ANNO QUINQUAGESIMO

GEORGII III. REGIS.

Cap. 215.

An Act to alter and amend the *Lydney* and *Lidbrook* Railway Act, to vary certain Parts of the said Railway, and to extend the same from *Lidbrook* to *Bishop's Wood*, and from the *Lower Forge* to the *Cross Pill*; and for making a Basin and Canal to communicate with the River *Severn* at *Nass Point*.

[21st *June* 1810.]

WHEREAS by an Act made and passed in the Forty-ninth Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Railway from the River* Wye *at or near to a Place called* Lidbrook, *in the Parish of* Ruardean *in the County of* Gloucester, *to or near to a Place called* The Lower Forge, *below* Newern, *in the Parish of* Lydney, *in the said County*; *and for making other Railways therein mentioned, in the Forest of* Dean *in the County of* Gloucester, certain Persons therein named were united into One Body Corporate, by the Name and Style of *The Lydney and Lidbrook Railway Company*, and were thereby authorized and empowered to make, complete, and maintain a Railway or Tram Road to be called *The Lydney and Lidbrook Railway*, passable for Waggons and other Carriages, and to be constructed as therein is mentioned, from the River *Wye* at or near to a Place called *Lidbrook*, in the Parish of *Ruardean* in the County of *Gloucester*, to *Miery Stock*, thence along the Eastern Side of the Brook to *Park End*, and through *Whitemead Park*, in His Majesty's Forest of *Dean*, to or near to a Place called *The Lower Forge*, below *Newern*, in the Parish of *Lydney*, in the said 49 G. 3.

County, and to make and maintain certain other Railways or Tram Roads to branch from the ſaid Railway or Tram Road as in the ſaid Act is mentioned; and the ſaid Company of Proprietors were by the ſaid Act authorized and empowered to raiſe and contribute ſuch Sums of Money as in the ſaid Act mentioned, for the making, completing, and maintaining the ſaid Railway and collateral Branches: And whereas it appears upon a Re-ſurvey that it will be expedient to vary and alter ſome Parts of the Line of the ſaid Main Railway or Tram Road, and to extend the ſaid main Railway or Tram Road, and alſo to make and maintain a Baſin and Canal communicating therewith, as herein-after is mentioned, which will promote and facilitate the Objects intended to be effected by the ſaid recited Act; and it is deſirable that the Corporate Name of the ſaid Company of Proprietors ſhould be adapted to the enlarged Works which they are deſirous to make; but the ſame cannot be carried into Execution without the Authority of Parliament: May it therefore pleaſe Your Majeſty that it may be enacted, and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That, from and immediately after the paſſing this Act, the Corporate Name and Style of the ſaid Company of Proprietors ſhall be *The Severn and Wye Railway and Canal Company*, inſtead of the Name and Style by the ſaid recited Act given to them, and the Tickets to be given to the Subſcribers to the ſaid Undertaking, as directed by the ſaid recited Act, and all other Acts and Proceedings of the ſaid Company of Proprietors, ſhall be altered and varied accordingly; and the Works by the ſaid recited Act, and by this preſent Act, authorized to be made, ſhall be called *The Severn and Wye Railway and Canal*, inſtead of the Name and Style by the ſaid recited Act given.

Company of Proprietors to be ſtiled The Severn and Wye Railway and Canal Company.

Power given to Company to vary Railway or Tram Road, &c.

II. And be it further enacted, That the ſaid Company of Proprietors ſhall and they are hereby authorized and empowered from and immediately after the paſſing of this Act, at their own proper Coſts and Charges, and by and out of any Money already raiſed or received, or hereafter to be raiſed or received by virtue of the ſaid recited Act, to vary and alter the ſaid Main Railway or Tram Road as herein-after is mentioned; (that is to ſay,) inſtead of the Line originally intended to be continued on the Eaſtern Side of the Upper Forge Pool to or near to the Middle Forge, and there to croſs the Brook, to make, continue, and maintain the ſaid Railway on the Weſtern Side of the Upper Forge Pool and Middle Forge Pool, and to croſs the private Canal of the ſaid *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, twice in the Line now marked out, and in part cut and levelled down to the Store-houſe of the ſaid *Thomas Pidcock*, *John Pidcock*, and *George Homfray*; and to go through ſuch of the Lands in the Poſſeſſion of them or their Under-tenants as may be neceſſary for ſuch Deviation, but ſo that the ſaid Canal ſhall be paſſed by a Draw Bridge to be made over the ſame; and to make, maintain, continue, and extend the ſaid Railway or Tram Road authorized to be made by the ſaid recited Act from or near *Lidbrook* aforeſaid, to or near to a Place called or uſed as the *Cinderhill*, at *Biſhop's Wood* Furnace, in the Pariſh of *Ruardean* in the County of *Glouceſter*, or *Walford* in the County of *Hereford*, with neceſſary Wharfs at the Termination of the laſt mentioned Branch; and alſo to continue and extend the Main Railway or Tram Road authorized to be made by the ſaid recited Act, by making, completing, and maintaining a

Power to make a new Branch to Biſhop's Wood.

Power to extend the Railway, and to make a Baſin, &c.;

further Railway or Tram Road from the intended Termination of the said Railway or Tram Road, at or near to the Lower Forge aforesaid, through the Lands of the Right Honourable *Charles Bathurst*, and along the Western Side of Part of the Creek called *Lydney Pill*, down to or near to a certain other Pill called the *Cross Pill*, falling into and crossing the said Creek called *Lydney Pill*, and to make, complete, and maintain a Branch of Railway or Tram Road from the said Main Line, at or near to a Cottage or Dwelling House now in the Occupation of the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, or their Under-tenant, across the Eastern Branch of Lydney Pill aforesaid, down and along the Eastern Side of the said Pill and intended Basin, to or near to the said Cross Pill; and also to make and maintain a Basin at the Distance of Forty Yards at the least above the said Cross Pill, and not exceeding Two hundred Yards in Length, and Fifty Yards in Breadth, and Twenty-one Feet Deep, to be formed partly from the said Lydney Pill, and partly by Excavation and Addition to the same of the Land adjoining thereto on the Eastern Side; and also to make and maintain a Cut or Canal, not exceeding Twenty-one Feet Deep, Eight Yards in Width at the Bottom, and Twenty-eight Yards at the Top, to extend from the said Basin, and to communicate with the River *Severn* at a Place called *Nass Point*, in the Tything of *Nass*, and Parish of *Lydney* in the said County of *Gloucester*, with Towing Paths, Mounds, or Banks on the Sides of the said Canal; and also to make and maintain a Lock between the Canal and outer Harbour, not exceeding Twenty-one Feet in Width, and Ninety Feet in Length; and also an outer Harbour, not exceeding Twenty-eight Feet in Depth, Eighty Yards in Length, and Twenty-six Yards in Width at the Bottom, with a Pair of Gates, or with a Lock, to open into the River *Severn* with the Tide, as to the said Company of Proprietors shall seem expedient; and the said Company of Proprietors are hereby further authorized and empowered, and are also required to divert the Water from Lydney Pill aforesaid into the said Basin and Canal, and to stop up and discontinue the present Course of Lydney Pill at or about One hundred Yards below the said Cross Pill; and also to deepen, enlarge, widen, and extend that Part of the said Pill which lies between the said intended Basin and the Place where the said Pill divides itself into Two Branches, at least sufficient for the Navigation of Vessels of the Size aftermentioned, but of any greater Breadth and Depth which the said Company of Proprietors shall think fit, not exceeding Fifty Yards in Breadth; and also to deepen, widen, and enlarge, fit for Navigation, the Eastern Branch of the said Pill, from the said Place where the said Pill divides itself as aforesaid up to the Bridge above the Warehouse of the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, near the said Lower Forge, to such Breadth at the Bottom as the said Company of Proprietors shall think expedient, and at the Top to such Width as may be necessary for proper Slopes, so as such Part of the said Pill and Eastern Branch be of sufficient Depth and Width to carry Vessels drawing Eight Feet of Water when loaded; which said Variation, Extension, additional Branch, Basin, and Canal are intended to pass or be made in or through the several Parishes, Chapelries, Liberties, Townships, Hamlets, and Places herein-after mentioned; (that is to say,) the Parishes of *Ruardean*, *Newland*, and *Lydney* in the County of *Gloucester*, and *Walford* in the County of *Hereford*; and the said Company of Proprietors of the said *Severn* and *Wye* Railway and Canal, their Deputies, Agents, Officers, Workmen, and Servants, are hereby authorized and empowered to make, erect,

