



ANNO QUADRAGEIMO NONO.

GEORGI III. REGIS.

Cap. 159.

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*. [10th June 1809.]

WHEREAS the making and maintaining of a Railway or Tram Road 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 County; and the making and maintaining of the following Railways or Tram Roads, to branch from the said Railway or Tram Road, that is to say, one Railway or Tram Road from *Kidnall's Mill* in the said Parish of *Lydney*, North-Eastward through *Yorkley Bottom* and *Mosely Green* in the said Forest, to *Rhelp's Meadow* in the same Forest; one other Railway or Tram Road from *Park End Bridge* to the Birches in

[Loc. & Per.]

36 P.

the

the said Forest, avoiding *Whitemead Park* Inclosure; one other Railway or Tram Road from *Park End Bridge* aforesaid, to the Coal Pit on the South West Side of *Scroll's Tump* in the said Forest; one other Railway or Tram Road from near *Park End Bridge* aforesaid, North-Westward to *Milkwall* in the said Forest; one other Railway or Tram Road from opposite the *Lodge* Inclosure, up *Brookhall Ditches* in the said Forest; one other Railway or Tram Road, from *White Ley* to *Bixhead Quarries*, through the *Slade* in the said Forest; one other Railway or Tram Road from *Cannop Bridge*, up, through, and to the Head of *Howler Slade* in the said Forest; one other Railway or Tram Road from the Corner of *Vellets* Inclosure, to the Top of *Wimblow Slade* in the said Forest; and one other Railway or Tram Road from or from near a Place called *Miery Stock*, to the Summit at *Churchway Engine* in the said Forest; will not only open an easy and commodious Communication between the River *Severn* and the River *Wye*, and the Collieries in the said Forest; whereby the Conveyance of Coal, Stone, and other Products of the said Forest, for the Supply of the Cities and Counties of *Hereford* and *Gloucester*, will be greatly facilitated and rendered less expensive, but will also in other Respects be of great public Utility: And whereas the several Persons herein-after named are desirous at their own Costs and Charges to make and maintain the said intended Railways; but inasmuch as the same cannot be effected 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 Commons, in this present Parliament assembled, and by the Authority of the same, That *Abel Wood Watkins, Abraham Turner, Baker Gabb junior, Charles Powell, Charles Phillips Clerk, Charles Morgan, David Musbet, Edward Bolton Clive, Edward Clarke, Edward Prothero, Francis Cooke, George Clarke Symonds, George White, George Nicholas, George Winter, Henry Clive, Sir John Geeres Cotterell Baronet, John Tomlinson, John Spicer, John Watts, John Prothero, John Sherborne, John Cheesment, John Tamplin, John Winter, James Ashe Gabb, James Lance, James Wainewright, Joseph Pitt, Milson White, Nathaniel Saxon, Philip Prothero, Nathaniel Hawkins, Richard Philip Scudamore, Robert Robbins, Richard Hook, Richard Nailor, Richard Whitcombe, Reverend William Stephens, Richard White, Samuel Hewlett, Spencer Newcomb Meredith, Thomas Powell Symonds, Thomas Halford, Thomas Holder, Thomas Browning, Thomas Packer, Whiston Powell, William Powell, William Phillips, Walter Henry Hill, William Jones, William Vizard, William Robbins, and William James*, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and hereby are united into a Company for making, completing, and maintaining the said Railways, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be one Body Corporate by the Name and Stile of the *Lydney and Lidbrook Railway Company*, and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall have Power and Authority, from and after the passing of this Act and at all Times thereafter, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell or dispose of the said Lands and Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the said Company of Proprietors shall and they are hereby authorized

Subscribers
Names.

authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tram Road, to be called the *Lydney and Lidbrook Railway*, passable for Waggon and other Carriages, and to be constructed as herein-after 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 County; and to make and maintain the following Railways or Tram Roads, to branch from the said Railway or Tram Road, that is to say, one Railway or Tram Road, from *Kidnall's Mill* in the said Parish of *Lydney*, North-Eastward through *Yorkley Bottom* and *Mofely Green* in the said Forest, to *Phelp's Meadow* in the same Forest; one other Railway or Tram Road from *Park End Bridge* to the Birches in the said Forest, avoiding *Whitemead Park Inclosure*; one other Railway or Tram Road, from *Park End Bridge* aforesaid, to the Coal Pit on the South-West Side of *Scroll's Tump* in the said Forest; one other Railway or Tram Road, from near *Park End Bridge* aforesaid, North-Westward to *Milkwall* in the said Forest; one other Railway or Tram Road from opposite the *Lodge Inclosure*, up *Brookball Ditches* in the said Forest; one other Railway or Tram Road, from *White Ley* to *Bixhead Quarries*, through the *Slade*, in the said Forest; one other Railway or Tram Road, from *Cannop Bridge*, up, through, and to the Head of *Howler Slade* in the said Forest; one other Railway or Tram Road from the Corner of the *Vellets Inclosure*, to the Top of *Wimblow Slade* in the said Forest; and one other Railway or Tram Road, from or from near a Place called *Miery Stock*, to the Summit at *Churchway Engine* in the said Forest, and for the Purposes aforesaid; the

Their Power.

