



ANNO QUADRAGESIMO QUINTO

GEORGII III. REGIS.

Cap. 104.

An Act to enable the Company of Proprietors of the *Gloucester and Berkeley Canal*, to vary and alter the Line of a certain Part of the said Canal, and to enable the said Company to raise a further Sum of Money for carrying into Execution the several Acts for making the said Canal.

[10th July 1805.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the River Severn, at or near the City of Gloucester, into a Place called Berkeley Pill, in the Parish of Berkeley, and also a Cut to or near the Town of Berkeley, in the County of Gloucester*, whereby certain Persons therein named, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons as should at any Time thereafter be possessed of One or more Share or Shares as thereafter mentioned of and in the said Navigation, were incorporated by the Name of *The Gloucester and Berkeley Canal Company*, with Powers to make a Navigable Canal for the Passage of Ships of large Burden, as well as Boats, Craft, and other Vessels from the River *Severn*, near the City of *Gloucester* to *Berkeley Pill* aforesaid, in such Line as is described and set forth

{Loc. & Per.} 22 F in 33 G. 3. c. 97.

37 G. 3. c. 54.

in a Map or Plan, and Book of Reference, signed by *Thomas Pearce* and *James Croome*, on Behalf of the Owners of the Lands through which the said Canal was proposed to be made, and also by *Francis Wallis* and *Thomas Commeline*, on Behalf of the Subscribers to the said Undertaking, and deposited with the Clerk of the Peace for the County of Gloucester, agreeably to the Directions of the said Act: And whereas an Act was passed in the Thirty-seventh Year of the Reign of His said Majesty, intitled, *An Act for authorizing the Company of Proprietors of the Gloucester and Berkeley Canal Navigation, to vary the Line of a certain Part of the said Canal, so as to render the Execution thereof more easy, expeditious, and less expensive, and for altering and amending the Act passed in the Thirty-third Year of the Reign of His present Majesty for making the said Canal*, whereby the said Canal Company were authorized and empowered to deviate from the Line of the said Canal, as described and set forth in the Map or Plan, and Book of Reference signed as aforesaid, and to make the said Canal according to the Line described in a Map or Plan, and Book of Reference, which were deposited in the Office of the Clerk of the Peace for the said County of Gloucester, on the Thirteenth Day of September One thousand seven hundred and ninety-six: And whereas it will be of great publick Utility, that the said Canal Company should be again authorized to deviate from the Line of their said Canal, within the several Parishes of *Fretterne* and *Saul*, and also to make their said Canal through a Part of the Parish of *Arlingham*, in the said County of Gloucester, so as to communicate with the said Channel of the River *Severn*: at or near a certain Place called *The Hock Crib*, in the said Parish of *Arlingham*; but by certain Clauses in the said recited Acts, the said Canal Company are restrained from making such Deviation without the Consent of the Owners of the Lands through which the same might be made: And whereas it is proper that the said Clauses, so far as the same respect such Deviation, should be repealed, and that some other Alterations and Amendments should be made in the said recited Acts: 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 so much of the said recited Acts as restrains the said Canal Company from making a Deviation in the Line of the said Canal, without the Consent in Writing of the Person or Persons through whose Lands or Grounds such Deviation shall be made, shall, from and after the passing of this Act, so far only as relates to the Lands within the Parishes of *Saul* and *Fretterne*, in the County of Gloucester, be and the same are hereby repealed.

Part of recited Acts repealed.

Power to deviate from the Line of Canal.

II. And be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered to deviate from the Lines described and set forth in the Maps or Plans deposited in the Office of the Clerk of the Peace for the said County of Gloucester, and to carry the Line of Deviation hereby authorized to be made from the East Corner of a certain Common Field, called *The Lower Field*, belonging respectively to *Nathaniel Clifford* Esquire, *Richard Bransby Cooper* Esquire, in Trust for *William Purnell* Esquire, *Thomas Thomas* Clerk, *Henry Gorges Dobyms Tate* Doctor of Laws, *William Vizard* Esquire, *Daniel Fryer*, *William Saunders* of *Fretterne*, *William Saunders* of *Saul*, *Cambridge* Widow, and *Thomas Mery* Esquire.