and to extend the Pill between the Basin and the Division of the Pill into Two Branches, and deepen the Eastern Branch.

Powers to execute the Variations and new Works; and

to take Tonnage, &c. upon the ſame, as authorized by former Act, unleſs in caſes hereby altered.

erect, execute, do, and perform all ſuch Works, Matters, and Things as ſhall be requiſite and convenient for making, completing, and maintaining the ſaid Variation, and the ſaid Extenſion of the ſaid Railway hereby authorized to be made, and ſhall have, uſe, exerciſe, and enjoy the like Ways, Paſſages, Powers, and Authorities, upon and in reſpect of the Lands, through which the ſaid Variations, additional Branch, and Extenſion of the ſaid Railway ſhall be made; and ſhall and may aſk, demand, take, and recover to and for the Uſe and Behoof of the ſaid Company of Proprietors, ſuch and the like Tonnage Rates, and Duties upon all Goods, Wares, and Merchandizes which ſhall be conveyed upon or through any Part of the ſaid Variations, additional Branch, or Extenſion of the ſaid Railway, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as the ſame Company of Proprietors are authorized and empowered to do, execute, perform, uſe, exerciſe, aſk, demand, take, recover, and enjoy, under and by virtue of the ſaid recited Act of the Forty-ninth Year of the Reign of His preſent Majeſty, in reſpect to the Railway and collateral Branches thereby reſpectively authorized to be made, but ſubject nevertheleſs to the Amendments and Alterations herein contained; and the ſaid Company of Proprietors, and their Deputies, Officers, Workmen, and Servants are hereby authorized and empowered to make, erect, execute, do, and perform all ſuch Works, Matters, and Things as ſhall be requiſite and convenient for making, completing, and maintaining the ſaid Baſin and Canal hereby authorized to be made, and the Navigation thereof, and for ſupplying the ſame with Water in Manner preſcribed by this Act, and ſhall have, uſe, exerciſe, and enjoy ſuch or the like Powers and Authorities, upon and in reſpect of the Lands through or over which the ſaid Baſin and Canal ſhall be made, in as full, ample, and beneficial a Manner, to all Intents and Purpoſes, as the ſame Company of Proprietors are authorized to take, uſe, exerciſe, and enjoy, under and by virtue of the ſaid recited Act, in reſpect of the Works thereby authorized to be made, or ſuch and ſo many of the ſame Powers and Authorities as ſhall be applicable to the ſaid Baſin and Canal, hereby authorized to be made, and particularly ſhall make, build, erect, and ſet up, in, over, or upon the ſaid Canal and Baſin, or upon the Lands adjoining to or near the ſame, ſuch and ſo many Bridges, Piers, Arches, Aqueducts, Sluices, Flood Gates, Weirs, Pens for Water, Toll Houſes, Landing Places, Fire Engines, or other Machines for diſcharging or ſupplying Water to or from the ſaid Canal and other Works, neceſſary for making and maintaining the ſaid Railways, Baſin, Canal, and other Works hereby authorized to be made, where and in ſuch Manner as the ſaid Company of Proprietors ſhall think fit; and the ſaid Company of Proprietors, and all other Perſons entitled thereunto, ſhall have ſuch and the like Powers and Remedies for recovering the Rates, Tolls, and Duties herein-after granted in reſpect of the ſaid Canal and Baſin, and the Wharfs thereof, and ſuch or the like Powers for aſcertaining and more eaſily collecting the ſame, and ſettling Differences concerning the Weight of Goods, as are by the ſaid Act veſted in or given to them in relation to the Tolls thereby granted; and Perſons attempting to defraud the ſaid Company of Proprietors of the Tolls hereby granted ſhall be liable to the ſame Penalties as by the ſame Act are impoſed on Perſons committing Frauds in regard to the Tolls thereby granted, in the ſame Manner as if the Proviſions aforeſaid were here repeated and adapted to this preſent Caſe.

Power to recover Rates, &c. in Manner preſcribed by former Act.

III. And

Powers of recited Act as to Agents, Workmen, &c.

III. And be it further enacted, That the ſaid Company of Proprietors, their Agents, Servants, Workmen, and Labourers, and the Commiſſioners appointed or to be appointed by or by virtue of the ſaid Act of the Forty-ninth Year of the Reign of His preſent Majeſty, and all Bodies Politick, 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, ſhall have and be ſeiſed and poſſeſſed of, and are hereby reſpectively inveſted with ſuch and the like Eſtates, Authorities, Powers, Abilities, Intereſts, Privileges, and Advantages, and ſhall be and is and are hereby made ſubject and liable to ſuch and the like Rates, Taxes, Compenſations for Tythes, Rules, Conditions, Directions, Regulations, Reſtrictions, Controuls, Payments, Penalties, Forfeitures, Puniſhments, and Benefit of Appeal in relation to the making, execution, completion, and government of the Variation, Extenſion, Canal, and Baſin, and all and ſingular other the Works hereby authorized to be made, completed, and maintained as are mentioned, given, granted, preſcribed, eſtabliſhed, and directed to be inflicted in and by the ſaid recited Act, to every Intent and Purpoſe whatſoever; and that the ſaid recited Act, and all Clauſes, Powers, Proviſoes, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Remedies, Matters, and Things in the ſaid Act contained for making, completing, repairing, preſerving from Injury and Treſpaſſes, and maintaining the Works thereby reſpectively authorized to be made, ſhall, ſo far as the Nature and Circumſtances of the Caſe will admit, extend, and are hereby extended to, and ſhall take effect, operate, and be put in Execution, and ſhall be uſed and exerciſed by the ſaid Company of Proprietors, and ſhall be applied and enforced in, by, and for and in reſpect of the making, completing, repairing, preſerving, maintaining, and uſing the ſaid Variation and Extenſion of the ſaid Railway, and the ſaid Baſin and Canal, and other the ſeveral Works, Matters, and Things by this Act authorized to be made, done, and performed, and for Puniſhment of Offences in relation thereto, and for the purchaſing, ſelling, and conveying of Lands, Tenements, and Hereditaments, and aſcertaining the Value thereof, and for making Wharfs and other Conveniences, and for the determining and aſſeſſing of Damages, and all other Matters and Things which ſhall relate to or happen or ariſe by or in conſequence of the making, completing, repairing, maintaining, and uſing the ſaid Variation and Extenſion of the ſaid Railway, and Baſin and Canal, and the other Works hereby authorized to be made, done, and executed, and ſhall alſo be uſed and exerciſed by the Owners and Proprietors of Lands and Hereditaments lying near to the ſaid Variations, additional Branch, and Extenſion of the ſaid Railway, Baſin, Canal, and other Works hereby authorized to be made; and that the ſame Perſons who are or have been or may be appointed Commiſſioners in relation to the putting the ſaid recited Act of the Forty-ninth Year of the Reign of His preſent Majeſty into Execution ſhall be Commiſſioners for the Purpoſes of this Act; and the ſaid Act of the Forty-ninth Year of the Reign of His preſent Majeſty herein-before recited or referred unto ſhall, ſo far as the Nature and Circumſtances of the Caſe will admit, extend and is hereby extended to, and ſhall take effect, operate, and be put in Execution, and be uſed, exerciſed, applied, and enforced in the ſame Manner,

Commiſſioners.