said Company of Proprietors, their Deputies, Servants, Agents, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to the King's most Excellent Majesty, His Heirs or Successors, or of or to any Person or Persons, Bodies Politick, Corporate, or Collegiate, whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate for the Purposes herein-before and herein-after mentioned, such Parts thereof as they shall think necessary and proper for making the said Railways, and all other Works, Matters and Conveniences hereby authorized to be made; and also to bore, dig, cut, trench, fough, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, (leaving such Trees for His Majesty or other the Owner or Owners thereof), Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Railways or other Works, out of the Lands or Grounds of or belonging to the King's most Excellent Majesty, His Heirs or Successors, or of or belonging to any Person or Persons, Bodies Politic, Corporate, or Collegiate, adjoining or being convenient or contiguous thereto, and which may be proper, requisite, or necessary, for making, carrying on, continuing, maintaining, or repairing the said Railways and other Works; or which may hinder, prevent, or obstruct the making, using, or completing, extending, or maintaining the same respectively, according to the Intent and Meaning of this Act; also to make, build, erect, and set up, in, over, under, or upon the said Railways, and other Works, or upon the Lands adjoining to or near to the same, such and so

many Bridges, Piers, Arches, Tunnels, and Toll Houses, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railways or Tram Roads; and also to make and set out proper Places for Waggon and other Carriages to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, and other Works, in, upon, and across any Rivers or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railways or Tram Roads, and other Works; and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, preserving, improving, completing, and using of the said Railways and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in Manner herein-after mentioned, to the Owners or Proprietors of, and all Persons interelld in, any Lands or other Hereditaments which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act, (other than and except the King's most Excellent Majesty, His Successors or Assigns) in as far as His said Majesty, His Heirs and Successors are to be compensated by the Payments herein-after mentioned, for the Liberties and Privileges given by this Act; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; those Powers subject nevertheless to such Provisoes and Restrictions as herein-after mentioned and contained.

Where Railways cross Roads the Flanch of the Rail not to exceed one Inch in Height.

Houses and Gardens not to be injured except such as are mentioned, &c.

Plan and Book of reference to be authenticated by the Speaker of the House of Commons.

II. Provided always, That where the said Railways shall cross any Turnpike Roads or public Highways, the Ledge or Flanch of such Railways or Tram Roads for the Purpose of guiding the Wheels of the Carriages shall not exceed one Inch in Height above the Level of the Road.

III. Provided always, That nothing herein contained shall 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 Railways, or other Works, or for any other the Purposes aforesaid, any House or other Building which was erected or built at or before the passing of this Act, or any Land or Ground which was then set apart and used as or for a Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, and Persons interested therein respectively.

IV. And whereas a Survey has been taken to ascertain the Practicability of making the said Railways, and other Works, and a Map or Plan, with a Book of Reference thereto, has been made, be it therefore further enacted, That there shall be Three Parts of the said Map or Plan and Book

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 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, to either of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort, and to examine or make Extracts from or Copies of the same as Occasion shall require, paying to the said respective Clerks for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every Seventy-two Words; and either of the said Maps or Plans and Book of Reference so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Eight Days Notice to him given for that Purpose, shall and he is hereby required from Time to Time to produce the Map or Plan and Book of Reference to be so deposited with him as aforesaid before the Commissioners herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

V. And be it further enacted, That the said Company of Proprietors in making the said Railways 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 Railways 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, or if the Land or Ground wanted for making any Deviation as aforesaid shall belong to the King's most Excellent Majesty, His Heirs or Successors, without the Approbation and Consent in Writing of the Surveyor General of His Majesty's Woods and Forests, on previous Application in Writing made to him for that Purpose, signed by some Person duly authorized on behalf of the said Railway Company; 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 Alteration of the same, in case all the Persons, Bodies Politick, Corporate, or Collegiate, to whom the Lands or Grounds to be made Use of for the Purposes of such Deviation or Alteration shall belong, shall consent thereto, or if the same shall belong to the King's most Excellent Majesty, His Heirs or Successors, then in case the said Surveyor General shall consent thereto.

Not to deviate from the Line laid down in Plan, without the Consent of Land Owners.

VI. Provided always, and it is hereby further enacted, That the said Company of Proprietors may make the said Railways and other Works,
 [Loc. & Per.] 36 C into

Land Owners omitted in Book of Reference

rence, not to obstruct making the Railways, &c.

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 hereby appointed, and be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other 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 any wise notwithstanding.

Breadth of the Land to be taken for the Railway.

VII. And be it further enacted, That the Lands and Grounds to be taken or used for the Purposes of this Act shall not exceed Seven Yards in Breadth, except in such Places where it shall be judged necessary for Waggons or other Carriages to turn, lie, or pass each other, or for raising Embankments for crossing the Valleys, or in deep Cuttings, and in those Places only such Breadth of Land as shall be absolutely necessary, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Goods, Wares, and Merchandize, which shall be conveyed on the said Railways, and not above Sixty Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railways, or, in case the same shall belong to the King's most Excellent Majesty, His Heirs and Successors, of the Surveyor General as aforesaid.

On Payment of a certain Sum to His Majesty, Lands, &c. to vest in Proprietors.

VIII. And be it further enacted, That immediately upon or after any Lands, Grounds, or Hereditaments of or belonging to the King's most Excellent Majesty, His Heirs or Successors, shall be set out and ascertained for making the said Railways and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before authorized to be made, or any of them, such Lands, Grounds, or Hereditaments so set out and ascertained, and the Fee Simple and Inheritance thereof in Possession, shall by virtue of this Act vest in the said Company of Proprietors and their Successors for ever, on Payment to His Majesty, His Heirs and Successors, of the yearly Sum herein-after mentioned.

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

IX. And be it further enacted, That after any Lands, Grounds, or Hereditaments, not belonging to the King's Majesty, His Heirs or Successors, shall be set out and ascertained for making the said Railways and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before authorized to be made, or any of them, it shall be lawful for all Bodies Politick, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbards, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on the Behalf of *Cestuique* Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seized, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person

what Proportion of the Purchase Money shall be due to the said Lord or Lords, Lady or Ladies, Copyholders, or other Persons interested in such Commons or Wastes, for his, her, or their Interest in such Lands, and such Proportion shall be thereupon paid to him, her, or them, for his, her, or their own Use, or deposited in the Bank of *England*, in Manner by this Act directed as the Case may require.

Satisfaction
to be made.

XI. And be it further enacted, That all and every Body or Bodies Politick, Corporate, or Collegiate, Trustees and other Person or Persons herein-before capacitated to sell or convey Lands or other Hereditaments, and any other Owner or Owners, other than and except the King's most Excellent Majesty, His Heirs or Successors, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Railways, or other Works hereby authorized, shall be made, may accept and receive Satisfaction for the Value of such Lands and Hereditaments, and for the Damages to be sustained by making and completing the said Works, in gross Sums; and in case the said Company of Proprietors, and the said Parties interested in such Lands or other Hereditaments cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Commissioners hereby appointed in such Manner and subject to such Verdict of a Jury, if required, as is herein-after directed.

