ANNO SEXTO

GEORGII IV. REGIS.

Cap. clxviii.

An Act to amend an Act passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tram Road from* Stratford-upon-Avon *in the County of* Warwick, *to* Moreton-in-Marsh *in the County of* Gloucester, *with a Branch to* Shipston-upon-Stour *in the County of* Worcester; and for making further Provisions touching the same. [22d *June* 1825.]

WHEREAS an Act was passed in the First and Second Year of the Reign of His present Majesty, intituled *An Act for making and maintaining a Railway or Tram Road from* Stratford-upon-Avon *in the County of* Warwick, *to* Moreton-in-Marsh *in the County of* Gloucester, *with a Branch to* Shipston-upon-Stour *in the County of* Worcester; and by the said Act certain Persons therein named, and their Successors, were united into a Body Politic and Corporate, by the Name and Stile of "The *Stratford* and *Moreton* Railway Company," for making, completing, and maintaining such Railway and Tram Road, and Branch therefrom, and other Works necessary for carrying the Purposes of such Act into Execution; and the said Company of Proprietors was empowered to raise amongst themselves, in such Proportions as they might think proper, a competent Sum for completing the said Railway, Tram Road, and collateral Branch, and the other Works requisite thereto, not exceeding 1&2G.4.c.63.

ceeding in the Whole the Sum of Thirty-three thousand five hundred Pounds, (except as therein and herein-after mentioned), and in case the said Sum should be found insufficient for completing the said Works, then the said Company of Proprietors was empowered to raise a further Sum not exceeding Seven thousand Pounds amongst themselves, or by the Admission of new Subscribers, or in case the said Company should be desirous of raising the said Sum of Seven thousand Pounds by Mortgage of the Undertaking, the said Company was thereby authorized to borrow all or any Part of such Sum of Seven thousand Pounds on the Credit of the said Undertaking; and by such Act, it was stated that the probable Expence of making the said Railway and other Works would amount to Thirty-three thousand five hundred Pounds, and that Twenty-eight thousand Pounds only had been subscribed; and it was thereby enacted, that in case the said Company of Proprietors should obtain a Loan of Exchequer Bills from the Commissioners authorized to issue the same, such Loan should be deemed equivalent to a Subscription, so as to enable the Proprietors to proceed in the Execution of the Powers contained in such Act: And whereas the said Company have in part executed the said Railway and other Works, and it has been found expedient that the Powers contained in the said Act, so far as regards the said Branch to *Shipston-upon-Stour*, should be repealed, and that the said Branch to *Shipston-upon-Stour* should be carried in a different Line: And whereas the said Company, in the Execution of Part of the said Works, have from Time to Time received from the Subscribers the Sum of Twenty thousand one hundred and forty-nine Pounds, Part of the said Sum of Twenty-eight thousand Pounds, but the Sum of Seven thousand eight hundred and fifty-one Pounds remains due from sundry Subscribers who are Defaulters in the Payment of the respective Calls, and from Insolvent and Bankrupt Subscribers, and the Sum of Eleven thousand three hundred Pounds has been borrowed from sundry Persons, principally large Proprietors, as by way of Mortgage of the said Undertaking; and the said Sums of Twenty thousand one hundred and forty-nine Pounds and Eleven thousand three hundred Pounds, making together the Sum of Thirty-one thousand four hundred and forty-nine Pounds, have been applied in putting the said Act in Execution, and for the Purposes thereof; and the said Company have, in the further Prosecution of their Undertaking, incurred Debts to the Amount of Twelve thousand five hundred and eighty Pounds or thereabouts, and the said Undertaking is still incomplete and unfinished, by which the Public are deprived of those Benefits and Advantages which the Completion thereof would have produced, and the Proprietors of Shares in the said Undertaking are in Danger of sustaining a total Loss of Interest and Dividend upon the several Sums advanced: And whereas a further Sum of Thirty-six thousand Pounds, beyond the said Sum of Thirty-one thousand four hundred and forty-nine Pounds, will be requisite and necessary to complete the said Railway, with the said Branch and the other Works and Conveniences appurtenant thereto, and to pay and discharge the Debts and Incumbrances due and owing from the said Company; and it is proposed to raise Thirty thousand Pounds upon Mortgage of the said Undertaking, and the Residue of such Sum of Thirty-six thousand Pounds, being Six thousand Pounds, by Calls upon the Proprietors, according to the Shares which they respectively hold in the Concern: And whereas it is just that the said Sum of Eleven thousand three hundred Pounds so advanced as aforesaid for the Purposes of the said