Former Act to extend to the Works authorized to be made.

and as fully and effectually to all Intents, Effects, and Purpoſes, as if the ſeveral Clauſes, Proviſoes, Powers, Authorities, Orders, Rules, Regulations, Limitations, Reſtrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Puniſhments, Remedies, Matters, and Things contained in the ſaid recited Act of the Forty-ninth Year of the Reign of His preſent Majeſty were herein repeated and re-enacted and adapted to this preſent Caſe, and as if the ſaid Variations, additional Branch, and Extenſion to the ſaid Railway, and the ſaid Baſin and Canal, and the other Works by this Act authorized to be made, completed, and maintained, had been Part of the ſaid Works by the ſaid recited Act of the Forty-ninth Year of the Reign of His preſent Majeſty authorized to be made, completed, and maintained, but ſubject nevertheleſs to the Amendments and Alterations and additional Proviſions herein contained, and which ſhall commence and take Effect from the paſſing of this Act.

IV. And whereas a Survey was taken to aſcertain the Practicability of making the Railways and other Works by the ſaid recited Act authorized to be made, and a Map or Plan with a Book of Reference thereto was alſo made, and in purſuance of the Directions for that Purpoſe contained in the ſaid recited Act there were Three Parts of the ſaid Map or Plan and Book of Reference thereto, which were certified by the Right Honourable the Speaker of the Houſe of Commons, and ſeverally depoſited, one with the Clerk of the Peace for the ſaid County of *Glouceſter*, and one with the Clerk of the ſaid Railway Company, and one other with the Surveyor General of His Majeſty's Woods; and ſince the ſame have been ſo depoſited, it hath been diſcovered that a Miſtake was made in the ſaid Map or Plan by the Engraver thereof, and it is therefore deſirable that the ſaid Maps or Plans and Books of Reference ſhould be withdrawn from the ſaid Clerks of the Peace and Surveyor General reſpectively, and that correct Maps or Plans and Books of Reference, applicable to all the Works authorized to be made as well by the ſaid recited Act as by this preſent Act, ſhould be depoſited with them in lieu thereof; and it is alſo deſirable that a Map or Plan and Book of Reference ſhould alſo be depoſited with the Clerk of the Peace for the ſaid County of *Hereford*: And whereas a Survey has been taken to aſcertain the Practicability of varying and altering the Line of the Railway or Tram Road authorized to be made by the ſaid recited Act, and extending the ſame, and of making the Baſin and Canal, and other Works hereby authorized to be made; and a Map or Plan has been made in which the former Map or Plan has been conſolidated, correcting the Miſtake before alluded to, with a Book of Reference thereto; be it therefore further enacted, That there ſhall be Four Parts of the ſaid new or conſolidated Map or Plan and 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 Clerk of the Peace for each of the ſaid Counties of *Glouceſter* and *Hereford* reſpectively, one with the Clerk of the ſaid Railway and Canal Company, and one with the Surveyor General of His Majeſty's Woods; and the Clerk of the Peace for the ſaid County of *Glouceſter*, and the Clerk of the ſaid Company, and the ſaid Surveyor General are hereby reſpectively directed at the ſame Time to deliver up to the ſaid Company of Proprietors the Maps or Plans and Books of Reference depoſited with them reſpectively, in purſuance of the ſaid recited Act; and the Proviſions in the ſaid recited Act, as to Maps or Plans and Books thereby directed

New Plans and Books of Reference to be authenticated by the Speaker of the Houſe of Commons.

directed to be depoſited as aforeſaid, ſhall extend to the Maps or Plans and Books hereby directed to be depoſited, in the ſame Manner as if the ſame were here repeated and adapted to this preſent Caſe; and the Maps or Plans and Books hereby directed to be depoſited ſhall be and be deemed to be the only Maps or Plans and Books referred to by the ſaid recited Act, or by this preſent Act; any Thing in the ſaid Act contained, or the Miſtake aforeſaid, to the contrary thereof in anywiſe notwithſtanding.

Not to deviate more, &c.

V. And be it further enacted, That the ſaid Company of Proprietors, in making the Variation and Extenſion of the ſaid Railways as aforeſaid, ſhall not deviate more than ſhall be neceſſary for that Purpoſe, nor in any Inſtance more than One hundred Yards from the Courſe or Direction delineated in the ſaid Map or Plan, and ſet forth in the ſaid Book of Reference; nor cut, carry, or convey the ſame Works into, through, acroſs, under, or over any Part or Parts of the ſeveral Lands or Grounds now or late belonging to or reputed to belong to the ſeveral and reſpective Perſons named or deſcribed in the ſaid Book of Reference, other than ſuch Part or Parts of ſuch Lands or Grounds as are mentioned in the ſaid Book of Reference in that reſpect, without the Approbation and Conſent in Writing of the Perſon or Perſons, Bodies Politick, Corporate or Collegiate, to whom ſuch Lands and Grounds do or ſhall reſpectively belong; but nothing herein contained ſhall extend to reſtrain or prevent the ſaid Company of Proprietors from making any Deviation from the Courſe or Direction of the ſaid Railways, or altering of the ſame, in caſe all the Perſons, Bodies Politick, Corporate or Collegiate, to whom the Lands or Grounds to be cut through or made uſe of for the Purpoſes of ſuch Deviation or Alteration ſhall belong ſhall conſent thereto.

Power to carry the Line to Biſhop's Wood over Lands omitted in Book of Reference, or where Proprietors have been miſnamed.

VI. Provided always, and it is hereby further enacted, That the ſaid Company of Proprietors may make the ſaid Extenſion to *Biſhop's Wood*, hereby authorized to be made, into, through, acroſs, or over the Lands or Grounds of any Perſon or Perſons whomſoever, Bodies Politick, Corporate or Collegiate, whoſe Name or Names ſhall appear to the Satisfaction of the Commiſſioners appointed or to be appointed by or by virtue of the ſaid recited Act, 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 Perſon or Perſons, Bodies Politick, Corporate or Collegiate, to whom ſuch laſt mentioned Lands or Grounds do not belong, have or hath been by Miſtake inſerted therein; any Thing herein contained to the contrary thereof in anywiſe notwithſtanding.

Earth dug in making the Baſin to be left ſmooth and plain.

VII. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to depoſit and lay all the Earth which ſhall be dug up for the Purpoſe of making the ſaid Baſin on the Sides thereof, and there leave the ſame ſmooth and plain, in ſuch Manner and Form as ſhall be moſt convenient for making Wharfs thereon.