Esquire, and to be continued in a Westerly Direction through and over the same Field to the South-west Corner thereof, into and across Three several Pieces of Meadow or Pasture Ground belonging to *Samuel White* Esquire, unto a certain Turnpike Road or Highway leading from the Village of *Trampton* to the Town of *Newnham* in the said County of *Gloucester*, and crossing the said Road or Highway in a South-westerly Direction, over the North-west corner of a certain other Piece of Meadow or Pasture Ground, the Property also of the said *Samuel White*, into and through Two other Meadows or Pasture Grounds, the Property also of the said *Samuel White*, over and across the South-east corner of a certain Piece of Woodland Ground, the Property of *Lady Mill*, unto and over a Piece of Ground call'd *Hick Crib Warth*, also the Property of *Lady Mill*, and from the said Piece of Ground to the Channel of the said River *Severn*; all which said Premises are situate, lying, and being in the several Parishes of *Saul*, *Fretherne*, and *Arlingham*, in the said County of *Gloucester*: Provided always, that it shall be lawful for the said Canal Company to vary the Line or Course of the said Canal in any Direction they may see fit, not exceeding One hundred Yards from the Line or Course within the said several Parishes of *Saul*, *Fretherne*, and *Arlingham*, but not on any Account or Pretence whatsoever to deviate further than One hundred Yards from the said Line or Course so described, without the Approbation and Consent in Writing of the Person or Persons in or through whose Lands or Grounds such Deviation shall be made: Provided further, that no Advantage shall be taken of or against the said Canal Company, or any Interruption be given to the making of the said Canal, on Account of any Error or Omission in the Line of Deviation herein-before mentioned and described, in case it shall appear to any Five or more of the Commissioners appointed or to be appointed under or by virtue of the said recited Acts, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

III. And be it further enacted, That the said recited Acts, and the several Powers, Privileges, Advantages, Provisions, Restrictions, Statutes, and Things therein respectively contained, so far as the Nature and Circumstances of the Case will admit (except such as are by this Act varied, altered, or repealed) shall be used, enjoyed, and exercised, and enforced by and against the said Canal Company in and for the making, completing, preserving, maintaining, directing, and managing such Part of the said Canal, as shall be made by virtue of this present Act, in and for the supplying of the said Canal with Water, and also in and for the making, executing, performing, supporting, and preserving all such Works, Matters, and Things, as the said Canal Company shall think necessary or expedient to be done for the Benefit of the said Canal Company, in such and the like Manner, and as fully and effectually in all Respects, and to all Intents and Purposes, as if the said several Powers, Authorities, Privileges, Advantages, Rights, Provisions, Restrictions, Statutes, and Things contained or enacted in the said recited Acts, were repealed and given by this present Act, and as if such Part of the said Canal and the other Works by this Act intended to be made, completed, and maintained, had been described in and by the said recited Acts as Part of the Canal and Works to be made and done by the said Canal Company by virtue of the said recited Acts.

Powers of former Acts to extend to this Act.

IV. And

Rates of Tonnage to be same as by recited Acts.

IV. And be it further enacted, That such and the like Rates of Tonnage, Lockage, and Wharfage, as would have been payable to the said Canal Company by virtue of the said recited Acts, if the Line of the said Canal Company had not been varied, shall be paid to the said Canal Company upon the deviated Line to be made through the said Parishes of *Fretthern, Saul, and Arlingham.*

Enabling the Company to raise the Sum of 80,000l. in addition to the Sums they are authorized by the former Act to raise.

