embarked or contained, it ſhall be lawful for any ſuch Collector to ſtop and detain any ſuch Waggon or other Carriage, and to weigh, meaſure, or gauge, or cauſe to be

In caſe of Difference concerning the Weight Collector may weigh them.

weighed, measured, or gauged, such Waggon or other Carriage, and all such Timber, Goods, Wares, and Merchandize, or other Matters or Things as shall be therein contained; and in case the same shall upon such weighing, measuring, and gauging, appear to be of greater Measure, Weight, or Quántity, than the Account given thereof by such Owner or other Person, then the same Owner or other Person giving such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging, all which Costs and Charges upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner, as the said Rates are hereby appointed to be recovered and levied; but if such Timber, Goods, Wares, Merchandize, or such other Matters and Things, shall appear to be of the same or less Weight or Quantity than the Account given thereof by the said Owner or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay such Owner or other Person, or to the Owner or Owners of such Goods, Wares, and Merchandize, or other Things, such Damages as shall appear to the said Commissioners, upon the Oath of any credible Witnesses (which Oath the said Commissioners, or any Three or more of them, are hereby empowered and required to administer), to have arisen from such Detention; and in Default of the immediate Payment thereof, the same shall be recovered from the said Company by Action of Debt in any of His Majesty's Courts of Record, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

Power to fix the Price of small Parcels.

LXIII. And be it further enacted, That it shall be lawful for the said Company from Time to Time at any General Assembly, (with the Consent of the major Part of the said Commissioners present at any General Meeting of the said Commissioners), to ascertain and fix the Price or Sum or Sums of Money, to be charged or taken for the Carriage of any Parcel (not exceeding Five hundred Pounds Weight) upon the said Railway, or upon any Part thereof; and the said Company shall from Time to Time cause to be printed, and affixed upon any public Wharf on the said Railway in some conspicuous Place, a List or Account ascertaining and particularizing the Price or Sum or Sums of Money so to be charged or taken for the Carriage of such Parcels as aforesaid; and in case any Owner or other Person having the Care of any Waggon or other Carriage passing upon the said Railway, or upon any Part or Parts thereof, after such List or Account so ascertaining and particularizing the Price or Sum or Sums of Money at which every such Parcel shall be so carried and conveyed, shall be so fixed up as aforesaid, shall demand or take for the Carriage of any such Parcel as aforesaid, more than the Price or Sum or Sums of Money in such List or Account ascertained and particularized for that Purpose, such Owner or other Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, at the Discretion of the Magistrates before whom such Person shall be convicted.

Persons demanding more subject to a Penalty.

Company empowered to lease the Rates.

LXIV. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to farm the Rates and Tolls hereby made payable, or any Part or Parts thereof, from the Whole, or any Part or Parts of the said Railway,

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

Railway, &c. to be free upon Payment of Rates, under certain Reſtrictions.

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

No Waggons, &c. to paſs unleſs conſtructed as directed by the Company.

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

XLVII. And

Owners of Waggons or other Carriages to give an Account of their Loadings.

LXVII. And, for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company, be it further enacted, That the Owner or other Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway, or upon any Part or Parts thereof respectively, shall give to the Collector of the said Rates, or to any other Officer to be appointed for such Purpose, a just Account in Writing, signed by him or them, of the Quantities, Qualities and Weight of the Goods and other Things which shall be put in or upon each such Waggon or other Carriage, from whence brought, and where the same is intended to be unladen and discharged; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give and deliver such an Account, or shall refuse to produce his or their Bill of Lading to the Officer demanding the same; or shall, with an Intent to avoid the Payment of the said Rates or Duties, or any Part of them, give a false Account, or shall deliver out any Part of such Lading or Goods at any other Place or Places than what is or are mentioned in such Bill of Lading, and shall be thereof convicted before any Justice of the Peace for the County in which such Offence shall be committed, every such Person so offending shall, for every such Offence, forfeit and pay to the said Company, or their Successors, any Sum not exceeding Ten Pounds over and above the Rate, Toll, or Duty to which such Articles or Things are liable.

Owners to put their Names on the Outside of their Waggons, &c.