said Undertaking should be secured thereon, and on the Tolls and Rates thereof: And whereas it is expedient that several of the Powers and Provisions contained in the said recited Act should be amended and repealed, and that, for the Security and Protection of the Proprietors, further Powers and Provisions should be obtained: And whereas the said several Purposes cannot be accomplished without the Aid and 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 the Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act as relates to the making and maintaining a collateral Branch from the said Railway or Tram Road to *Shipston-upon-Stour* aforesaid, shall be and is hereby repealed to all Intents and Purposes.

So much of recited Act as relates to the Shipston Branch repealed.

II. And be it further enacted, That the said recited Act passed in the First and Second Year of the Reign of His present Majesty, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein contained (save and except such Parts thereof as are expressly varied, altered, or repealed), shall respectively be as good, valid, and effectual for carrying this Act into Execution, as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of former Act extended to this Act.

III. And be it further enacted, That the said Company of Proprietors are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, and Servants, in lieu of the said Branch Line to *Shipston-upon-Stour* aforesaid, to make, complete, and maintain a new Branch Railway or Tram Road to *Shipston-upon-Stour* aforesaid, commencing from the Line of the Main Railway or Tram Road at or near a certain Turnpike Road in the Parish of *Stretton-on-the-Fosse* in the County of *Warwick*, and passing into, through, and out of the Townships, Parishes, or Places of *Stretton*, *Ditchford*, and *Shipston-upon-Stour*, and terminating at the Turnpike Road leading from *Shipston-upon-Stour* aforesaid to *Long Compton*; and also to make, erect, execute, and perform all requisite Works, Matters, and Things for making and maintaining the said last-mentioned Branch Railway or Tram Road; and shall have such Powers and Authorities, and be subject to such Provisions and Directions in respect thereof, as are contained in the said recited Act for and in respect of the Branch to *Shipston* aforesaid in such Act mentioned, in the same Manner as if the same were enacted and declared in this Act.

Power to make a new Branch to Shipston.

IV. And be it further enacted, That the Maps or Plans describing the Line of the said new Branch Railway or Tram Road, and the Lands in and through which the same is intended to be carried, together with the Book or Terrier of Reference thereto, containing the List of the Names of the Owners or reputed Owners and Occupiers of such Lands, deposited with the Clerks of the Peace of the Counties of *Warwick* and *Worcester*, shall remain in their Custody, to the End that all Persons may at seasonable Times inspect and peruse the same, and take Copies thereof or Extracts therefrom, paying to the said Clerks respectively One Shilling for each Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts from the said Books or Terriers of

Plans and Books of Reference to remain with Clerks of the Peace.

of Reference; and each of the said Maps, or Plans, or Books, or Terriers of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the said Company of Proprietors in making the said intended Branch Railway or Tram Road, or collateral Branch, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Maps or Plans, and set forth in the said Books or Terriers of Reference.

No Advantage to be taken of Misnomers.

V. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making the said Railway or Tram Road, and other Works hereby authorized to be made, on account of any Error or Omission in the said Plans and Books of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the said Counties of *Warwick*, *Worcester*, or *Gloucester* (as the Case may be), and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake only.

Houses and Gardens, &c. not to be injured.

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

Empowering Company to purchase Land for supplying Gravel, &c. and for Wharfs.