V. And whereas to enable the said Canal Company to make and complete the said Canal and intended Variation, it will be necessary that they should be empowered to raise the Sum of Eighty thousand Pounds in addition to the Sums they are authorized to raise under and by virtue of the said recited Acts; and it is found that the Powers and Provisions of the said Acts are insufficient for that Purpose; be it therefore enacted, That it shall be lawful for the said Canal Company, and they are hereby authorized and empowered to raise any such Sum or Sums of Money as shall from Time to Time be found necessary to be laid out and applied for and towards the making and completing the said Canal and Works according to the said intended Variation, and other the Purposes of the said recited Acts and of this present Act, not exceeding in the Whole the Sum of Eighty thousand Pounds (over and besides the Sums which they are by the said recited Acts authorized and empowered to raise) any Thing in the said recited Acts or either of them contained to the contrary thereof notwithstanding; which said Sum of Eighty thousand Pounds shall be raised by the said Canal Company by creating new or additional Shares in the said Undertaking, and disposing of the same to such Person or Persons as to the said Canal Company shall from Time to Time seem meet and convenient, so that the same be not less than Sixty Pounds each Share, or by all or any other of the Ways and Means by which the said Canal Company are or were authorized to raise any Money by virtue of the said recited Acts or either of them; and that the respective Proprietors of any Share or Shares which shall or may be created by virtue of this Act, shall be entitled to such and the same Powers, Privileges, and Advantages, and be liable to such and the same Restrictions, Penalties, and Forfeitures, as if the same were Part of the Shares created in and by virtue of the herein-before mentioned Acts, and now vested in the several and respective Proprietors of the said Navigation and Undertaking under or by virtue of the said Acts; and the Admission of every such Person to any such new Share or Shares by any Order or Resolution of the said Canal Company, shall be good and effectual Titles to such Person or Persons, and his, her, or their respective Executors or Administrators, on his, her, or their Payment to the said Canal Company of the Purchase Money or Price agreed for the same, which Monies so to be raised by the Ways and Means aforesaid, shall be paid, applied, and disposed of in or for the Purposes aforesaid, or any of them.

Calls on new Shares not to be made till new Subscription filled.

VI. Provided always, and be it enacted, That no Call or Calls shall be made in respect of any such new Shares as aforesaid, until the Subscriptions to such Shares of Eighty thousand Pounds as aforesaid, which shall be created under this Act to the Amount of Sixty thousand Pounds, shall be completely filled, and all the Shares under the same to such Amount subscribed to by such Proprietor or other Person aforesaid.

VII. Provided

VII. Provided also, and it is hereby enacted and declared, That it shall be lawful for the said Company of Proprietors from Time to Time, at any General Assembly of the said Company to be held after the passing of this Act, to make such Regulations and Alterations touching the Form and Manner of transferring of any Shares to be created by Authority of the said Acts or of this Act, as shall appear to them to be for the Benefit of the said Company, and the Persons interested in such Shares; and all such Regulations and Alterations shall be valid and binding; any Thing in the said recited Acts or in this present Act to the contrary notwithstanding.

The Company may alter the Manner of transferring Shares.

VIII. And be it further enacted, That from and after the passing of this Act, it shall be lawful for any Person or Persons already possessed of Shares, or who shall become a Proprietor or Proprietors of Shares in the said Navigation, to hold any Number of Shares therein, any Thing in the said recited Acts contained to the contrary notwithstanding: provided always, that it shall not be lawful for any Proprietor of the said Canal, at any General or Special Assembly of the said Company of Proprietors, to vote either in Person or by Proxy for any greater Number of Shares than Thirty Shares; any Thing in the said recited Acts or in this present Act to the contrary notwithstanding.

Proprietors may hold any Number of Shares, but not vote for more than a certain Number.

IX. And be it further enacted, That if any Ship, Boat, Barge, or Vessel, shall be sunk in the said *Gloucester* and *Berkeley* Canal, and the Owner or Owners, or Person or Persons having the Care of such Ship, Boat, Barge, or Vessel, shall not, without Loss of Time, weigh or draw up the same, it shall be lawful for any Agent or Officer to the said Canal Company, to cause such Ship, Boat, 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 thereby.

Vessel's sunk to be weighed up.

X. And be it further enacted, That no Clerk or other Officer employed or to be employed by or on the Behalf of the said Company of Proprietors, shall by reason thereof be an incompetent Witness for or against the said Company, touching any Act done or to be done or performed by or for the same Company, in any Court of Law or Equity, or before any Commissioner or Jury, or on any other Occasion, notwithstanding such Clerk or Officer shall be possessed of One or more Share or Shares, or Part or Parts of any Share or Shares, in the said Navigation and Undertaking.