Commis-
sioners for set-
tling Differ-
ences.

XII And whereas Differences may arise between the said Company of Proprietors, and the several Persons, Owners of and Persons interested in the Lands and Hereditaments which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively, be it therefore enacted, That the Right Honourable the Lord Warden, Verderors and Conservator of His Majesty's Forest of *Dean* for the Time being, the Representatives in Parliament for the several Counties of *Gloucester*, *Hereford*, and *Monmouth*, the Cities of *Gloucester* and *Hereford* and the Town of *Monmouth* for the Time being, the Mayor and Aldermen of the City of *Gloucester* for the Time being, *Matthew Adeane*, *Stephen Oakley Atley*, *Thomas Ambrose*, the Right Honourable *Charles Bathurst*, *Charles Bathurst*, *William Hiley Bathurst*, *Poole Bathurst*, *Thomas Barber*, *John Barber*, *Charles Bullock*, Reverend *William Boughton*, *John Boughton*, *Thomas Browning*, *William Browning*, Reverend *William Black*, Reverend *Thomas Birt*, *Thomas Blunt*, Sir *Thomas Crawley Boevey*, *Thomas Crawley Boevey*, *William Crawley Boevey*, Reverend *Charles Crawley Boevey*, *Maynard Colchester*, *Joseph Cadle*, *Richard Brown Cheston M. D.* Reverend *Joseph Cheston*, *Joseph Camplin M. D.* Sir *Henry Cosby Knight*, Reverend *Duncombe Pyrke Davis*, *James Davis*, *Edward Davis*, *James Davis junior*, *John Dew*, *George Dew*, *Richard Donovan*, *James De Visme*, *Charles Evans*, *Evans*, *William Viner Ellis*, *William Fendall*, Reverend *William Fryer*, *William Fowler*, *John William Fowler*, *Alfred Fowler*, *John Fryer*, Reverend *Richard Foley*, *Maurice Fitzgerald*, *William Fryer*, *Henry Hooper Fryer*, Sir *Berkeley William Guise*, Reverend *Porwell Guise*, *Guise*, *John Griffiths*, *Kedgwin Hopkyns of Platwell*, *Kedgwin Hopkyns of Landinabo*, *George Homfray*, *George Caesar Hopkinson*, *Charles Hopkinson* *Edmund Hopkinson*, *James Hall*, *Roynon Jones*, *Roynon Jones junior*, Reverend *Edward Jones*, Reverend *Henry Prowse Jones*, *George Jones*, Sir *Edwin Jaynes Knight*, *Samuel Jaynes*, *James Jelf*, Reverend

William Jones, John James of Newnham, John James of Redbrooke, Thoma James, Charles James, Joseph Lloyd, Joseph Lloyd junior, Thomas Lucas, James Lawson, John Hodder Moggridge, Thomas Morris, Richard Naylor, James Sutton Olive, Reverend James Parsons, Edmund Probyn, Reverend John Probyn, Reverend William Probyn, Thomas Probyn, Henry Probyn, Joseph Pyrke, Reverend George Pyrke, Thomas Pidcock, John Pidcock, John Plaisted, John Partridge, William Partridge, John Partridge, James Powles, Job n Powles, James Rooke, Henry Rosser, Richard Ryder, Philip Robinson, Philip Robinson junior, George William Shawskip, Reverend Charles Sandiford, Thomas Sargeaunt, Joseph Swayne of Newnham, Robert Thompson, John Tomlinson, Thomas Tovey, John Biby Tovey, Thomas Taylor, Reverend Thomas Thomas, Richard Taylor, John Turner, Thomas Turner, Charles Brandon Trye, Job Thatcher, William Vaughan, Philip Vaughan, Reverend Harry Williams, Thomas Devey Wightwick, John Wade, John Wilkins, Richard White, Daniel White, John Wintle, Reverend Richard Wetherell, and their Successors to be elected in Manner herein-after mentioned, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters, and Differences which shall or may arise between the said Company of Proprietors and the several Persons as aforesaid.

XIII. And, for continuing a sufficient Number of Commissioners for putting this Act in Execution, be it further enacted, That when any of the Commissioners hereby appointed or to be elected in Manner herein mentioned shall die or refuse to act, the surviving or remaining Commissioners shall and they are hereby empowered from Time to Time, at some Meeting to be held for that Purpose by Writing under their Hands, to elect and appoint any Person in the Place of every Commissioner dying or refusing to act; and all such Commissioners so to be appointed shall from the Time of their respective Appointments have the like Authority in all Things relating to the Execution of this Act as if they had been expressly named Commissioners in and by this Act.

Election of new Commissioners.

XIV. And be it further enacted, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse upon any Vacancy to appoint a new Commissioner, or that for Want of a proper Number of Commissioners in the Neighbourhood it shall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in case the Commissioners nominated in this Act, or hereafter to be elected under and by virtue thereof, shall be reduced to a less Number than Twenty, then and in any of the said Cases it shall be lawful for the said Company of Proprietors from Time to Time to make Complaint thereof to the Justices of the Peace assembled at any Quarter Session to be holden for the said County of Gloucester; and the Justices to whom such Complaint shall be made are hereby authorized to receive and hear the said Complaint, and upon due Proof thereof being made to them, to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit to be Commissioners for the Purposes of this Act, and the said Commissioners so nominated and appointed shall from thenceforth have the like Powers and Authorities as if appointed by or under the Authority of this Act.

Quarter Sessions to nominate Commissioners in certain Cases.

Commissioners may act as Justices of the Peace.

XV. And be it further enacted, That any of the said Commissioners who are or shall be Justices of the Peace for the said County shall and may, notwithstanding their being Commissioners, act as Justices of the Peace in the Execution of this Act.

Qualification of Commissioners.