VII. And be it further enacted, That it shall and may be lawful for the said Company to contract with any Person or Persons, Bodies Politic, Corporate or Collegiate, or any Person or Persons under any legal Disability or Incapacity, for the Purchase of any Land, Messuages, Buildings, or Hereditaments (not exceeding in the whole Twenty Statute Acres), in such Places as shall be eligible or convenient for the Purpose of providing or supplying the said Company with Stone, Gravel, or Clay, for making Bricks for the Reparation of the said Railway or Tram Road, or the said Branch thereof, or of making and erecting Wharfs, Coal Yards, Messuages, Warehouses, and other Buildings and Conveniences for receiving, depositing, and delivering any Goods, Merchandize, or other Things carried or intended to be carried upon the present or any other adjacent Railway and Tram Road, or the Branch as aforesaid, and of making any Roads, Avenues, or Ways leading thereto, and for any other Purposes whatsoever connected therewith; and it shall and may be lawful for all such Person or Persons, Bodies Politic, Corporate and Collegiate, to sell and grant or convey such Land, Messuages, Buildings and Hereditaments, or any of them, to the said Company, in the same Manner as Parties are empowered to sell and convey Lands, Tenements, and Hereditaments in, under, and by virtue of the said recited Act: Provided that

that nothing herein contained shall extend or be construed to extend to authorize or empower the said Company to take or use, for any or either of such Purposes as aforesaid, any Land, Messuages, Buildings, or Hereditaments, without the Consent in Writing of the Owner or Owners thereof, or to oblige or compel the Owner or Owners thereof to sell the same for such Purposes, or any or either of them; and provided also, that nothing herein contained shall authorize or empower the said Company to take, use, or purchase any Land, Messuages, Buildings, or Hereditaments for any or either of the Purposes aforesaid, within the Space or Distance of One Mile on either Side of the Lodge Gates fronting the said Rail Road belonging to *James Roberts West* Esquire, in the Parish of *Preston*.

Power to sell such Land, &c.

VIII. And be it further enacted, That it shall and may be lawful for the said Company, at any Time or Times hereafter, to sell and dispose of, to any Person or Persons whomsoever, any Lands, Tenements, and Hereditaments which they shall have purchased by virtue of the Power herein-before last-mentioned, and in such Manner, and for such Estate, Term, or Interest as they shall think proper, and again from Time to Time to contract for and to purchase any other Lands, Tenements, and Hereditaments which shall be deemed more eligible, and to sell and dispose of or demise the same as aforesaid, so that the total Number of Acres possessed by the said Company under the Power herein-before last-mentioned at any one Time do not exceed Twenty Statute Acres, and so that the Provisions and Regulations declared and contained in the said recited Act in respect of Sales of Land, Tenements, and Hereditaments by the said Company of Proprietors are performed and complied with in such Sales of Land, Tenements, and Hereditaments respectively as are authorized by the present Act.

Restraining the Company from purchasing more than 20 Acres of Land from incapacitated Persons.

IX. And whereas the said Company are enabled to purchase Twenty Statute Acres of Land by virtue of this Act for the Purposes thereof, in addition to the Land hereby authorized to be purchased, used, or taken for the making and completing the said Railway or Tram Road, and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all other Persons whomsoever, are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling such Lands so purchased from any Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom or for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or any other Body or Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Trustees or Feoffees in Trust for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees for or in behalf of Infants, Lunatics, Idiots, Femes Covert, Cestuique Trusts, Tenants for Life or in Tail, and Persons to whom and for whose Benefit Lands are limited in strict Settlement, and other Persons being under legal Disability or Incapacity, in lieu or stead of the Lands so sold; be it therefore enacted,

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

Application of Compensation Money when exceeding 200*l.*

X. And be it further enacted, That if any Money shall be paid, or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of this Act, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, Tenant for Life or in Tail, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person or Persons whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person 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 Court of Exchequer, to be placed to his Account there *ex parte* the Company of Proprietors of the *Stratford* and *Moreton* Railway, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His present Majesty King *George* the Fourth, intituled *An Act for the better securing Monies and Effects paid into the Court of Exchequer at* Westminster *on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain, until the same shall by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person or Persons who would have been entitled to the Rents

and Profits of the said Lands, Tenements, or Hereditaments, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or Debts, or other Incumbrances affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes, as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary, or until the same shall, upon the like Application, be laid out in a summary Way by Order of the said Court in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Purchase can be made, the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, and settled, in case such Purchase and Settlement were made.