Proprietors to make proper Waſte Wears, Flood Gates, Sluice Gates, &c.

VIII. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to make, complete, and maintain ſufficient Waſte Wears, Flood Gates, Sluice Gates, and other Works for the Purpoſe of diſcharging any Waſte or ſuperfluous Waters from the ſaid Canal and Baſin into the River *Severn*, and of preventing the Water of the ſaid Canal and Baſin from riſing at any Time above the Level of

One

One Foot below the Tails of the Wheels at the said Mill or Forge called the *Lower Forge*, (except by unavoidable Land Floods, or by the damming up of the Streams of the said Canal and Basin during the Spring Tides).

Company to recompence Messrs. Pidcock for their Loss of Trade, &c.

IX. And be it enacted, That it shall be lawful for the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, or Assigns, to ask, demand, and receive from the said Company of Proprietors, and for the said Company of Proprietors to pay to the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, or Assigns, such Sum or Sums of Money as may be agreed upon between the said Company of Proprietors and the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, or Assigns, by Way of Satisfaction for the Loss and Injury which the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, or Assigns may sustain by the Interruption during the making of the said Canal and Basin, and previous to the same being opened for Navigation, of their Communication with the River *Severn*, which will be cut off by the damming up of Lydney Pill or Creek; and in case the said Company of Proprietors, and the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, or Assigns, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners appointed or to be appointed by or by virtue of the said recited Act, in such Manner and subject to such Verdict of a Jury, if required, as in the said Act is directed with respect to Compensation for Damages sustained in completing the said Railways or Tram Roads, and other Works hereby authorized to be made.

Right of Fishing in the Basin and Pill reserved to Mr. Bathurst.

X. And whereas the said Basin will be made upon and the said Pill passes through the Lands of the said *Charles Bathurst*, be it therefore further enacted, That the sole and exclusive Right of Fishing in the said Basin hereby authorized to be made shall belong to, and the same is hereby vested in the said *Charles Bathurst*, his Heirs and Assigns for ever.

Tonnage on Trows or Vessels.

XI. And be it further enacted, That, from and after such Time as the said Canal and Basin shall be finished for the Purpose of Trade and Navigation, there shall be paid and payable to the said Company of Proprietors, or their Deputies or Collectors, for their Use:

For every Trow or other Vessel passing or entering the said outer Harbour, or going in or coming out of the said Canal and Basin to or from the River *Severn*, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not being more than Seven Shillings and Sixpence, and also such further Sum not more than Sixpence for every Ton (to be estimated as in the recited Act is mentioned) of all Goods, Wares, Merchandizes, and Commodities whatsoever, which shall be imported or exported into or from the said Basin in any such Trow or other Vessel navigating the same:

And in all Cases where there shall be a Fraction of a Ton, a proportionate Part of the said last mentioned 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.

Exemptions.

XII. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to make ſubject or liable to the Payment of the Rates or Duties hereby authorized to be taken any Coal or other Commodities whatſoever, which ſhall be exported from the ſaid Baſin, and which ſhall have been carried or conveyed on the Railway or Tram Road by the ſaid recited Act or by this preſent Act authorized to be made, and in reſpect of which a groſs Rate or Tonnage for the entire Diſtance (whatſoever it may be) is by the ſaid Act impoſed, nor ſhall any Trow or Veſſel coming into the ſaid Baſin for the Purpoſe of exporting the Coal or other Commodities laſt aforeſaid be liable to any of the Duties aforeſaid.

Where a fixed Toll paid on the Railway, no additional Payment for going on Canal.

XIII. Provided always, and be it further enacted, That where by the ſaid recited Act a certain Toll or Rate is authorized to be taken for the entire Diſtance which any Coals or other Things ſhall be carried or conveyed on the ſaid Railway or Tram Road thereby authorized to be made, the ſame ſhall or may be carried and conveyed on or over the whole Extent of Railway, Baſin, and Canal, when extended and finiſhed according to the Powers of this preſent Act, without any further or additional Toll or Rate being demandable or payable in reſpect of the ſame.

Regulations reſpecting the preſent and future Occupiers of the Collieries and Iron Works of Mr. Bathurſt.

XIV. Provided always, and be it further enacted, That *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, and the future Occupiers of their Collieries and Iron Works, or any Part thereof now occupied by them as Tenants of the ſaid *Charles Bathurſt*, ſhall have the Uſe, Benefit, and Enjoyment of the ſaid Part of the ſaid Pill, Eaſtern Branch, outer Harbour, Baſin, and Canal *gratis*, and free and exempt from Payment of all Toll or Tonnage whatſoever for the navigating, carrying, and conveying in, along, or through the ſame, or any Part thereof, or through the ſaid Lock, of their Coal, Limeſtone, Iron Stone, Iron, Metals, Minerals, Timber, Wood, Materials, Goods, Wares, Merchandizes, or Articles whatſoever, to and from the ſame Iron Works and Collieries, for the Uſe thereof, or of any Part thereof, or ſold or ſent for Sale by them therefrom, at all Times whatſoever, when the ſame Baſin and Canal ſhall be reſpectively navigable or uſeable; and alſo ſhall have the like Uſe, Benefit, and Enjoyment for the ſame of the ſaid Railways by the Sides of the ſaid Pill and Baſin, or either of them, *gratis*, and free and exempt of all Payments of Toll or Tonnage whatſoever, at all ſuch Times as the ſaid Pill and intended Baſin, or either of them, ſhall in any Manner be obſtructed in the Navigation thereof by Froſt, or Want of Water, or of Cleanſing, or of Repairs, or otherwiſe howſoever.

Occupiers not to uſe the Railways on the Sides of the Pill and Baſin without Payment of Rates, &c.

XV. Provided always, and be it further enacted, That nothing herein contained ſhall extend or be conſtrued to extend to authorize the ſaid *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, or the future Occupiers of their Collieries and Iron Works aforeſaid, or any Part thereof, to uſe the ſaid Railway by the Sides of the ſaid Pill and Baſin, or either of them, at any Time when the ſame reſpectively ſhall not in any Manner be obſtructed in the Navigation thereof, by Froſt, or Want of Water, or of Cleanſing, or of Repairs, or otherwiſe howſoever, without paying, in reſpect of the Diſtance which they ſhall travel upon the ſaid laſt mentioned Railway, Rates proportionable to the Rates by the ſaid recited Act directed to be paid by them for the Uſe of the Railway thereby authorized to be made.

Agreement between Meſſrs. Jones and the Company for the Purchaſe of their Land.