XVI. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Undertaking, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any case where he shall be in anywise interested or concerned in the Matter in Question, nor unless he shall reside in the County of *Gloucester*, and shall be seized in his own Right or in Right of his Wife, and not as a Mortgagee, at the Time of such his acting, of an Estate of Freehold or Copyhold of Inheritance, or both, in Lands, Tenements, or Hereditaments, of the yearly Value of Forty Pounds over and above all Reprizes, except Property Tax; or unless he shall be possessed of or entitled unto a Personal Estate of the Amount or Value of One thousand Pounds, or unless he shall be eldest Son or Heir apparent of a Peer or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any Person (not being an Heir apparent as aforesaid) act as a Commissioner in the Execution of this Act (otherwise than by giving Notice of the first Meeting of the Commissioners, and administering an Oath or Affirmation in the Words following to the other Commissioner), until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say),

Oath.

‘ I *A. B.* do swear [*or being One of the People called Quakers, do solemnly affirm*] That I am truly and *bona fide* in the actual Possession and Enjoyment [*or Receipt*] of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Forty Pounds above Reprizes, except for Property Tax [*or possessed of or entitled to a Personal Estate to the Amount or Value of One thousand Pounds*]; and that I will without Favour or Affection truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act made in the Forty-ninth Year of the Reign of King *George* the Third, intituled, [*set forth the Title of this Act*]. ‘ So help me GOD’.

And an Entry or Memorandum of such Oath being taken by the Commissioner shall be made by and certified under the Hand of such Clerk, which Certificate shall be deemed sufficient Evidence of such Oath having been taken in all Courts whatsoever; and if any Person by this Act declared incapable to act as a Commissioner shall nevertheless presume to act as such in the Execution of this Act, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Effoign, Protection, Privilege, or Wager of Law, or more than One Impar lance shall be allowed; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty without

without any other Proof or Evidence on the Part of the Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act.

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

Notice of Commissioners Meetings to be given.

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

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

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners or any Five or more of them, and they are hereby empowered, although they shall not be assembled at any Meeting to be held by virtue of this Act, from Time to Time and at all Times upon such Request made as aforesaid, by Notice in Writing signed by them and

Power to hold occasional Meetings.

and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Proceedings
to be entered
in a Book.

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

Commission-
ers to settle
Differences.

XXI. And be it further enacted, That the said Commissioners acting in any Question, Matter, or Difference which shall or may arise, are hereby authorized and empowered, by Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of

Proprietors,

Proprietors, to the Bodies Politic, Corporate, or Collegiate, Person or Persons respectively who shall be so entitled or interested as afore said, for the absolute Purchase of the Lands or Hereditaments which shall be set out and ascertained for making the said Railways and other Works and Conveniencies, or any Part thereof, and other the Purposes of this Act, and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors as a Recompence for any Damages which may or shall at any Time or Times whatsoever be sustained by such Bodies Politic, Corporate, or Collegiate, or other Person or Persons respectively, being Owners of and interested in any Lands or Hereditaments by Reason or Means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, or by their Agents, Workmen or Servants, or for any other Matter or Thing whatsoever for which a Recompence or Satisfaction is by this Act directed to be made, in case such Price or Value, Damages and Recompence respectively cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents and such Proprietors of and Persons interested in the said Lands or Hereditaments as aforesaid; and if the said Company of Proprietors, for and on the Part and Behalf of themselves or any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or intitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be determined to be paid, or shall, upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments, for the Space of Fourteen Days next after such Notice. Neglect, or Refusal to treat, or shall not agree with the said Company of Proprietors, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the Interest which they claim therein, then and in every such Case the said Commissioners shall and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of *Gloucester*; and in case the said Sheriff or his Under Sheriff shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matters in Question, then to some one of the Coroners of the said County not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner is accordingly hereby required to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less

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than Nine nor more than Twenty Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner or their Deputies respectively shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured, to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered to summon and call before them all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question, either by or before them the said Commissioners, or by or before any Jury or Juries as aforesaid, as the Case may be; and the said Commissioners may order and authorize the said Jury, or any Three or more of them, to view the Place or Places or Matters in Controversy, which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer) shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or Hereditaments, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgement for such Purchase Monies, or Recompence to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against the King's Majesty, His Heirs and Successors, and against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence, forfeit and pay any Sum not exceeding Twenty Pounds, nor less than Five Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn and examined, or give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall, for every such Offence, forfeit and pay any Sum not exceeding Five Pounds for the Benefit of the Party in whose Behalf such Person was so summoned.

Expences
of Commis-
sioners and
Jury.

XXII. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies as a Recompence or Satisfaction for any Lands or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons, than had been previously offered by or on Behalf of the said Company of Proprietors, or determined by the said Commissioners as aforesaid, then all the Expences of calling such Commissioners, summoning such Jury, and taking such Inquests, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given or made for the same, or for a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined by the said Commissioners as aforesaid, or in case no
Damage

Damage shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, which said Costs and Expences having been so settled shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged, or otherwise such Costs and Expences in case the same be not paid on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that whenever any Person or Persons shall by reason of Absence or otherwise have been prevented from treating with the said Company of Proprietors, such Costs, Charges, and Expences shall be borne and defrayed by the said Company of Proprietors in Manner aforesaid.

XXIII. And be it further enacted, That all and every Person or Persons making Complaint and requesting such Jury shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond with sufficient Sureties to the Treasurer for the Time being of the said Company of Proprietors, in the Penalty of One hundred Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of One hundred Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury, and taking such Inquest in the Proportion and Manner herein-before mentioned.

XXIV. Provided always, That the said Commissioners, or any of them, shall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Damage or Injury by him, her, or them sustained or supposed to be sustained in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath been or shall be given in relation thereto, by or on Behalf of such Person or Persons, to the said Company of Proprietors, or to their Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

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

Persons requesting a Jury to enter into a Bond to prosecute.

Notice of Injury to be given to the Proprietors, before Complaint to the Commissioners.

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

the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Jury to be under the same Regulations as in the Courts at Westminster, &c.