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

XI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of this Act, 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, 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, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company signified in Writing under their Common Seal, to be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General of the Court of Exchequer, to be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Seals of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by them applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court

Court of Exchequer, but without obtaining any Order of the said Court touching the Application thereof.

When less than 20*l.*

XII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for the Purposes of this Act, for his, her, or their own Use and Benefit, or in case of Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

Locomotive Engines not to be used.

XIII. And whereas the said Rail Road passes for the Distance of nearly Six Miles parallel to and in most Places close alongside the Turnpike Road leading from *Bridgtown* in the Parish of *Old Stratford* to the Top of *Long Compton Hill* in the County of *Warwick*, and crosses the same Road in Two Places, and it might be inconvenient to Persons travelling in and along the said Turnpike Road, if locomotive Engines were to be used upon the said Rail Road; be it therefore enacted, That no locomotive or other Engine to be worked by the Power of Steam, or by any other Power than that of Horses or other Cattle, shall be used by the said Company, or by any other Persons whomsoever, for any Purpose whatsoever upon the said Rail Road, between *Bridgetown* aforesaid and the Spot where the said Rail Road departs from the Line of the said Turnpike Road, and enters the open Fields of *Newbold* in the Parish of *Tredington*, in the County of *Worcester*, without the previous Consent in Writing of the Trustees of the said Turnpike Road, to be given at a Meeting to be called for that Purpose, and of *James Roberts West* Esquire of *Alscot Park*, or of the Proprietor thereof for the Time being; any thing contained in this or the said recited Act to the contrary notwithstanding.

11,300*l.* borrowed, secured on the Undertaking.

XIV. And be it further enacted, That the said Sum of Eleven thousand three hundred Pounds, so borrowed as by way of Mortgage as aforesaid, be and the same is hereby declared to be secured on the said Undertaking, and the Tolls and Rates thereof, in such and the same Manner, and to the same Extent and Effect as if the same had been borrowed on Mortgage in pursuance of the Power in the said recited Act contained for that Purpose, and the same shall have Preference and Priority in Payment over any Monies to be borrowed by virtue of this Act, subject nevertheless, as herein-after mentioned, as to Four-fifths in Value thereof, to the prior Payment of the Sum of Fifteen thousand Pounds, advanced by *Thomas Dudley* of *Shutt End* near *Dudley* in the County of *Worcester*, Esquire.

Agreement with Thomas Dudley, Esquire, and Advance of 15,000*l.* by him.

XV. And whereas in order to enable the said Company of Proprietors to carry on and complete the Works authorized by the said recited Act and by this Act, the said *Thomas Dudley* agreed to lend and advance to the said Company, on the Security of the said Undertaking and the Tolls and Rates thereof, the Sum of Fifteen thousand Pounds, bearing Interest at the Rate of Four Pounds Four Shillings *per Centum per Annum*; that is to say, an Interest of Six hundred and thirty Pounds *per Annum* for the Term

Term of Seven Years certain, provided that he should have Priority over Four-fifths in Value of the said Sum of Eleven thousand three hundred Pounds so advanced as aforesaid: And whereas Four-fifths in Value of the Lenders of the said Sum of Eleven thousand three hundred Pounds have, by an Agreement bearing Date the Twenty-second Day of *September* One thousand eight hundred and twenty-four, agreed that any Mortgage or other Security which shall be taken by the said *Thomas Dudley* on the said Undertaking and the Tolls and Rates thereof, should have Priority over all Claims and Demands whatsoever now due, or which might become due to them, or any of them, on the Security of the said Undertaking, and the Tolls and Rates thereof: And whereas the said *Thomas Dudley* hath advanced and paid to the Treasurer of the said Company the said Sum of Fifteen thousand Pounds for the Purposes of the said Works, and on the Faith of the said Agreement; be it therefore further enacted, That the said Agreement be and the same is hereby ratified and confirmed, and that the said Company of Proprietors shall, and they are hereby empowered to assign the Property of the said Undertaking, and the Tolls and Rates arising or to arise by virtue of the said recited Act and this Act (the Costs and Charges of such Assignment to be paid out of such Tolls and Rates to the said *Thomas Dudley*, his Executors, Administrators, and Assigns), as a Security by way of Mortgage for the Repayment of the said Sum of Fifteen thousand Pounds, with Interest thereon at the Rate of Four Pounds Four Shillings *per Centum per Annum*, subject to Redemption by Payment of the said Sum of Fifteen thousand Pounds, and the Interest that may be due thereon on or after the Twenty-second Day of *September* One thousand eight hundred and thirty-one.