LXVIII. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing along the said Railway shall cause his, her, or their Name or Names, and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Clerks of the said Company, and shall also cause such Name or Names and Number to be painted in large white Capital Letters and Figures on a black Ground Three Inches high at the least, and of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company whenever it shall be required by them, or any Person or Persons by them appointed for that Purpose; and every Owner or Owners, or other Person or Persons having the Care of any Waggon or other Carriage, or who shall convey the same upon the said Railway without having such Waggon or other Carriage previously gauged, weighed, and registered, or without having such Names, Figures, and Index thereon respectively as are herein-before directed, or who shall alter, erase, deface, or destroy such Names, Figures, and Index, or either of them, or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

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

LXIX. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing upon the said Railway, shall be, and he and they is and are hereby respectively made answerable for any Trespasses, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon

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

Owners to recover from their Servants any Sums for their Defaults.

LXX. And be it further enacted, That in caſe the Owner or Owners of any Waggon or other Carriage as aforeſaid ſhall be compelled to pay any Penalty, or to make Satisfaction for any Damage or Treſpaſs, by reaſon of any wilful Neglect or Default done or committed by his, her, or their Servants or Waggoners, or any of them, ſuch Servants and Waggoners, and each and every of them, ſhall be liable to repay ſuch Penalty or Damage (with the Coſts thereof) to ſuch Owner or Owners; and in caſe of Non-payment thereof upon Demand, and Oath made by ſuch Owner or Owners of the Payment made by him, her, or them of ſuch Penalty or Satisfaction for Damages, and that the ſame, and the Coſts thereof, have or hath not been repaid to him, her or them by ſuch Servants or Waggoners, or any of them, although demanded (ſuch Oath to be made before any one Juſtice of the Peace for the County where ſuch Penalty and Satisfaction ſhall have been incurred or paid), the Amount thereof ſhall be recovered and levied by Warrant under the Hand and Seal of ſuch Juſtice, by Diſtreſs and Sale of the Goods and Chattels of ſuch Servant or Waggoner, together with all Coſts and Charges attending ſuch Diſtreſs and Sale, and the ſaid Penalty and Satisfaction, when recovered, ſhall be repaid to ſuch Owner or Owners in diſcharge of ſuch Penalty and Satisfaction ſo by him or them paid for the wilful Act or Default of ſuch Servant as aforeſaid; and in caſe no ſufficient Diſtreſs can be had, ſuch Juſtice ſhall and is hereby empowered to commit ſuch Servant or other Perſon to the Houſe of Correction

tion for the ſaid County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

For fencing off Railway and making Bridges.