XXVI. And be it further enacted, That every such Jury and Juryman as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties, as if such Jury or Juryman had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*, and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners, or before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury, by the Laws or Statutes of this Realm.

Verdict to be recorded.

XXVII. And be it further enacted, That all the Determinations of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgements of the said Commissioners thereon as aforesaid, shall be transmitted to and be kept by the Clerk of the Peace for the said County of *Gloucester*, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of Two Shillings and Sixpence and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

Lands to vest in Company upon Payment of Money assessed.

XXVIII. And in order that the said Company of Proprietors may not be impeded in the Prosecution of their said Undertaking, by Means of any such Proceedings before the said Commissioners or Jury, be it further enacted, That either upon Payment or legal Tender of such Sum or Sums of Money by the said Company of Proprietors, or on their giving such Security as the said Commissioners shall approve for Payment of any Sum of Money which shall have been agreed upon between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, for the Purchase of any such Lands or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as herein-before mentioned to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon the said Company of Proprietors previously giving such Security as the said Commissioners shall approve for the future Payment of such Sum of Money as aforesaid, or if the Person or Persons interested in the said Lands or Hereditaments shall not be able to make a good Title thereto to the Satisfaction of the said Company of Proprietors, or shall refuse to receive the Sum or Sums awarded to him, her, or them by the said Commissioners or Jury, or to execute a Conveyance, or in case such Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid cannot be found, or if the Person or Person entitled to such Lands or Hereditaments be not known or discovered, then
and

and in any of these Cases, upon Payment of the said Sum or Sums of Money into the Bank of *England* in Manner by this Act directed, or in case of an annual Rent to be paid upon the said Company of Proprietors giving previously such Security as the said Commissioners shall approve for the future Payment of such Money as shall be fixed by the said Commissioners or Jury as aforesaid, and in all or any of the said Cases as often as the same shall happen, it shall be lawful for the said Company of Proprietors and their Agents, Workmen, and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively (or even before such Payment or Security given by Leave of the Owners and Occupiers thereof); and immediately upon or after such Payment or Security shall be made or given as aforesaid, such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors and their Successors to and for the Purposes of this Act for ever; and such Payment, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whosoever therein; provided nevertheless, that before such Payment, or Security as aforesaid, shall have been made, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Railways, or other Works, without the Consent of such Person or Persons respectively.

XXIX. 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 hereof for the Purposes hereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Lydney and Lidbrook* Railway Company, together with the Name or Names of such Person or Persons as any Five of the said Commissioners shall, by Writing under their Hands, direct and appoint, pursuant to the Method prescribed by the Act of the Twelfth Year of King *George* the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, or Hereditaments, or affecting other Lands, or Hereditaments, standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such

Application when the Compensation amounts to £200.

Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time and until such Purchase shall be made, the said Money shall, by Order of the 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 or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were actually made.

Application-
of Compen-
sation Money
when less than
£200. and
exceeding
£20.

XXX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the 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 Three or more of the said Commissioners (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
where the
Money is less
than £20.

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

the Use and Benefit of such Person or Persons so entitled respectively.

XXXII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all Tythes, both Great and Small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are, or at any Time hereafter might have been, entitled to such Tythes, according to their respective Interests therein, (other than and except such Tythes as shall belong to the King's most Excellent Majesty, His Heirs or Successors, to whom no Compensation is intended to be hereby made); such Tythes to be estimated at the average Value of the last Four Years, commencing at *Michaelmas Day* One thousand eight hundred and four, and ending at *Michaelmas Day* One thousand eight hundred and eight, such Value to be ascertained (in case of any Difference concerning the same) in like Manner as the Value of any Lands or other Hereditaments is hereinbefore directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to spiritual Persons by an Annual Rent.

Compensation to be made in lieu of Tythes.

XXXIII. And be it further enacted, That in case any Lands or Hereditaments to be used for the Purposes of this Act shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Company of Proprietors, upon Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Company of Proprietors are hereby authorized and required to pay such Sum or Sums of Money, after the same shall have been so agreed for and adjusted or assessed in Manner aforesaid, for such Lands in Mortgage, in Part of the Principal Money that shall be due on such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money by an Indorsement to be made upon the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witnesses or Witnesses, in Satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages.

For paying off Mortgages on Lands used by the Company.

XXXIV. 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 or Hereditaments to be purchased by virtue of this Act, for the Purposes aforesaid, 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 Company of Proprietors, or in case the Person or Persons to whom any 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 or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company of Proprietors, or any Five or more of them, to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *England*, in the Name and with

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

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 or Hereditaments (describing them, if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Hereditaments, without any Description of them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, 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 Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof according to the respective Estate or Estates, Title or Interest of such 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 the Title to Money to be paid, the Person who shall be in the Possession of the Lands, &c. entitled.

XXXV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Lands or Hereditaments, or of any Estate Right, or Interest in any Lands, or Hereditaments, to be purchased in pursuance thereof, 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 the 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 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 one, and that some other Person or Persons was or were lawfully entitled to such Lands, or Hereditaments, or to some Estate or Interest therein.

Court of Chancery may order reasonable Expences of Purchases to be paid.

XXXVI. Provided always, 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, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, and Hereditaments, to be settled to the like Uses in pursuance of 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 this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of

of obtaining such Order, to be paid by the said Company of Proprietors, or any Five or more of them, who shall from Time to Time pay such Sum or Sums of Money, for such Purposes as the said Court shall direct.

XXXVII. And whereas by the Means of Purchases which the said Company of Proprietors are empowered and required to make by virtue of this Act, they may happen to be seized of more Land or Ground than will be necessary for effecting the Purposes of this Act, be it therefore enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Company of Proprietors before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Land or Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery or before One of His Majesty's Justices of the Peace for the County of Gloucester, by some Person or Persons not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made and was not agreed to, or was refused by the Person or Persons to whom such Offer was made (as the Case may be); and in case such Person or Persons shall be desirous of purchasing or re-purchasing the same, and he, she, or they, and the said Company of Proprietors shall differ or not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to the disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Company of Proprietors, *mutatis mutandis*, and the Money to arise by the Sale or Sales which may be made by the said Company of Proprietors of such Piece or Pieces of Land or Ground as aforesaid, shall be applied to the Purposes of this Act, and the Purchaser or Purchasers thereof shall not be answerable or accountable for the Misapplication or Non-application of such Money.