Officers may give Evidence though Holders of Shares.

XI. And be it further enacted, That if any Act or Thing whatsoever shall be done, in order to or with Intent to avoid the Payment of any of the Rates or Duties made payable to the said Company of Proprietors of the said *Gloucester* and *Berkeley* Canal, every Person doing or causing to be done any such Act or Thing, shall forfeit and pay to the said Company of Proprietors for every such Offence, not exceeding Five Pounds nor less than Twenty Shillings, and also the Amount of the Rates or Duties which would have been payable to them if such Act had not been done, such Forfeitures and Rates or Duties to be recovered in such and the like Manner as Forfeitures or Penalties of the like Nature, and the said Rates or Duties are by the said recited Acts or either of them directed to be levied or recovered.

Punishing Persons evading the Tonnage Rates.

Company
may lease
Rates.

XII. And be it further enacted, That it shall be lawful to and for the said Company of Proprietors of the *Gloucester* and *Berkeley* Canal Navigation, and they are hereby authorized and empowered; at any of their General Assemblies, by Writing under their Common Seal, from Time to Time to let to farm the Rates hereby or by the said recited Acts granted, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Canal, Cut, or Branch; unto any Person or Persons, for any Time or Term they shall think proper, not exceeding Three Years from the Commencement of any Lease, and every such Lease shall be valid and effectual; and the Lessee and Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of such Lease, be deemed Collectors of the Rates so let, and shall have the same Powers and Authorities for collecting and recovering the same, as if they had been appointed for that Purpose by the said Company of Proprietors, provided public Notice of the Intention to let the said Tolls, or any Part thereof, be given by Writing under the Hands of the Committee, or any One or more of them, by Advertisement in the *Gloucester* Newspapers, at least Thirty-one Days prior to any such General Assembly at which the said Rates or any Parts thereof are proposed to be let as aforesaid, and such Advertisements be continued to be published in such Papers till such General Assembly.

Penalty on
Persons pre-
judicing the
Canal.

XIII. And be it further enacted, That if any Person shall negligently do any Act to the Prejudice of the said *Gloucester* and *Berkeley* Canal Navigation, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Powers of
former Acts
for making
Calls to ex-
tend to Calls
under this
Act.

XIV. And be it further enacted, That all and every the Clauses, Articles, Provisions, Rules, Orders, Regulations, Powers, Authorities, and Remedies, which are in the said recited Acts or either of them contained, for the making any Call or Calls for Money upon any Proprietor or Proprietors of any Share or Shares in the said Navigation and Undertaking created by the said recited Acts or either of them, or for the obtaining and enforcing Payment thereof, shall in all Respects extend and be applicable to the making of all and every Call and Calls for Money of the like Sums of Ten Pounds as under the said first recited Act, which shall or may be made in Respect of any Share or Shares in the said Navigation and Undertaking under or in virtue of this Act, and to the obtaining and enforcing the Payment of all and every such Call and Calls respectively; and all and every Person and Persons making Default in Payment of any such last-mentioned Call or Calls, shall be subject and liable to such and the same Restrictions, Penalties, Disabilities, and Forfeitures, as fully, effectually, and particularly to all Intents, Constructions, and Purposes whatsoever, as if the same Clauses, Articles, Provisions, Rules, Orders, Regulations, Powers, Authorities, Remedies, Restrictions, Penalties, Disabilities, and Forfeitures, were herein repeated or re-enacted, save and except such and so many of them, or such Parts thereof, as are altered, varied, explained, amended, or repealed by this Act.

Shares of Per-
sons forfeited
to be for the
Advantage of
the Rest of
the Company.