XVI. And whereas the ſaid intended Works from the Baſin to the River *Severn* at *Naſs Point* will be made and paſs through the Grounds near to and in front of the Manſion Houſe and Eſtate of *Roynon Jones* Eſquire the elder, and *Roynon Jones* Eſquire the younger, called *Naſs Houſe*, which may conſequently render the ſaid Manſion Houſe leſs deſirable for Habitation, and the ſaid Eſtate leſs convenient for Occupation, by being divided and ſeparated; it hath therefore been ſtipulated and agreed between the ſaid *Roynon Jones* the elder, and *Roynon Jones* the younger, and the ſaid Company of Proprietors, that not leſs than the Sum of One hundred Pounds an Acre, and an Annuity or clear yearly Sum of One hundred and fifty Pounds ſhall be paid to them the ſaid *Roynon Jones* the elder and *Roynon Jones* the younger, for the Purchaſe of the Land neceſſary for the Purpoſes of the ſaid Works, (that is to ſay,) for making the ſaid Canal, Banks, Towing Paths, and Fences on the Sides thereof, and Outer Harbour, and as a Compenſation for the expected Nuiſance or Annoyance to the remaining Part of their Eſtate; be it therefore further enacted, That the Conſideration to be paid to the ſaid *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Aſſigns, for the Purchaſe of ſuch Parts and ſo much of their Land as may be wanted for executing the ſaid Works as aforeſaid, ſhall be ſuch Sum or Sums of Money as ſhall amount to and be at and after the Rate of not leſs than One hundred Pounds an Acre for the ſame, to be paid by the ſaid Company of Proprietors before they ſhall enter on the ſaid Land for the Purpoſes of the ſaid Works; and alſo the Rent or Sum of One hundred and fifty Pounds to be paid to the ſaid *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Aſſigns, on the Firſt Day of *July* and the Firſt Day of *January* in every Year, in equal Proportions, the Firſt Payment thereof to commence from the Firſt Day of *January* One thouſand eight hundred and eleven, and to be due on the Firſt Day of *July* then next enſuing, and which ſhall be accepted by them as and in full for the Purchaſe of the Land ſo to be taken.

To prevent Nuiſances to Meſſrs. Jones's Property, &c.

XVII. And be it further enacted, That in order to prevent as much as poſſible any Nuiſance or Annoyance to the ſaid Manſion Houſe and Eſtate of the ſaid *Roynon Jones* the elder and *Roynon Jones* the younger, by reaſon of the Works hereby authorized to be made, and alſo to prevent Treſpaſſers on their Property by the Workmen employed in the ſaid Works, the ſaid Company of Proprietors ſhall, and they are hereby required to form or place the Earth which ſhall be dug up in making of the ſaid Canal in a Mound or Bank, to riſe gradually from the Margin of the ſaid Canal, on both Sides thereof, to the Height of Twelve Feet, and to form the Slopes on each Side thereof Eighteen Inches Horizontal to Twelve Inches Perpendicular, (and on which Mounds the Towing Paths are propoſed to be made,) and to ramper the South Side of the Towing Path, on the South Side of the ſaid Canal, Four Feet high from the Surface of the Marſh, and flag the ſame with Turf above that Height to the Top, and to keep and preſerve the ſaid Mounds or Banks at all Times thereafter as nearly as may be of the ſame Height and Elevation, (except the Head of the ſaid Lock, or of ſuch other Place where the Bridge after mentioned ſhall be placed, at which a convenient Deſcent will be neceſſary for enabling the ſaid *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Aſſigns, Servants, Workmen, and others employed by them, to paſs, repaſs, and uſe the ſaid Bridge,) and alſo to keep and preſerve

proper Hedges or other Fences on the Northward and Southward Sides of the said Mounds and Banks.

On the Watercourse called the Eastern Way being choaked up, Company to provide a sufficient Fence in the Place thereof.

XVIII. And be it further enacted, That if a certain Watercourse, called the *Eastern Way*, shall become filled up or choaked by reason or in consequence of the Works hereby authorized to be made, the said Company of Proprietors shall, and they are hereby required, at the Request of the said *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Assigns, to make and provide a proper and sufficient Fence for dividing the Lands on the Northward Side of the said Watercourse from those on the Southward Side thereof.

Company to plant Trees on the North Side of said Bank.

XIX. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required, within Twelve Calendar Months next after the said intended Works shall be completed, to plant, or cause to be planted, Forest and other Trees on the Northward Side of the Bank or Mound lying next to the Mansion House of the said *Roynon Jones* the elder and *Roynon Jones* the younger, and to renew such Plantations as Occasion may require.

Vessels to proceed up Canal as expeditiously as may be into the Basin, &c.

XX. And be it further enacted, That the Master of every Vessel entering the said Outer Harbour shall proceed up the said Canal into the said Basin with as much Expedition as may be (subject to the Rules and Regulations for using the said Canal and Lock); or if there shall not be sufficient Room in the said Basin, shall moor or secure his Vessel as near as may be thereto, and at no Time at a greater Distance therefrom than Two hundred Yards, and that only on the Southward Side of the said Canal, and until such Time as there shall be convenient Room for carrying his Vessel into the said Basin, under the Penalty of any Sum not exceeding Forty Shillings, to be recovered as other Penalties are directed to be recovered by this or by the said recited Act.

Company to make a Swivel Bridge, &c.

XXI. And be it further enacted, That the said Company of Proprietors shall, and they are hereby required to make, complete, keep, and maintain a Swivel Bridge across the said Canal, at the Head of the said Lock, or at such other Place as shall be appointed by the said *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs or Assigns, with proper Railing on each Side for the Passage of Cattle, such Bridge to be finished in all Respects at the Period when the Works hereby authorized to be made shall be finished, and to be approved of by, and to be for the sole Use and Benefit of the said *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Assigns, to pass and repass to and from such of their Lands as will be separated by the said Canal (save and except that the said Swivel Bridge may be passed and used by the said Company of Proprietors, with Horses employed on the Towing Paths of the said Canal, but for no other Purpose); and until such Bridge is made fit for Use, that the said Company of Proprietors shall and will provide, or cause to be provided, a proper temporary Way or Passage to or from the Grounds of the said *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Assigns.

XXII. And

Powers given by former Act for Recovery of Rents and Payments extended to Messrs. Jones.

XXII. And be it further enacted, That in case the said Rent of One hundred and fifty Pounds, or any Half yearly Payment thereof, or any Part thereof, shall be in Arrear or unpaid for the Space of Twenty-one Days next after the Day whereon the same ought to be paid, that in every such Case each and every one of the Powers and Authorities given by the said recited Act for the Recovery of the said Rent of Three hundred Pounds thereby made payable to His Majesty, and of the other yearly Rents or Payments thereby or by this Act reserved, shall be extended to and used by the said *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Assigns, for the Recovery of the said yearly Rent or Sum of One hundred and fifty Pounds, and every Part thereof, as if such Powers and Authorities were herein expressly repeated and re-enacted.

Right of Fishing in Canal vested in Messrs. Jones.

XXIII. And whereas the said Canal will be made upon the Lands of *Roynon Jones* the elder and *Roynon Jones* the younger, be it further enacted, That the sole and exclusive Right of Fishing in the said Canal shall belong to, and the same is hereby vested in the said *Roynon Jones* the elder and *Roynon Jones* the younger, their Heirs and Assigns.

Pending the Works, no Cattle, &c. to be permitted to stray on the Lands purchased of Messrs. Jones.

XXIV. And be it further enacted, That, during the Period of executing the said Works, the said Company of Proprietors shall not permit any Horse, Sheep, Swine, or Cattle of any Kind whatever, to feed upon the Pasture, or run upon or over the Lands to be purchased of the said *Roynon Jones* the elder and *Roynon Jones* the younger for the Purposes of this Act.

Penalty on leaving Vessels, &c.