Proprietors to give the first Offer of Land not wanted to the Persons from whom purchased.

XXXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors in the first Place to raise and contribute amongst themselves, in such Proportions as they shall think proper, for making and completing the said Railways, and the Ways, Wharfs, and other Works and Conveniences belonging or requisite thereto, the Sum of Thirty-five thousand Pounds, except as herein-after mentioned, of which the Sum of Three thousand Pounds, Part of the said Sum of Thirty-five thousand Pounds, shall be reserved for as many of the Free Miners of the said Forest as shall be willing or desirous, on or before the First Day of August next after the passing of this Act, to subscribe to the said Undertak-

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

ing, and shall so notify such their Desire to the Clerk to the said Company of Proprietors, and that the same shall be divided into Shares of Fifty Pounds each, except the Shares herein-before directed to be set apart for, and which shall be actually purchased by the said Free Miners, which shall be divided into Shares of Ten Pounds each; and that such respective Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same; and that no Person subscribing thereto, or becoming a Proprietor in such Undertaking, do become a Proprietor of less than One Share, nor any such Free Miner of more than Five Shares of Ten Pounds; and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for one or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive, after the said Undertaking shall be completed, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate, and Collegiate, Person or Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same in Manner herein directed and appointed; and all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons, of and in the Undertaking, or the Joint Stock Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property.

Application
of Money to
be raised.

XXXIX. And be it further enacted, That all the Money to be raised by the said Company of Proprietors by virtue of this Act, is hereby directed and appointed to be laid out and applied in the first Place for and towards the Payment, Discharge and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining, and passing this Act, and all the necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Railways, Ways, Wharfs, and other Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

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

XL. And, for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company of Proprietors shall, and they are hereby required, at their first or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall be then entitled to the Shares in the said Undertaking, with the Number of the Shares or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk

Clerk to the said Company of Proprietors, and after such Entry made to cause their Common Seal to be affixed thereto, and shall cause a Ticket or Instrument, with the Common Seal of the said Company of Proprietors affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or they is or are entitled in the said Undertaking, every such Proprietor paying the Clerk Two Shillings and Sixpence and no more for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified; but the Want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; *videlicet*,

• THE LYDNEY AND LIDBROOK RAILWAY COMPANY.

Form of
Ticket.

• Number
• THESE are to certify, that *A. B.* of
• is a Proprietor of the Share or Number
• being One Share of the *Lydney and Lidbrook* Railway, subject to the
• Rules, Regulations, and Orders of the said Company of Proprietors,
• and that the said *A. B.* his (*or her*) Executors, Administrators, (*or Suc-*
• cessors), and Assigns, is and are entitled to the Profits and Advantages
• of such Share. Given under the Common Seal of the said Company,
• the Day of in the Year
• of our Lord

XLI. And be it further enacted, That all and every Body or Bodies Politic or Corporate, or other Person or Persons, and his, her, or their Successors, Executors, Administrators, and Assigns, who shall have subscribed for, or shall become entitled to and be in the actual Possession of, one or more Share or Shares in the said Undertaking, shall be deemed a Proprietor for every such Share, and shall have a Vote for and in respect of every such Share, subject to the Restrictions herein-after mentioned, in the General and Special Assemblies of the said Company of Proprietors to be held as herein directed for carrying on the said Undertaking, or relative thereto; which Vote shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors of one or more Share or Shares in the said Undertaking), duly constituted under his, her, or their Hand or Hands, or Common Seal if a Corporation, or in cases of Infancy under the Hand or Hands of his, her, or their Guardian or Guardians, and that every such Vote by Proxy shall be as good and valid to all Intents and Purposes as if such Principal or Principals had voted in Person, and being an Infant had been of full age; the Appointment of which Proxy shall and may be made in the Words or to the Effect following; (varying the same so as to meet each particular Case); *videlicet*,

Subscribers
to be deemed
Proprietors,
and have a
Vote for
every Share.

• *A. B.* one of the Proprietors (*or, we A. B. and C. D. Guardians of*
• *E. F.* one of the Proprietors) of the *Lydney and Lidbrook* Railway, do
• hereby nominate, constitute, and appoint *G. H.* to be my (*or his or*
• *or*) Proxy, in my (*or his or her*) Absence, to vote and give my (*or*
• his

Form of the
Appointment
of a Proxy.

his or her) Assent or Dissent to any Business, Matter, or Thing relating to the said Undertaking, which shall be mentioned or proposed at any Meeting of the Proprietors of the said Railway, or any of them, in such Manner as he the said G. H. shall think proper, according to his Opinion and Judgement, for the Benefit of the said Undertaking, or any Thing appertaining thereto. In Witness whereof, I (or we, have hereunto set my Hand (or our Hands), the Day of in the Year of our Lord

All Questions to be decided by the Majority of Votes.

And that every Election of Committees and Officers, Questions, Matters, any Things whatsoever, which shall be proposed, discussed, or considered in any General or Special Assembly of the said Company of Proprietors to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing one Vote to every Share as aforesaid; and that at every such Assembly one of the Proprietors present shall be appointed President or Chairman, who shall not only have such Vote or Votes as a Proprietor as aforesaid, but shall also, in case of an equal Division, have the Decisive or Casting Vote: Provided always nevertheless, that no Persons shall have more than Twenty Votes in his or her own Right, not more than Twenty other Votes in Right of any Proxy or Proxies.

Free Miners not to have Votes for Shares of Ten Pounds.

XLII. Provided also, That no Free Miner, in respect of any Share or Shares of Ten Pounds each, shall be deemed such a Proprietor as to be competent to vote within the true Intent and Meaning of this Act.

Proprietors may raise an additional Sum, if necessary.