XV. Provided always, and be it further enacted and declared, That when any Share or Shares, or Part or Parts of any Share or Shares, of any Person or Persons of and in the said Navigation and Undertaking, created or to be created by virtue of the said recited Acts or of this Act, or either

of them, shall, under or in virtue of any of the Clauses, Articles, Declarations, Provisoos, Conditions, Regulations, or Restrictions, expressed and contained in the said recited Acts or either of them, or in this Act, become and be forfeited, all and every such Forfeiture and Forfeitures shall be and be taken into and for the only Use, Benefit, and Advantage of the Rest of the said Canal Company, their Successors, Executors, Administrators, and Assigns; and every such Share or Shares, and Part or Parts of any Share or Shares so forfeited, shall from thenceforth be and become completely and absolutely extinguished to all Intents, Constructions, and Purposes whatsoever, as if no such Share or Shares, or Part or Parts of such Share or Shares, had ever been created or existed; any Thing in the said recited Acts or either of them contained to the contrary notwithstanding.

XVI. Provided always, and be it further enacted, That it shall be lawful for the Proprietors of the said Navigation assembled at any General Assembly under this Act, to cause any such Shares to be sold under the recited Acts, in lieu of the same being forfeited under this Act as aforesaid.

XVII. And be it further enacted, That so much of the said first recited Act as requires that the General Assemblies of the said Company shall be held on the last *Monday* in *March* and the last *Monday* in *September* in every Year, shall be and the same is hereby repealed; and from and after the passing of this Act; it shall be lawful for the said Company to hold such General Assemblies at any Place or Places, and on any Day between the First and Twenty-fifth Days of *March*, and the First and Twenty-fifth Days of *September*, in each Year, as the Proprietors at each next preceding Assembly shall appoint: Provided always, that Notice shall be given of every such General Assembly in some Newspaper or Newspapers published in the County of *Gloucester*, and also in some Newspaper or Newspapers usually published in the County of *Worcester*, Ten Days before the Day of holding such General Assembly.

Powers as to holding General Assemblies.

XVIII. And be it further enacted, That all and every the Clauses, Articles, Provisoos, Provisions, Privileges, Exemptions, Conditions, and Agreements, which are in the said recited Acts or either of them contained, and which apply to or for the Benefit or Advantage of the Land Owners or Mill Owners upon or near to the Line of the Canal thereby authorized to be made, or to any or either of them, or which are calculated or intended to compel the said Canal Company to do or perform any particular Thing or Things, or Act or Acts, for the Benefit or Protection of the said Land Owners or Mill Owners, or any or either of them, or to compel the said Canal Company to make Satisfaction or Recompence to any Land Owner, Mill Owner, or other Person or Persons, for any Damage or Injury which may or shall at any Time or Times be sustained by any Land Owner, Mill Owner, or other Person or Persons, for or by reason of the severing or dividing of any Lands, Grounds, Waters, or other Hereditaments, or of the making, maintaining, or repairing of the Canal, Aqueducts, Feeders, Trenches, Passages, Weirs, Culverts, Water-courses, Roads, Bridges, Ways, Sluices, or other Works thereby authorized to be made, or of the supplying of the same or of any of them with Water, as in the said recited Acts are mentioned, or by the flowing, leaking, or oozing of the Water over or through the Banks of the Canal, Trenches,

Provisions of former Acts as respects Land Owners, &c. to extend to this.