Agreement confirmed, and Company to execute Mortgage to Mr. Dudley.

XVI. And be it further enacted, That the Interest of the said Sum of Fifteen thousand Pounds, at the Rate aforesaid, shall be paid by the said Company to the said *Thomas Dudley* half-yearly, in preference to any Interest which shall be payable to the several Persons who have executed the said Agreement of the Twenty-second Day of *September* One thousand eight hundred and twenty-four, being Four-fifths in Value of the said Lenders of the said Sum of Eleven thousand three hundred Pounds, and to any Interest which shall be payable in respect of any Monies which shall be advanced under the Authority of this Act, and to any Dividends which shall be payable by virtue of the said recited Act or this Act, to the Proprietors of the said Undertaking, or any of them.

Interest of the 15,000*l.* to be paid in preference.

XVII. And be it further enacted, That the said Principal Sum of Fifteen thousand Pounds shall be paid to the said *Thomas Dudley*, his Executors, Administrators, or Assigns, in preference to the Principal Monies, being Four-fifths of the said Sum of Eleven thousand three hundred Pounds now payable to the said several Persons who have signed the said Agreement, and which shall become payable in respect of any Monies advanced under the Authority of this Act; and that the said Sum of Fifteen thousand Pounds, and the Interest due thereon, shall be fully paid and satisfied to the said *Thomas Dudley*, his Executors, Administrators, or Assigns, before any Part of the Principal Monies due to the several Persons who have signed the said Agreement, in respect of Four-fifths in Value of the said Sum of Eleven thousand three hundred Pounds, or of the Monies which shall be advanced under the Authority of this Act, shall be paid.

Principal Sum of 15,000*l.* to be paid in preference.

Power to increase the Shares.

XVIII. And whereas the Expence of completing the Works authorized by the said recited Act and this Act, will greatly exceed the estimated Expence of the Works originally proposed, and it may therefore be expedient for the said Company to increase the Number of Shares beyond the Number authorized by the said recited Act; be it enacted, That it shall and may be lawful for the said Company to increase the Number of Shares in the said Concern as they shall think fit, not exceeding in the Whole the Sum of Fifteen thousand Pounds, to be divided into Shares of Fifty Pounds each, in like Manner as the Sum of Thirty-three thousand five hundred Pounds is directed to be raised and divided by the said recited Act.

Power to raise a further Sum of 15,000*l.* on Mortgage of the Tolls.

XIX. And be it further enacted, That it shall and may be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise and borrow, on the Credit of the said Undertaking and the Tolls and Rates thereof, such Sum and Sums of Money as shall from Time to Time be found necessary for the Purposes herein-after mentioned, not exceeding in the Whole the further Sum of Fifteen thousand Pounds, over and above the Sum and Sums of Money raised and to be raised amongst the said Proprietors by Calls upon their respective Shares, as is authorized by the said recited Act; and notwithstanding the said Sums have not been wholly raised and received as aforesaid, and over and above the said Sum of Eleven thousand three hundred Pounds so borrowed as aforesaid, and the said Sum of Fifteen thousand Pounds so lent by the said *Thomas Dudley* as aforesaid; and the said Company of Proprietors or their Committee, after an Order of any General Assembly, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Tolls and Rates arising or to arise by virtue of the said recited Act and this present Act, or any Part thereof, as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest at and after the Rate to be agreed upon, to such Person or Persons, or to his, her, or their Trustee or Trustees; which said Mortgages or Assignments, and the Memorials thereof, and the Transfer and Transfers of such Mortgages or Assignments respectively, shall be made in the Words or to the Effect, and in the Manner and Form as is expressed and declared in the said recited Act in respect of Mortgages, for the Sum and Sums of Money which the said Company were authorized and empowered to raise and borrow under such Act; and all and every Person and Persons who may advance the said Fifteen thousand Pounds as aforesaid, shall be equally entitled one with the other to his or their Proportion or Proportions of the said Tolls and Rates and Premises, according to the respective Sums in such Mortgages or Assignments mentioned, without any Preference by reason of the Priority in the Dates of such Securities, or on any Account whatsoever.