XLIII. And be it further enacted, That in case the said Sum of Thirty-five thousand Pounds herein-before authorized to be raised shall be found insufficient for making, completing, and maintaining the said Railways, and other Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money, for completing and perfecting the said Undertaking, not exceeding the Sum of Twenty thousand Pounds; and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and shall have a like Vote by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in Proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised, had originally been Part of the said Sum of Thirty-five thousand Pounds, any Thing herein contained to the contrary thereof in anywise notwithstanding; but no Part of the said Sum of Twenty thousand Pounds shall be raised by Shares of Ten Pounds each to be set apart for Free Miners or any other Person or Persons.

Company may raise the said Twenty thou-

XLIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, in case they shall think

think it meet and expedient, to borrow the Whole of the said Sum of Twenty thousand Pounds or any Part or Parts thereof upon Promissory Notes under the Common Seal of the said Company of Proprietors, and all such Notes shall be made payable in such Manner and at such Time or Times, and with such legal Rate of Interest, as the said Company of Proprietors shall think proper; and all such Notes shall be made either with or without a Power in the respective Holders thereof to have an Option of becoming Proprietor of one Share of Fifty Pounds in the said Undertaking, in lieu of the Principal Money by such several Promissory Notes to be secured, or so much or such Part thereof as the said Company of Proprietors, or their Committee for the Time being, and the Person or Persons advancing such Money on the Security of the said Notes, shall jointly agree upon: Provided always, that no Person shall in any Case be admitted to be a Proprietor of any Share in the said Undertaking, in lieu of a less Principal Sum of Money than Fifty Pounds, advanced on the Security of such Notes, and the Terms and Particulars upon which the respective Holders of such Notes shall be entitled to such Option of becoming a Proprietor or Proprietors in the said Undertaking, shall be fully expressed and set forth in the said several and respective Notes.

said Pounds
by Promissory
Notes.

XLV. And be it further enacted, That the several Rates authorized to be demanded and taken by virtue of this Act, shall be a Security for each and every Sum and Sums of Money so to be borrowed as aforesaid, with Interest to the Person or Persons who shall from Time to Time be entitled to such Securities, and all Persons to whom any such Securities as aforesaid shall be given shall be equally entitled to a Claim or Lien on the said Rates, in Proportion to the respective Sums of Money advanced and lent by them respectively on the Credit of the said Rates, without any Preference by reason of the Priority of the Date of any such Notes,

Rates to be a
Security for
the Money
borrowed.

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

Power to raise
Money by
Mortgage.

Form of
Mortgage.

Number
 BY virtue of an Act, made in the Forty-ninth Year of the Reign of
 King George the Third, intituled, [*here set forth the Title of this Act*]
 We, the Lydney and Lidbrook Railway Company, incorporated by and
 under the said Act, in Consideration of the Sum of
 to us in Hand paid by
 of do assign unto the said
 his (or her) Executors, Administrators, and
 Assigns, the said Undertaking, and all and singular the Rates arising
 by virtue of this Act, and all the Estate, Right, Title, and Interest of
 and in the same, to hold unto the said
 his (or her) Executors, Administrators, and Assigns, until the said Sum
 of together with Interest for the
 same after the Rate of for every
 for a Year, shall be fully paid and satisfied. Given
 under our Common Seal this Day of
 in the Year of our Lord

And all and every Person or Persons to whom such Mortgage or Assign-
 ment shall be made, shall be equally entitled, one with the other, to
 his, her, or their Proportion or Proportions of the said Rates and Pre-
 mises, according to the respective Sums in such Assignments mentioned to
 be advanced, without any Preference by reason of Priority of any such
 Assignments, or on any other Account whatsoever, and a Memorial of
 every such Assignment, containing the Date, Name or Names of the Per-
 son or Persons to whom made, the Sum of Money borrowed, and the Rate
 of Interest, shall be entered in a Book or Books to be kept by the Clerk
 to the said Company of Proprietors, which said Book or Books shall
 and may be perused at all seasonable Times by any of the Proprietors or
 Creditors of the said Undertaking, or other Persons interested there-
 in, without Fee or Reward; and all and every Person or Persons to
 whom any such Mortgage or Mortgages, Assignment or Assignments,
 shall be made as aforesaid, or who shall be entitled to the Money due
 thereon, shall and may from Time to Time transfer his, her, or their
 Right or Interest therein, to any Person or Persons whomsoever, which
 Transfer shall and may be in the Words or to the Effect following; (that
 is to say),

Form of
Transfer.

I (or we) of
 in Consideration of the Sum of
 paid by of do hereby transfer
 a certain Mortgage, Number made by the Lydney and
 Lidbrook Railway Company to
 bearing Date the Day of for securing
 the Sum of and Interest, and all my
 (or our) Right and Property therein, to the said
 his or her Executors, Administrators, and Assigns. Dated this
 Day of in the Year of Our Lord

And every such Transfer shall, within Twenty-eight Days after the Date
 thereof, be produced to the Clerk to the said Company of Proprietors,
 who shall cause a Memorial to be made thereof, in like Manner as
 the original Mortgages or Assignments, for which the said Clerk shall
 be

be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made, every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

XLVII. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid shall be paid half-yearly to the several Persons entitled thereto, in Preference to any Interest or Dividends due and payable by virtue of this Act to the said Company of Proprietors, or any of them, and shall from Time to Time be fully paid and discharged or provided for, before the yearly or other Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made, that then it shall be lawful for the said Commissioners, and they are hereby required on Request to them made by any Creditor whose Interest shall be so in Arrear, by an Order under their Hands to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully satisfied and paid; and after such Interest and Costs shall be paid and satisfied, the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at Westminster.

Interest of Money borrowed to be paid in Preference to the Dividends, or may be sued at Law.

XLVIII. Provided always, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such either as Principal or by Proxy, at any Meeting of the said Company of Proprietors, for or on Account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Assignment.

Mortgagees not to vote on account of having lent Money.