LXXI. And be it further enacted, That the ſaid Company ſhall, at their own Coſts, (within Six Calendar Months after any Part of the ſaid Railway ſhall be dug, laid out, and formed), divide and ſeparate, and keep conſtantly divided and ſeparated, the ſaid Railway, or ſuch Part or Parts thereof reſpectively, as ſhall be declared neceſſary by the ſaid Commiſſioners, in caſe there ſhall be any Doubt or Diſpute about the ſame, from the adjoining Lands or Grounds, by Poſts, Rails, Hedges, Ditches, Trenches, Banks, or other Fences, ſufficient to keep off Sheep and other Cattle, the ſame to be ſet out and made on the Lands or Grounds which ſhall be purchaſed by, conveyed to, or veſted in the ſaid Company as aforeſaid; and the ſaid Company ſhall, at their own proper Coſts and Charges, from Time to Time maintain and ſupport the ſaid Poſts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences ſo ſet up and made as aforeſaid; and alſo ſhall, at their own like Coſts and Charges, make, erect, and ſet up, and from Time to Time maintain and ſupport ſuch and ſo many convenient Gates, Bridges, Paſſages, and Stiles, in, over, and through all the Hedges and Fences to be by them ſo made on the Side of ſuch Railway as aforeſaid, as the ſaid Commiſſioners ſhall at any Time at their Public Meetings from Time to Time judge neceſſary and appoint, in caſe here ſhall be any Diſpute about the ſame, for the Uſe of the ſaid Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to ſuch Railway or other Works, or any of them reſpectively; and of all Perſons who now have or hereafter may have a Right to any Way over or through the Lands or Grounds which ſhall be uſed for making the ſaid Railway and other Works; and that the ſaid Company ſhall alſo make ſuch proper and convenient Watering Places for Cattle, where by means of the ſaid Works hereby authorized to be made, Cattle ſhall have been deprived of the Watering Places, which they were heretofore accuſtomed to drink and water at; and at all Times ſupply the ſame with Water, in ſuch Manner as the ſaid Commiſſioners (in caſe of any Diſpute about the ſame) ſhall direct; and alſo that the ſaid Company ſhall, whenever the Works to be made in purſuance of this Act, ſhall interfere with any River or Watercourſe heretofore uſed for watering the Farms or Grounds contiguous or adjoining thereto, convey and ſecure the ſame Water in ſuch Manner, that the Enjoyment thereof may be continued to ſuch Farms and Grounds in as ample and beneficial a Manner as the ſame has been heretofore uſed and accuſtomed; and all ſuch Gates, Stiles, Bridges, Arches, Paſſages, and other Works and Conveniences ſo to be made as aforeſaid, ſhall from Time to Time, and at all Times hereafter, be ſupported, maintained, and kept in ſufficient Repair by the ſaid Company; and in caſe the ſaid Company, or their Agent, ſhall refuſe and neglect to divide and ſeparate, and to keep divided and ſeparated the ſaid Railway, in Manner herein-before directed, or to maintain and ſupport ſuch Gates and Stiles when erected and ſet up, or ſuch Bridges, Arches, Paſſages, and other Works as aforeſaid, or to make ſuch Watering Places for Cattle as herein-before directed for the Space of Three Calendar Months next after the Time to be appointed for theſe Purpoſes by the ſaid Commiſſioners, or after Notice ſhall be given by or on Behalf of the Owners or Occupiers of any ſuch Lands or other Hereditaments who may be aggrieved by any ſuch Refuſal

or Neglect, then and in every such Case it shall be lawful for any or every of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Fences, Gates, Stiles, Bridges, Arches, Culverts, Passages, Watering Places, and other Conveniences, as the said Commissioners shall have before directed or appointed to be made and set up by the said Company as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Passages, Watering Places, and other Works as aforesaid, the said Railway shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be absolutely necessary for the doing thereof, and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, or other Hereditaments who shall have so erected and made, repaired, or maintained such Gates, Bridges, Arches, Culverts, Passages, Watering Places, and other Works as aforesaid, by the said Company, within the Space of Three Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company or any of their Clerks for the Time being, and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners, or any Three of them, shall and they are hereby required by Warrant under their Hands and Seals to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company which shall be found in or upon the said Railway or the Wharfs or Warehouses adjoining or near to the same belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company or to some of their known Agents or Collectors, the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

If Fences, &c. made by the Company are insufficient, Land Owners may make them at their own Expence.

LXXII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway shall be made, do or shall at any Time or Times hereafter apprehend that any of the Fences, Gates, Stiles, Bridges, Arches, Tunnels, Passages, Watering Places, and other Conveniences respectively, which the said Commissioners shall have so directed or appointed to be made by the said Company are insufficient, either in their Number or Situation, for the commodious Use and Occupation of their respective Lands, Grounds, or Hereditaments, then and so often, or in any such Case, it shall be lawful for all or any Owners or Occupiers, with the Consent and Approbation of the said Committee, upon Request made to them for that Purpose, or in case of their Refusal for the Space of Thirty Days next after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own

own Coſts and Charges, any ſuch other Fences, Gates, Stiles, Bridges, Arches, Tunnels, Paſſages, Watering Places, or other Conveniences of the ſame or the like Conſtruction with thoſe made and erected by the ſaid Company, in, over, or near the ſaid Railway, in ſuch Places as ſhall be found and adjudged moſt neceſſary and convenient for the better Uſe, Cultivation, and Improvement or Occupation of ſuch Lands or other Hereditaments, and to repair and ſupport the ſame at their own like Coſts and Charges, as Occaſion ſhall require, ſo as that the Paſſage through or along the ſaid Railway be not prevented or obſtructed thereby for any longer Space of Time, or in any other Manner, than the ſame would have been if ſuch Fences, Gates, Stiles, Bridges, Arches, or other Conveniences, had been made and erected by the ſaid Company.