or

or Sluices thereby authorized to be made over or through any Passages, Gutters, or Watercourses, which shall be made pursuant to the Powers given by the said recited Acts, for the conveying or communicating Water to or from the Canal thereby authorized to be made, or by not cleansing the Watercourses, Trenches, or Passages thereby authorized to be made, or by turning, stopping, or diverting any Streams or Brooks into or under the same, or by reason or means of the Execution of any of the Powers contained in the said recited Acts by the said Canal Company, or by their Agents, Workmen, Officers, or Assistants, and which are not expressly varied, altered, or repealed by this Act, shall apply to, and the same shall be and continue in force for the Benefit of all and every the Land Owners and Mill Owners upon or near to the deviated Line to be made through the said Parishes of *Tretherne, Saul, and Arlingham*, and to and for the Benefit of all and every other Person and Persons who shall or may at any Time or Times sustain any Damage or Injury for or by reason of the severing or dividing of any Lands, Grounds, Waters, or other Hereditaments, or of the making, maintaining, or repairing of the Canal, Aqueducts, Feeders, Trenches, Passages, Weirs, Culverts, Watercourses, Roads, Bridges, Ways, Sluices, or other Works in the said deviated Line, or the supplying of the same or of any of them with Water, in such Manner as in the said recited Acts are mentioned, or by the flowing, leaking, or oozing of the Water over or through the Banks of the Canal, Trenches, or Sluices in the said deviated Line, or over or through any Passages, Gutters, or Watercourses which shall be made pursuant to the Powers by the said recited Acts or by this present Act given for conveying or communicating Water to or from the said Canal in the said deviated Line, or by not cleansing the said Watercourses, Trenches, or Passages, or by turning, stopping, or diverting any Streams or Brooks into or under the same, or by reason or means of the Execution of any of the Powers in the said recited Acts or in this present Act contained, by the said Canal Company, or by their Agents, Workmen, Officers, or Assistants, as fully, effectually, and particularly, to all Intents and Purposes whatsoever, as if the same Clauses, Articles, Provisoes, Provisions, Powers, Privileges, Exemptions, Conditions, and Agreements were herein repeated or re-enacted by this present Act.

Satisfaction
for Tythes to
be estimated
upon average
Value of last
Four Years.

XIX. Provided always, and be it further enacted, That the Recompence and Satisfaction to be made by the said Canal Company for the Tythes of the Lands which shall hereafter be taken or made use of by them, shall be estimated upon the average Value of such Tythes for the Four Years preceding the Time when such Lands shall be taken or made use of.

Application
of Compens-
ation, in Cases
exceeding
200 l.

XX. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of the said recited Acts or of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, as in the said recited Acts particularly mentioned, such Money shall, in case the same shall amount to the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the

the said Company of Proprietors of the *Gloucester* and *Berkeley* Canal Company, together with the Name or Names of such Person or Persons as Three of the Commissioners for executing the said recited Acts and this Act shall, by Writing signed by them, direct and appoint, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, and Hereditaments, which shall be purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery 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 mean Time and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and Annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would, for the Time being, have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments, so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXI. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the said Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by any Three or more of the said Commissioners (such

Application
where the
Purchase
Money does
not exceed
200*l* nor less
than 20*l*.

[*Loc. & Per.*]

22 H

Nomination

Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where the Purchase Money is less than 20*l*.

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

In case of not making out Titles;

or if Persons cannot be found Purchase Money to be paid into the Bank;

subject to the Order of the Court of Chancery, on Motion or Petition.

XXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of the said recited Acts and this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or any Three or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*] subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching

XXIV. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid

paid into the Bank of *England*, in the Name and with the Privy of the Accountant General of the Court of Chancery, in pursuance of this or the said recited Acts, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands or Hereditaments to be purchased in pursuance of the said recited Acts or this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

the Title to Money to be paid, the Person who shall be in Possession of Lands, &c. at the Time of such Purchase shall be deemed entitled.

XXV. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of the said recited Acts or this Act, the Purchase Money for the same shall be required to be paid into the said Court, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of the said recited Acts or this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

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

XXVI. And be it further enacted, That the Costs and Charges of obtaining and passing of this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences relating to or concerning the same, or any ways incident thereto, shall be borne, paid, and defrayed by the said *Gloucester* and *Berkeley* Canal Company, out of the Money received or to be received, or raised by virtue of the said recited Acts or of this present Act.

Having Expences of the Act.

XXVII. And be it further enacted, That the said recited Acts of the Thirty-third and Thirty-seventh Years of the Reign of His present Majesty, and all and every Clause, Article, Provision, Matter, and Thing therein contained, and not herein-before expressly extended and made applicable to this present Act (except such and so many of them, or such Parts thereof as are altered, varied, explained, amended, or repealed by this Act) shall extend and be applicable to this present Act, and the Powers, Provisions, and Directions hereof, in or so far as the same are compatible herewith.

The Powers of the former Acts to extend this Act.

XXVIII. And

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45° GEORGII III. *Cap.* 104.

Publick Act.

XXVIII. 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 the same being specially pleaded.

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