XXV. And be it further enacted, That if any Barge or other Vessel shall be placed or suffered to remain in any Part of the said Harbour, Canal, Lock, or Basin, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Barge or other Vessel shall not immediately upon Request made remove such Barge or other Vessel, he shall forfeit for every such Offence any Sum not exceeding Ten Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer of the said Company of Proprietors to cause any such Barge or other Vessel to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Barge or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall be paid; and if any Barge or other Vessel shall be sunk in the said Harbour, Canal, or Basin, or other Works, and the Owner or Person having the Care or Command of such Barge or Vessel shall not without Loss of Time weigh or draw up the same, it shall be lawful for the Agents and Servants of the said Company of Proprietors to cause such Barge or Vessel to be weighed or drawn up, and to detain and keep the same until Payment be made of all the Expences necessarily occasioned relating thereto, and if any such Payments shall not be made within the Space of Five Days, then it shall be lawful for the said Company of Proprietors to sell and dispose of such Barge or other Vessel, with the Loading thereof, or of any Part of such Loading, in such Manner as the Law directs in Cases of Distress for Rent in Arrear, rendering to the former Owner of such Barge or other Vessel the Overplus after such Expences and the Charges of such Sale shall be deducted.

XXVI. And

Penalty on Persons obstructing the Use of the Works.

XXVI. And be it further enacted, That if any Person shall float any Timber upon the said Canal or Basin, or shall suffer the Loading of any Barge or other Vessel therein to lie over the Sides of such Barge or other Vessel respectively, or shall overload any such Barge or other Vessel so as to obstruct the passing of any other Barge or other Vessel, and shall not immediately upon Notice to him given for that Purpose remove such Obstruction; or if any Person shall throw any Ballast, Gravel, Stones, Rubbish, or other Matter or Thing into or upon any Part of the said Canal, Basin, or other Works to be made by virtue of this Act; or if any Person or Persons shall wantonly, carelessly, or negligently open or cause to be opened any Lock, or any Paddle, Valve, or Clough belonging to any Lock to be erected by virtue of this Act, or suffer any Barge or other Vessel to strike or run upon any Lock, or shall wilfully flush or draw off the Water from the said Canal or Basin, or other Works, or shall leave any of the said Valves or Cloughs open and running after any Barge or other Vessel shall have passed the said Lock, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Messrs. Pidcocks and Homfray may throw Cinders into the Lower Brook, if not removed by the Company.

XXVII. Provided always nevertheless, and be it further enacted, That if the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, or Assigns, shall at any Time hereafter be desirous of getting rid of any Cinders and Refuse of their Works, and of such their Desire shall give Notice in Writing to the said Company of Proprietors, then and in every such Case the said Company of Proprietors shall or may at any Time within Seven Days after such Notice remove and carry away the same, and take and apply the same to their own Use; but if the said Company of Proprietors shall at any Time neglect to remove the said Cinders and Refuse within Seven Days after such Notice given to them for that Purpose as aforesaid, then the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, or Assigns, or their Servants shall or may throw the said Cinders and Refuse, to take away which such Notice shall be given as aforesaid, into the back Brook behind their Works at Middle Forge, as they have heretofore been used to do, without being subject or liable to any Penalty for so doing to the said Company of Proprietors.

Regulations respecting Boats under Twenty Tons not to pass Locks but under Conditions.

XXVIII. Provided always, and be it further enacted, That no Boat or other Vessel of less Burthen than Twenty Tons shall pass through any of the Locks or Gates to be made by virtue of this Act, without the Consent of the said Company of Proprietors, or their principal Agent for the Time being, in Writing first had and obtained, unless the Owner, Master, or Person having the Care or Command of such Boat or other Vessel, shall pay the same Tonnage as for a Boat or Vessel of Twenty Tons Burthen, and that although such Boat or other Vessel would by virtue of this Act have been exempt from Tonnage if the Burthen thereof had exceeded Twenty Tons.

Regulations for Boats passing the Locks.

XXIX. And be it further enacted, That no Boatman, or his Agent or Servant, navigating any Boat or other Vessel upon the said Canal or Basin, and passing with any Boat or other Vessel through any Lock made by virtue of this Act, shall remain in such Lock longer than is necessary for his Boat or other Vessel to pass through the same; and that every such Boatman or other Person as aforesaid, in going down the said Canal or

Baſin, ſhall ſhut the Lower Gates of each ſuch Lock before he or they ſhall draw the Cloughs of the Upper Gates thereof; and after he or they ſhall have brought his or their Boat or other Veſſel into ſuch Lock, ſhall ſhut the Upper Gates before he or they ſhall draw the Cloughs of the Lower Gates thereof; and in going up the ſaid Baſin or Canal ſhall, as ſoon as he or they ſhall have entered any Lock with his or their Boat or other Veſſel, ſhut the Lower Gates before he or they ſhall draw the Cloughs of the Upper Gates thereof, and as ſoon as he or they ſhall have paſſed with his or their Boat or other Veſſel out of the ſaid Lock, ſhut the Upper Gates thereof, and draw the Cloughs of the Lower Gates, unleſs there ſhall be a Boat or other Veſſel in ſight of the ſaid Lock, coming down the ſaid Canal or Baſin, in which Caſe the Lower Gates of the ſaid Lock ſhall be left ſhut, and the Upper Gates be left open; but if when the Lock is empty the Veſſel going into the ſaid Baſin or Canal ſhall paſs through ſuch Lock before the Veſſel coming down, then the Veſſel next above the Lock ſhall come down, and if there ſhall be more Veſſels than One above and below any Lock at the ſame Time prepared to paſs the ſaid Lock, ſuch Veſſels ſhall go up and come down through ſuch Lock by turns as aforeſaid, until all the Veſſels going up and coming down ſhall have paſſed, in order that one Lock full of Water may ſerve Two Veſſels; and that every Perſon offending in any of theſe Particulars, and being convicted thereof before any Juſtice of the Peace on the Oath of One or more credible Witneſs or Witneſſes, as well the Maſter or other Perſon having the Command of ſuch Boat or Veſſel, ſhall for every ſuch Offence forfeit a Sum not exceeding Five Pounds.

Proprietors may make further Regulations relating to paſſing the Locks.

XXX. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Company of Proprietors, and their Succeſſors from Time to Time, to make ſuch further and other Rules, Orders, and Regulations for or relating to the paſſing of any of the Locks to be made by virtue of this Act with any Boats, Barges, and other Veſſels, as they ſhall think proper; and that all ſuch Rules, Orders, and Regulations, (being publiſhed in ſuch Manner as the Commiſſioners appointed, or to be appointed by or by virtue of the ſaid recited Act, aſſembled at any Meeting to be held as in the ſaid recited Act is mentioned, or the major Part of them ſo aſſembled ſhall direct,) ſhall be binding upon and be conformed to by the Owners, Maſters, or Perſons having the Care or Conduct of ſuch Boats, Barges, or other Veſſels as aforeſaid, upon Pain of forfeiting a Sum not exceeding Five Pounds for every Default.

Lock Keepers not to give any Preference to Veſſels paſſing.

XXXI. And be it further enacted, That if any Lock Keeper, Wharfinger, or other Servant belonging to the ſaid Company of Proprietors, ſhall give any Preference or ſhew any Partiality to any Boat, Barge, or other Veſſel in paſſing through any of the ſaid Locks, he ſhall be puniſhable in like Manner as he is made puniſhable by the ſaid recited Act for other Preferences therein mentioned.

C. Bathurſt to allot Land for Wharfs near the Severn.

XXXII. And be it further enacted, That the Land of the ſaid *Charles Bathurſt*, his Heirs or Aſſigns, contiguous to and ſurrounding the ſaid Railways or Tram Roads, and Baſin hereby authorized to be made, and the Upper Part of the ſaid Lydney Pill, which is to be ſet apart, allotted, and employed for the publick Wharfs, Quays, and landing Places to be made by virtue of this Act for the Uſe of the Works hereby authorized

authorized to be made, according to the true Intent and Meaning of this Act, ſhall not exceed, in the firſt Inſtance, Nine Statute Acres.