Power to raise Money by further Calls.

XX. And be it further enacted, That it shall and may be lawful for the said Company, at any General or Special Meeting, or for the Committee for the Time being, from Time to Time to make any Call or Calls for Money for the carrying on and completing of the said Railway and Tram Road Works, and Payment of the Debts, from all and every the Proprietor and Proprietors of One or more Share or Shares in the said Undertaking, not exceeding in the Whole Fifteen Pounds

per Share, in manner and subject to the Regulations herein-after mentioned, so that no Call exceed the Sum of Five Pounds *per* Share, and to be made at a less Distance of Time than Two Months from the preceding Call; and all and every the Proprietor and Proprietors of One or more Shares shall pay his, her, or their Proportion of the Money to be called as aforesaid, to the Treasurer or Treasurers of the said Company, at such Time and Place, in such Manner as is directed and appointed in respect of Calls on the original Shares authorized to be made by virtue of the said recited Act; and all Bodies Politic, Corporate, or Collegiate, Guardians, Trustees, or Persons whomsoever, not only for and on behalf of themselves, but also for and on behalf of the Cestuique Trusts, who is, are, or shall be possessed of any Share or Shares in the said Undertaking, are hereby empowered to pay the respective Proportions of the said Money to be called for as aforesaid in respect of the Share or Shares of themselves and their Cestuique Trusts respectively, and to charge the same to the Accounts of such Persons and Estates.

Payment of Calls.

XXI. And for the better enforcing the Payment of such Calls, be it further enacted, That if any Person or Persons upon whom any Call or Calls for Money shall be made by virtue of this Act, shall neglect or refuse to pay such Call or Calls for the Space of Three Calendar Months after the same shall have been made and published, as by the said recited Act is directed in respect of Calls, then and in such Case all and every the Share or Shares of such Person or Persons shall be forfeited: Provided always, that no Share or Shares shall vest in the said Company by reason of any such Neglect, until Twenty-eight Days Notice in Writing shall have been given by the Clerk of the said Company to the Proprietor or Proprietors of such Share and Shares, or the Person or Persons in whose Name or Names the same shall stand registered in the Company's Books, or left at his, her, or their usual or last known Place of Abode.

Power to sell Shares by Default of the Owners thereof.

XXII. And be it further enacted, That when any Share or Shares shall by virtue of this Act become vested in the said Company, it shall be lawful for the said Company, or the Committee, to sell or cause to be sold such Share or Shares by public Auction to the highest Bidder, at such Time and Place as the said Company or the Committee shall direct, of which Sale Twenty-eight Days Notice at the least shall be given in the *London Gazette*, and in Two Newspapers in the Neighbourhood of the said Railway or Tram Road, one published in the County of *Warwick* and the other in the County of *Oxford;* and it shall be lawful for the said Company or their Committee, by Deed under their Common Seal, to assign such Shares, or so many as shall be necessary to satisfy the Deficiency of such Defaulter, unto the Purchaser or Purchasers thereof, his Executors, Administrators, or Assigns; and the Treasurer of the said Company is hereby authorized to give Receipt or Receipts for the Purchase Money, and such Assignment shall be valid against the Owner and Owners of such Shares, and all Persons claiming under him, her, or them: Provided always, that in case the Purchase Money shall be more than sufficient to pay such Arrears and the Expences, the Surplus shall be tendered and paid to the Person or Persons to whom such Share shall have belonged.

XXIII. Pro-

Power to Proprietors to relinquish Shares, and Directions to sell the same.