Owners and Occupiers to paſs along Railway.

LXXIII. Provided always, and be it further enacted, That it ſhall be lawful for the Owners and Occupiers of the reſpective Lands or Grounds through which the ſaid Railway ſhall be made; and his and their Servants and Workmen and Cattle at all Times to paſs and repaſs over, upon, and acroſs, and their Carriages directly acroſs ſuch Part of the ſaid Railway as ſhall be made in and upon their ſaid Lands or Grounds reſpectively, not damaging or obſtructing the ſame, or the Paſſage thereof, without Payment of any Toll or Tonnage for the ſame, provided they ſhall not paſs along any other Part of the ſaid Railway.

Allowing the Owners of Lands adjoining to the Railway to make Branches to communicate therewith.

LXXIV. And be it further enacted, That nothing herein contained ſhall extend to prevent the Owners and Occupiers of the reſpective Lands or Grounds adjoining to the ſaid Railway, from laying down any Collateral Branch or Branches from their reſpective Lands or Grounds, to communicate with the ſaid Railway; nor from making, at their own Expence, ſuch Openings in the Ledges or Flanches of the ſaid Railway, as may be neceſſary or convenient for effecting ſuch Communication; and that the ſaid Company ſhall not receive any Tonnage for the paſſing of any Goods or other Things along ſuch Branch or Branches.

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

LXXV. And be it further enacted, That all and every Perſon or Perſons opening any Gate ſet up acroſs the ſaid Railway, ſhall, and he and they is and are hereby directed and required, as ſoon as he, ſhe, or they, and the Waggon or other Carriage ſhall have paſſed through the ſame, to ſhut and faſten the ſaid Gate; and every Perſon neglecting ſo to do ſhall forfeit and pay, for every ſuch Offence, any Sum not exceeding Five Pounds, to be levied and recovered as herein-after mentioned; and the Money ariſing by ſuch Forfeiture or Forfeitures ſhall be applied in the Manner following, (that is to ſay), One Half thereof ſhall be paid to the Informer, and the other Half to the Poor of the Pariſh or Place where ſuch Offence ſhall be committed.

Satisfaction to be made for Tithes.

LXXVI. And be it further enacted, That full Recompence and Satisfaction ſhall be made by the ſaid Company for all the Tithes, both Great and Small, which would have been iſſuing from or out of any of the Lands, which ſhall or may be taken or made uſe of by the ſaid Company for the Purpoſes and in purſuance of the Powers of this Act, to the reſpective Perſons entitled or who would have been entitled to ſuch Tithes in caſe ſuch Lands had not been ſo taken and made uſe of according to their reſpective Intereſts therein; ſuch Tithes to be eſtimated at their Average Value of Four Years,

Years, commencing at *Michaelmas Day* One thouſand eight hundred and ſeven; ſuch average Value to be aſcertained, in caſe of any Difference concerning the ſame, in like Manner as the Value of any Lands or other Hereditaments is herein-before directed to be aſcertained: Provided always, that the Recompence and Satisfaction to be given by virtue of this Act, for all Glebe Lands and Tithes belonging to Spiritual Perſons, ſhall be made to ſuch Perſons by an Annual Rent.

Lords of Manors and Land Owners may erect Wharfs, &c.

LXXVII. And be it further enacted, That the Lord or Lords, Lady or Ladies of any Manor or Manors (upon the Waſtes only), and the Owner or Owners of any Lands or Grounds through or by which the ſaid Railway ſhall be made by virtue of this Act, may build, conſtruct, or uſe any Wharfs, Cranes, or Weighbeams, or Warehouſes in or upon his or their reſpective Waſtes, Lands, or Grounds, adjoining to the ſaid Railway, and may make and uſe proper convenient Places for Waggons and other Carriages to lie, turn in, and paſs by each other, ſo that in making, conſtructing, or uſing thereof reſpectively, do not obſtruct or prejudice the uſing of the ſaid Railway; and all Rates which ſhall be paid for the Uſe and Benefit of the ſaid Wharfs, Cranes, Weighbeams, and Warehouſes reſpectively, ſhall be ſubject to the Power herein contained for the ſaid Commiſſioners to limit and make Regulations of and concerning ſuch Rates of Wharfage, and are hereby veſted in ſuch Lord or Lords, Lady or Ladies of ſuch Manor or Manors, or in the Owner or Owners of ſuch Lands, Grounds, or Waſtes, who ſhall make, conſtruct, and erect the ſame reſpectively as aforeſaid, and his and their Repreſentatives, ſo that the Rates and Powers herein granted to the ſaid Company ſhall not be thereby reduced, altered, or infringed.