If Baſin ſhall be too ſmall, Proprietors to extend ſame after Notice given to Mr. Bathurſt, &c.

XXXIII. And be it further enacted, That if the ſaid Baſin ſhall at any Time hereafter appear to the ſaid Company of Proprietors to be too ſmall and inſufficient for their Purpoſes, it ſhall and may be lawful to and for the ſaid Company of Proprietors, after Three Months Notice thereof in Writing, to be given to the ſaid *Charles Bathurſt*, his Heirs or Aſſigns, to extend and enlarge the ſaid Baſin to ſuch Size and Dimenſions as the ſaid Company of Proprietors ſhall think proper, in a direct Line upwards from the Head of the ſaid Baſin along the Eaſtern Side of the ſaid Creek, called *Lydney Pill*, ſo as ſuch Extenſion ſhall not exceed the Width of Fifty Yards; and in caſe any Difference of Opinion ſhall ariſe between the ſaid *Charles Bathurſt*, his Heirs or Aſſigns, and the ſaid Company of Proprietors, as to the Neceſſity or Quantum of ſuch Extenſion, ſuch Difference ſhall be referred to and be ſettled by the Commiſſioners appointed or to be appointed by virtue of the ſaid recited Act.

Recited Act extended to Wharfs, &c. of Mr. Bathurſt.

XXXIV. And be it further enacted, That the Proviſion in the ſaid recited Act contained to meet the Event of any Owner or Owners neglecting to make and keep in Repair proper Wharfs and Buildings, ſhall, ſo far as the ſame are applicable to him or them, equally apply to the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, in caſe he or they ſhall neglect to make and keep in Repair ſuch proper Wharfs, Quays, and landing Places, as he or they ought to make and keep in Repair, according to the true Intent and Meaning of the ſaid recited Act and of this preſent Act, it being intended to place the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, on the ſame Footing as by the ſaid recited Act and this Act other Owners are placed in regard thereto, any Thing in the ſaid recited Act or in this Act contained to the contrary thereof in anywiſe notwithſtanding: Provided always, that nothing contained in the ſaid recited Act or in this Act ſhall be conſtrued to require the ſaid *Charles Bathurſt*, his Heirs or Aſſigns, to make or keep in Repair any Wharfs, Quays, or landing Places contiguous to or ſurrounding ſuch extended and enlarged Baſin, unleſs the ſaid Company of Proprietors ſhall, in the firſt Place, in widening and enlarging the ſame, lay and depoſit the Earth on the Sides thereof in Manner herein-after directed.

Earth dug up in extending the ſaid Baſin to be laid ſmooth on the Sides for making Wharfs.

XXXV. And be it further enacted, That the ſaid Company of Proprietors ſhall, and they are hereby required to depoſit and lay all the Earth which ſhall be dug up for the Purpoſe of enlarging the ſaid Baſin on the Sides thereof, and there leave the ſame ſmooth and plain, in ſuch Manner and Form as ſhall be moſt convenient for making Wharfs thereon.

Works not to be ſubject to the Juriſdiction of Sewers.

XXXVI. And be it further enacted, That the ſaid Canal, Baſin, and Works hereby authorized to be made, or any Part thereof, ſhall not be ſubject to the Juriſdiction of the Commiſſioners of Sewers.

Directions for ſtacking Coal, &c.

XXXVII. And, for the better Prevention of Frauds in regard to Coals, be it further enacted, That when any Coals ſhall be depoſited on any Wharf or Wharfs made or to be made by virtue of the ſaid recited Act or of this Act, the High Delf Coal ſhall be ſtacked ſeparate and apart from

from the Low Delf Coal; and the Denomination of each Species ſhall be painted in White Letters, Three Inches High at the leaſt, on a Black Board, and placed on a conſpicuous Part of the Stack to which the ſame ſhall properly belong; and if any Owner or Owners of ſuch Coals, or his, her, or their Servant or Servants ſhall neglect to put up ſuch Board, or ſhall put up a falſe Deſcription of any Coals, or ſhall mix any High Delf Coals with Low Delf Coals, without the Knowledge and Conſent of the Perſon by whom the ſame ſhall be ſhipped, and ſhall be thereof convicted before One or more of His Majeſty's Juſtices of the Peace, every Perſon ſo offending ſhall forfeit and pay for every Offence any Sum not exceeding the Sum of Ten Pounds.

The ſame Rates of Wharfage to be taken as were granted by the former Act.

XXXVIII. And be it further enacted, That the ſame Rates of Wharfage, and no greater ſhall be demanded and taken, in reſpect of the Wharfs hereby authorized or directed to be made, as by the ſaid recited Act are authorized to be demanded and taken in reſpect of the Wharfs thereby authorized or directed to be made; and that the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, ſhall be entitled to the Rates payable for the Uſe of the Wharfs erected or to be erected by him, in purſuance of the ſaid recited Act or of this Act, in the ſame Manner as other Owners of Lands erecting Wharfs; any Thing in the ſaid recited Act contained to the contrary thereof in anywiſe notwithſtanding.

Rates to be taken for Warehouſe Room.

XXXIX. And be it further enacted, That the Charges for Warehouſe Room for any Goods, Wares, or Merchandizes, in any Warehouſe erected or to be erected upon any Waſtes, Lands, or Grounds adjoining or near to the ſaid Baſin or Railways authorized to be made by the ſaid recited Act or by this preſent Act, ſhall be regulated by the Charges made for the Warehouſe Room of the like Goods, Wares, or Merchandizes, in the Warehouſes upon the *Staffordſhire* and *Worceſterſhire* Canal, at *Stourport* in the County of *Worceſter*; and that no more ſhall be demanded or taken for ſuch Warehouſe Room as aforeſaid, than ſhall for the Time being be uſually paid or payable for the Warehouſe Room of the like Articles at *Stourport* aforeſaid.

Mr. Bathurſt to allot a Piece of Land on the Baſin as a Wharf for his Tenants, &c.

XL. And be it further enacted, That the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, ſhall and he and they is and are hereby authorized and required, from and immediately after the paſſing of this Act, to ſet apart and allot on the Bank of the ſaid intended Baſin a Piece of Land, of the Length of Seventy Feet, and of the Depth of Forty Yards, for the Purpoſe of making a Wharf or Quay for the private Uſe of the ſaid *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, or other the Occupiers for the Time being of the Iron Works and Collieries of the ſaid *Charles Bathurſt* now occupied by them; and the ſaid laſt mentioned Wharf or Quay ſhall be uſed by the ſaid *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, or other the Occupiers aforeſaid only, for the Purpoſe of lodging, exporting, and importing their Coal, and other Goods for their own Uſe, without paying any Wharfage or other Rent for the ſame; and the ſaid Company of Proprietors, their Succeſſors and Aſſigns, ſhall, yearly and every Year on the Twenty-fifth Day of *December*, yield and pay unto the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, the Sum of Ten Shillings, as and for a Rent in reſpect of the ſaid laſt mentioned Piece of Land, to be ſo ſet apart and allotted by him or them as aforeſaid.