XXIII. Provided nevertheless, and be it further enacted, That if any Proprietor or Proprietors of any Share or Shares, or the Executors or Administrators of such Proprietors or Mortgagee of Shares, shall within One Month after passing of this Act give Notice in Writing to the Clerk of the Company of his Relinquishment of any such Share or Shares, then such Share or Shares shall not be vested in the Company by Nonpayment of any Calls, but the same shall, within One Calendar Month after such Notice, be sold by such Clerk, by public Auction, to the highest Bidder, and the Monies arising therefrom be applied in Payment of the Calls of Fifteen Pounds *per* Share, and the Expences of such Sale, and the Surplus, if any, be paid over to the Proprietor or Proprietors of such Share or Shares; but nothing in the said recited Act or in this Act shall empower the said Company to sue for any Call or Calls made by virtue of this Act, or to forfeit or declare to be forfeited any Share or Shares on Nonpayment of any such Call or Calls, or in any Manner to recover Payment, other than by selling such and so many of the Shares of the respective Proprietors as shall be necessary for the Purposes and under the Regulations, true Intent, and Meaning of this Act.

Clerk and Treasurer not to be the same Person.

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

Application of Monies to be raised.

XXV. And be it further enacted, That the Money so raised or to be raised by Mortgages or by Calls on Shares, shall be applied first in Payment of the Expences incurred in obtaining and passing this Act and incident thereto, and next in the making and completing of the said Rail Road

Road and Branch, in the Purchase of such Land and Buildings, and in the erecting of such Warehouses, Wharfs, and other Works and Conveniences as may be considered necessary for carrying on and completing the said Undertaking, and the Trade and Transit of Goods, Wares, and Merchandize thereupon, and in the Payment of the Debts now or to become due and payable by the said Company of Proprietors, and otherwise in the Execution of the Provisions of the said recited Acts and of this Act.

Powers of former Act vested with Company, although the whole Sum be not subscribed.

XXVI. And whereas the several Sums of Money already advanced and expended on the said Railway greatly exceed the Sum of Thirty-three thousand five hundred Pounds, the calculated Expence in the said Act mentioned; be it further enacted, That all and every the Powers and Authorities which were given by the said recited Act, save and except such Powers and Authorities as are expressly repealed by this Act, shall be and remain and the same are hereby vested in the said Company, notwithstanding the whole of the said Sum of Thirty-three thousand five hundred Pounds has not been subscribed as required by the said Act; and that all and every such Powers and Authorities, together with the Powers and Authorities given by this Act, shall be and remain vested in the said Company, although the said Railway or Tram Road, and the collateral Branch authorized by this Act, shall not have been completed and made within the Term of Five Years from the passing of the said recited Act, provided the said Railway or Tram Road and collateral Branch shall be completed and made (unless prevented by inevitable Accident) within the Space of Ten Years, to be computed from the passing of the said recited Act; the Completion of such Railway or Tram Road, and the collateral Branch authorized by this Act, to be declared and certified in the Manner provided by the said recited Act touching the Railway or Tram Road and collateral Branch mentioned in the said recited Act.

Expences of Act.

XXVII. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act and incident thereto, shall be paid by the said Company out of any Monies applicable to the Purposes of the said recited Act or this Act.

Public Act.

XXVIII. 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.

SCHEDULE of Property to be taken by virtue of this Act.

Nos. on the Plan.	OWNERS.	OCCUPIERS.	Parishes or Places.	Description of Property.
1, 2.	Reverend William Hawes Longford.	Himself.	Stretton-upon-Fosse.	Inclosed Arable and Pasture Land.
3, 4, 5, 6, 17, 18.	George Phillips, Esquire.	Himself.	Ditchford, in Stretton Parish.	Inclosed Arable and Pasture Land.
7.	John Horniblow,	Joseph Eden.	Shipstone-on-Stour.	Inclosed Arable Land.
8,9,10,11.	Francis Findon, Esquire.	William Shirley.	Same Parish.	Inclosed Arable and Pasture Land.
12, 13, 14, 15, 16.	Thomas Pratt.	Himself.	Same Parish.	Inclosed Arable Land.

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