Reſtriction as to public Wharfs.

LXXVIII. Provided nevertheleſs, and be it further enacted, That no public Wharf ſhall be made or erected under the Authority of this Act, within the Pariſh of *Llanvihangel Crucorney*, or the Hamlet of *Penbiddle*, between the Termination of the *Llanvihangel* Railway nearly oppoſite the *Pandee*, and the Northern Extremity of the ſaid Hamlet.

If not done by Land Owners, or within a certain Time, Company may build Wharfs.

LXXIX. Provided always, and be it further enacted, That if a Lord or Lady of a Manor, or Owner or Owners, ſhall not within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their uſual Place or Places of Abode, by or on the Behalf of the ſaid Company, ſignifying that any Part or Parts of ſuch Lands, Grounds, or Works is or are neceſſary or proper to be uſed for the Purpoſe of making and erecting Wharfs, Warehouſes, Buildings, or other Conveniencies as aforeſaid, for the Uſe of the ſaid Undertaking, or for laying out and making neceſſary and convenient Roads for the Conveyance of Goods to and from the ſaid Railway to or from ſuch Wharfs, Warehouſes, Buildings, or other Conveniencies as aforeſaid, lay out, conſtruct, and make, and from Time to Time maintain and keep in good and ſubſtantial Repair, ſuch proper and ſufficient Wharfs, Warehouſes, Buildings, Roads, and other Conveniencies as aforeſaid, for the Uſe of the ſaid Undertaking, as the ſaid Commiſſioners aſſembled at a Meeting, or the major Part of them, ſhall think neceſſary, on the reſpective Parts of the Lands, Grounds, or Waſtes deſcribed in ſuch Notice; then and in ſuch Caſe, the ſaid Company ſhall have full Power and Authority, without any Hindrance or Reſtraint whatſoever, to make uſe of any ſuch Lands, Grounds, or Waſtes (not being the Ground whereon

whereon any Houſe or Building ſtands, or any Garden, Orchard, Yard, Park, Paddock, planted Walks, or Avenue to any Houſe, except as herein-before mentioned), for erecting or conſtructing proper and ſufficient Wharfs, Warehouſes, Buildings, and other Conveniencies as aforeſaid, and for laying out and making neceſſary and convenient Roads to or from the ſaid Railway to or from ſuch Wharfs, Warehouſes, Buildings, and other Conveniencies as aforeſaid, agreeably to ſuch Notice to be delivered as aforeſaid, they the ſaid Company firſt making Satisfaction for the ſame in ſuch Manner as is and hath been herein-before directed with reſpect to other Lands or Grounds which ſhall be taken or uſed for the Purpoſes of this Act.

Commiſſioners to regulate Rates of Wharfage.

LXXX. And be it further enacted, That the ſaid Commiſſioners aſſembled at any General Meeting for that Purpoſe, or any Three of them, are hereby authorized and empowered to make ſuch Regulations from Time to Time as they may think fit, for limiting and aſcertaining the Rates of Wharfage to be taken by the ſaid Company, and all and every ſuch Perſon or Perſons being Owners of any ſuch Wharfs as aforeſaid.

Company not to uſe Private Wharfs, &c.

LXXXI. Provided always, and be it further enacted, That nothing herein contained ſhall authorize or empower the ſaid Company, or any other Perſon or Perſons, to make uſe of any Wharf, Crane, Weigh Beam, or Warehouſe, which ſhall be ſet out, erected, or made by any Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining to or near to the ſaid Railway, for his, her, or their private Uſe only, nor to ſet up, erect, repair, or uſe any Crane or Weighing Machine in or upon any ſuch Wharf, without the Conſent in Writing of the Owners or Occupiers thereof reſpectively; any Thing herein contained to the contrary notwithſtanding.