XLI. And whereas by the ſaid recited Act it is enacted, that if the Rates and Duties to be payable to the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, for Goods to be landed and depoſited on the Wharfs, Quays, and landing Places, or in the Warehouſes to be made upon his Lands and Grounds, as in the ſaid recited Act is mentioned, ſhall, after the Firſt Day of *January* One thouſand eight hundred and thirteen, be leſs than the Sum of Five hundred Pounds a Year, the Deficiency (if any) ſhall be made good and payable unto the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, from the ſaid Company of Proprietors, by and out of the Tolls and Duties thereby granted to them, and ſuch Deficiency ſhall be paid and payable within Two Months next after the End of every Year, to be reckoned on the Firſt Day of *January* yearly, and commencing as aforeſaid from the Firſt Day of *January* One thouſand eight hundred and thirteen, and ſuch Power and Remedy is by the ſaid Act given for the ſaid annual Sum of Five hundred Pounds as therein is mentioned; be it further enacted, That as well the Tolls and Duties hereby granted to the ſaid Company of Proprietors as the Tolls and Duties granted to them by the ſaid recited Act, ſhall, from and after the paſſing of this Act, be and remain a Security to the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, for any Deficiency in the ſaid yearly Sum of Five hundred Pounds, by the ſaid recited Act guaranteed to him by the ſaid Company of Proprietors as aforeſaid, and he and they ſhall have the ſame Power and Remedy in and over all and ſingular the ſaid Tolls, as by the ſaid Act is given to him or them in and over the Tolls by the ſaid Act granted and directed to be paid; but it is hereby expreſsly declared, that in reſpect of all the Wharfage to which the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, ſhall become entitled, as well under the ſaid recited Act as under the preſent Act, he and they ſhall not be guaranteed by the ſaid Company of Proprietors any further or greater Sum than the annual Sum of Five hundred Pounds, to be reckoned from the ſaid Firſt Day of *January* One thouſand eight hundred and thirteen.

Rates granted by this Act to be a Security for the Payment of the 500l. per Annum to Mr. Bathurſt.

XLII. Provided always, and be it further enacted, That in computing any Deficiency which may hereafter ariſe in the annual Sum of Five hundred Pounds guaranteed to the ſaid *Charles Bathurſt*, his Heirs and Aſſigns, as aforeſaid, the Profits to be received by him or them in reſpect of the Warehouſe Rates by the ſaid recited Act or by this Act authorized to be received ſhall be calculated according to the Amount that would be due and payable for the Wharfage only of the ſaid Goods, Wares, and Merchandizes, and that the Amount thereof ſhall be conſidered and taken in Part of the ſaid annual Sum of Five hundred Pounds, and that the ſaid Company of Proprietors ſhall only be liable to make good what (if any Thing) the Wharfage and Warehouſe Rates ſo calculated, to which the ſaid *Charles Bathurſt*, his Heirs or Aſſigns, ſhall be entitled as aforeſaid, ſhall fall ſhort of the annual Sum of Five hundred Pounds, any Thing in the ſaid recited Act or in this Act contained to the contrary thereof in anywiſe notwithſtanding.

In computing Deficiency, how Warehouſe Rates to be calculated.

XLIII. And whereas the Main Line of Railway leading from the ſaid River *Wye* to the ſaid Lower Forge is laid down and delineated in the Map or Plan thereof, certified by the Right Honourable the Speaker of the Houſe of Commons, at or near a Place called *Daniel Moore's Ditches*, as being One hundred and forty Yards diſtant from *Cannop Brook* in the ſaid Foreſt; and it is enacted by the ſaid Act, that the ſaid Company of

Proprietors in making the ſaid Railway ſhall not deviate in any Inſtance more than One hundred Yards from the Courſe delineated in the ſaid Plan, without the Conſent therein mentioned, and in caſe the Land or Ground wanted for making any Deviation ſhall belong to the King's Majeſty, without the Approbation and Conſent of the Surveyor General of His Majeſty's Woods and Foreſts: And whereas it is highly expedient and deſirable for the ſaid Company of Proprietors in making the ſaid Main Line of Railway, near *Daniel Moore*'s Ditches aforeſaid, to deviate the ſame more than One hundred Yards from the Line in the ſaid Plan, (that is to ſay,) to the Diſtance of about Five hundred Yards, as already marked out, and which having been viewed and examined, the Surveyor General of His Majeſty's Woods and Foreſts has ſignified his Conſent on the Part of His Majeſty to ſuch Deviation upon the Terms, Conditions, and Reſtrictions after mentioned; be it further enacted by the Authority aforeſaid, That the ſaid Company of Proprietors ſhall, on the Twenty-fifth Day of *December* in every Year, pay or cauſe to be paid to the ſaid Surveyor General, or his Deputy for the Time being, for the Uſe of His ſaid Majeſty, his Heirs and Succeſſors, the further Sum of Ten Pounds, for the aforeſaid Liberty and Privilege of Deviation, over and above the Sum of Three hundred Pounds a Year, made payable to His Majeſty, His Heirs and Succeſſors, by the ſaid recited Act, the ſaid yearly Rent of Ten Pounds to commence from the ſame Day and Time as is reſerved and mentioned in the ſaid recited Act for the Payment of the ſaid Rent of Three hundred Pounds.

Company to pay a further Rent for Deviation.

Powers of the former Act extended to recover ſuch Rent.

XLIV. And it is hereby further enacted, That each and every one of the Powers and Authorities given by the ſaid recited Act for the Recovery of the ſaid Rent of Three hundred Pounds, ſhall be extended and uſed for the Recovery of the ſaid yearly Rent of Ten Pounds, as if the ſame was and were herein expreſsly repeated and re-enacted.

Bridge for Carriages to be made over the Rivulet.

XLV. And for the Purpoſe of preventing Injury to the Plantations made adjoining or near to the ſaid varied Line, and to afford a ready and convenient Communication between the ſame and the other Parts of the ſaid Foreſt, be it further enacted by the Authority aforeſaid, That the ſaid Company of Proprietors ſhall make and keep in Repair a Culvert Bridge over the Rivulet, to be approved of by the Surveyor General, in the Angle of the ſaid deviated Line, ſufficient for the Paſſage of Four Wheel Carriages, with a Fence on the Sides thereof.

No Coal, &c. to be carried from Pits, &c. opened on the ſaid Place of Deviation, &c.

XLVI. And be it further enacted, That no Coal, Stone, or Iron Ore ſhall be carried upon or along any or either of the Railways empowered to be made by the ſaid recited Act or by this Act from any Pit, Mine, or Quarry, or Level, ſunk or opened within the Angle of the ſaid deviated Railway, (the Power of deviating which is given as aforeſaid,) at a greater Diſtance than Two hundred and forty Yards from *Cannop Brook* to the Place where the ſame ſhall be opened or ſunk, and every Owner or Occupier of every ſuch Pit, Mine, Quarry, or Level, ſhall for every ſuch Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Ton of Coal, Stone, or Iron Ore, which ſhall be ſo taken, carried, or conveyed as aforeſaid, and ſo proportionably for any greater or leſs Quantity; and every Carrier, not being the Owner thereof, knowingly carrying or conveying the ſame, ſhall for every ſuch Offence forfeit any Sum not exceeding

exceeding the Sum of Ten Pounds; and alſo ſuch Coal, Stone, or Iron Ore ſhall be ſeized, taken, and forfeited, and the ſaid ſeveral Forfeitures and Penalties hereby impoſed in reſpect thereof ſhall be applied and diſpoſed of to His Majeſty's Uſe.

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

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