Penalty on Perſons obſtructing the Paſſage of Waggons.

LXXXII. And be it further enacted, That if any Perſon or Perſons ſhall ſuffer the Loading of any Waggon or other Carriage uſing the ſaid Railway to be over the Sides thereof, or ſhall overload any Waggon or other Carriage, or ſhall leave, place, or ſuffer any Waggon or other Carriage to be left or remain on any Part of the ſaid Railway or other Works as aforeſaid, ſo as to obſtruct the Paſſage of any other Waggon or other Carriage, and ſhall not immediately, upon Notice given of ſuch Obſtruction, remove the ſame, ſo as to make a free Paſſage for other Waggons or other Carriages paſſing thereon reſpectively, every ſuch Owner or Owners, or other Perſon or Perſons having the Care of ſuch Waggon or other Carriage, ſhall forfeit and pay for every ſuch Offence a Sum not exceeding Ten Pounds; and if any Perſon ſhall throw any Gravel, Stones, or Rubbiſh, or other Matter or Thing, upon any Part of the ſaid Railway to be made by virtue of this Act, or ſhall wilfully obſtruct, hinder, or prevent any Perſon in the Execution of this Act, or ſhall do any other Act, Matter, or Thing, to obſtruct the free Paſſage of the ſaid Railway, or any Part thereof, every Perſon ſo offending, in any of the Caſes aforeſaid, ſhall forfeit and pay for every ſuch Offence any Sum not exceeding Ten Pounds; and if any Perſon ſhall wilfully and maliciouſly, and to the Prejudice of the ſaid Undertaking, break, throw down, deſtroy, or take away any Part of the ſaid Railway or other Works to be erected and made by virtue of this Act, and being thereof lawfully convicted, ſhall be ſubject and liable to the like Pains and Penalties as in Caſes

Penalty on deſtroying the Works.

of Felony; and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, in like Manner as Felons are directed to be transported by the Laws or Statutes of this Realm; or in Mitigation of such Punishment, such Courts may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Wharfingers not to give Preference.

LXXXIII. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company of Proprietors, shall give any undue Preference, or shew any Partiality in loading or unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh-beams, Cranes, or other Machines belonging to the said Company of Proprietors, any Person so offending shall forfeit and pay the Sum of Twenty Shillings to the Informer.

Recovery of Forfeitures.

LXXXIV. And be it further enacted, That all Penalties or Forfeitures for Offences committed against this Act, or any Rule, Bye Law, or Order to be made by the said Company, or their Committee as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed, either by the Confession of the Party or Parties offending, or by the Oath of any credible Witness or Witnesses, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant, under the Hand and Seal of such Justice (which Warrant such Justice is empowered and required to grant), and the Overplus after such Penalties, Forfeitures, and the Costs and Charges attending such Distress and Sale are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods or Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures, and all such Costs and Charges, shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein the Offence shall be committed, there to remain without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Four Calendar Months, unless such Penalties, and all such Costs and Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company, and be applied for the Purposes of this Act.

Persons aggrieved by Irregularity in Distress to recover only Special Damages.

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

LXXXVI. And,

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

Form of Conviction.

'BE it remembered, That on the Day of in the Year of our Lord *A. B.* is convicted before me *C. D.* one of His Majeſty's Juſtices of the Peace for the County of [*ſpecifying the Offence and the Time and Place when and where committed, as the Caſe may be*] contrary to an Act paſſed in the Fifty-ſecond Year of the Reign of King *George* the Third, intituled [*here ſet forth the Title of this Act*] Given under my Hand and Seal, the Day and Year firſt above written.'

Compelling Payment of Subſcription Money.

LXXXVII. And be it further enacted, That all and every Perſon and Perſons who have or hath already ſubſcribed, or who ſhall hereafter ſubſcribe any Money for and towards the making and maintaining the ſaid Railway, and other Works hereby authorized to be made as aforeſaid, ſhall, and they are hereby required, to pay the Sum or Sums of Money by him, her, or them reſpectively ſubſcribed or to be ſubſcribed, or ſuch Part or Parts thereof as ſhall from Time to Time be called for by the Committee of the ſaid Company, by virtue of the Powers and purſuant to the Directions of this Act, at ſuch Time and Times, and Place and Places, as ſhall be appointed for that Purpoſe by the ſaid Committee; and in caſe any Perſon or Perſons ſhall neglect or refuſe to pay the Sum or Sums ſo to be called for from him, her, or them, at the Time or Times, and Place or Places, and in Manner to be appointed for that Purpoſe, it ſhall be lawful for the ſaid Company to ſue for and recover the ſame in any Courts of Law or Equity.

Perſons aggrieved may appeal to the Quarter Seſſions.

LXXXVIII. And be it further enacted, That any Perſon or Perſons thinking himſelf, herſelf, or themſelves aggrieved by any Order or Judgment made or given in purſuance of any Rule, Bye-Law, or Order of the ſaid Company or Committee, or by any Order, Judgment, or Determination of any Juſtice or Juſtices of the Peace, relating to any Matter or Thing in this Act mentioned or contained, may within Six Calendar Months next after ſuch Order, Judgment, or Determination ſhall have been made or given (firſt giving Fourteen Days Notice of ſuch Complaint to the Perſon or Perſons againſt whom ſuch Complaint is intended to be made, or to the Clerk to the ſaid Company, and forthwith after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace, with Two ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon), appeal to the Juſtices of the Peace at the next General Quarter Seſſions to be held in and for the County in which the Cauſe of Appeal ſhall ariſe, who ſhall in a ſummary Way either hear and determine the ſaid Complaint at ſuch General Quarter Seſſions, or if they think proper adjourn the Hearing thereof to the next following General Quarter Seſſions of the Peace to be held for ſuch County; and the ſaid Juſtices may, if they ſee Cauſe, mitigate any Forfeiture or Fine, and may order any Money to be returned which ſhall have been levied in purſuance of ſuch Rule, Bye-Law, or Determination,

Determination, and may alſo order and award ſuch further Satisfaction and Coſts to be made and paid to the Party injured, as they ſhall adjudge reaſonable; but no Proceedings to be had and taken in purſuance of this Act ſhall be quaſhed or vacated for want of Form, or be removed by *Certiorari*, or by any other Writ or Proceſs whatſoever, into any of His Majeſty's Courts of Record at *Weſtminſter*, or elſewhere; any Law or Statute to the contrary notwithſtanding.

Limitation of Actions.

LXXXIX. And be it further enacted, That no Action, Suit, or Information ſhall be brought, commenced, or proſecuted againſt any Perſon or Perſons for any Thing done or to be done in purſuance of this Act, or in the Execution of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unleſs One Calendar Month's previous Notice ſhall be given by the Perſon or Perſons intending to commence and proſecute ſuch Action, Suit, or Information to the ſaid Company, or to their Clerk or Treaſurer for the Time being, nor unleſs ſuch Action, Suit, or Information ſhall be brought or commenced within Three Calendar Months next after the Fact committed, or in caſe there ſhall be a Continuation of Damages, then within Three Calendar Months next after the doing or committing ſuch Damage ſhall have ceaſed, and not afterwards, and ſhall be laid and brought in the County where the Matter in Diſpute or Cauſe of Action ſhall ariſe, and not elſewhere; and the Defendant or Defendants in ſuch Action, Suit, or Information, ſhall and may plead the General Iſſue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act; and if it ſhall happen to have been ſo done, or if any ſuch Action, Suit, or Information ſhall have been brought or commenced before or after the Time to be limited for bringing the ſame, or in any other County or Place than as aforeſaid, then and in every ſuch Caſe the Jury ſhall find for the Defendant or Defendants; and upon ſuch Verdict, or if the Plaintiff or Plaintiffs ſhall become nonſuit, or ſuffer a Diſcontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants ſhall have appeared, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, or if upon Demurrer or otherwiſe Judgment ſhall be given againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall (if the Judge before whom the Cauſe is tried ſhall certify the ſame to have been vexatious) have Double Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant hath for recovering Coſts of Suit in any other Caſes by Law.

Public Act.

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

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's moſt Excellent Majeſty. 1812.