XLIX. And be it further enacted, That the First General Assembly of the said Company of Proprietors, for putting this Act in Execution, shall be held at the *King's Head in Rofs* on the Third *Tuesday* next after the passing of this Act, at the Hour of Eleven in the Forenoon, and the Second and every other General Assembly shall be held at such Time and Place as the said First General Assembly shall appoint, and the like General Assembly shall be held on such Day and at such Place as the said Proprietors at each next preceding General Assembly shall appoint, all such Meetings being at the Hour of Eleven in the Forenoon; and the said

First and other General Assemblies.

Committee to
be elected.

said Company of Proprietors at such respective General Assemblies, together with such Proxies as shall be then present, shall choose and elect, out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of Two hundred and fifty Pounds at the least in the said Undertaking, One Committee to manage the Affairs of the said Company of Proprietors as herein directed, and to consist of Nine or more Persons, Three of whom shall at all Meetings of the Committee be a Quorum, and the said Company of Proprietors shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others in case of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules or Directions which may have been prescribed and laid down by virtue of this Act with regard to their Proceedings amongst themselves, as they shall think proper, (the Method of calling General or Special Assemblies, and their Time and Place of Meeting, and voting, and appointing Committees, only excepted), and shall also have Power and Authority to make such new Rules, Bye Laws, and Orders for the good Government of the said Company of Proprietors, their Agents and Workmen, for making, maintaining, and using the said Railways or other Works, and all other Conveniences, Matters, and Things that shall be made for the same, and also for and concerning all such Goods and Commodities as shall be conveyed thereon, and also for the well-governing of all Persons who shall be employed in the conveying of any Goods, Wares, and Merchandizes, and other Articles and Things, upon any Part of the said Railways, or other Works, and from Time to Time to alter and repeal, and again to renew the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of such General Assemblies shall seem meet, not exceeding the Sum of Five Pounds for any One Offence; such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned, which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any Directions in this Act contained; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on Account of the said Undertaking, by the Treasurers, Receivers or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them in and about the said Railways and the Works thereto belonging, but no Vote or Votes by Proxy shall be given or have any Power in or as to the Audit and Settlement of Accounts, and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at any such General Assemblies be thought proper and convenient.

General Assemblies for
choosing

L. Provided always, and be it further enacted, That if at any such General Assembly there shall not be Persons present who shall be possessed

possessed of or entitled unto at least Thirty Shares or Subscriptions of Fifty Pounds or upwards, in the said Undertaking, either as Principals or Proxies, no Choice of a Committee, nor any Removal of a Person or Persons in the Room of such of the Members of the said Committee who shall die or decline to act, shall be made at that Time, but in such Case there shall be another Assembly of the said Company of Proprietors, at the same Place, upon that Day Fortnight, and if a sufficient Number of Proprietors, as Principals, or by Proxies, shall not then attend, the said General Assembly shall stand adjourned to the same Place on the Third *Tuesday* next following; and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take Place, and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid; and in case of failure of the assembling of a sufficient Number of Proprietors, having such Shares or Subscriptions as Principals or Proxies at such First General Assembly, every Proprietor who shall not attend such Second Assembly in Person or by Proxy shall forfeit to the said Company of Proprietors, for every Share or Subscription of Fifty Pounds which he or she shall possess in the said Undertaking, the Sum of Five Shillings, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Three Months next after the making of such Default, then the Payment of the said Forfeiture of Five Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Committees
to consist of
Thirty
Shares.

LI. And be it further enacted, That if it shall at any Time appear that for the more effectually putting this Act in Execution, a Special General Assembly of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors who may each of them be possessed of or entitled unto Five Shares or Subscriptions of Fifty Pounds or upwards at the least in the said Undertaking, to cause Ten Days Notice at the least to be given thereof in some Newspaper usually circulating in the said County of *Gloucester*, or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing, signed by such Proprietors, or by the Clerk to the said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held; and the said Proprietors are hereby authorized to meet pursuant to such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company of Proprietors with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them, met together at every such Special General Assembly (provided such major Part shall be possessed of at least Thirty Shares or Subscriptions of Fifty Pounds each, in the said Undertaking, either as Principals or Proxies), shall be as valid with respect to the Matters specified in such Notice, as if the same had

Assemblies of
Proprietors
may be speci-
ally convened.

[*Lac. & Per.*].

36 I

been

been done at a General Assembly at the Time herein-before appointed for holding the same.

Officers to
the Company
to be appoint-
ed.

LII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Meeting assembled, and they are hereby required from Time to Time to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act for the due Execution of his Office, as the said Company of Proprietors shall think proper, and from Time to Time to remove and again to replace any such Treasurer, Clerk, and other Officers, or any of them, and such Clerk shall attend the General Meetings and Assemblies of the said Company of Proprietors, and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors; and of the said Committee by virtue of and under the Authority of this Act, and that every Proprietor of the said Undertaking shall and may at all convenient Times have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk of the said Commissioners, *gratis*, and may demand and have Copies thereof, or any Part thereof, paying Eight-pence for every One hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Books, at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time, at the Rate aforesaid, he shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings, for the Benefit of the said Undertaking; and whenever any such Treasurer or Clerk shall die, or be removed from, or quit the Service of the said Company of Proprietors, it shall be lawful for the Committee of such Proprietors for the Time being, or a Majority of them, to appoint some other fit Person or Persons to be Treasurer or Clerk in the Place of him or them so dying, being removed, or quitting the said Service, until the then next General Assembly of the said Company of Proprietors, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their stead.

Powers of the
Committee
for making
Calls.

LIII. And be it further enacted, That the Committee for the Time being of the said Company of Proprietors shall have Power from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expences of and to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Five Pounds upon each Share, and so as no Calls be made but at the Distance of One Calendar Month at the least from each other, which Monies so called for shall be paid to such Person and Persons, and in such Manner as the said Committee shall from Time to Time appoint and direct for the Use of the said Undertaking; and such Committee shall, until the next General Assembly, to be holden in Manner as aforesaid, meet at such Times, and at such Places, and from
Time.

Time to Time adjourn themselves to such other Time as they shall think fit, and at all Meetings of the said Committee, One of the Members present shall be appointed President, or Chairman, and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings, shall be finally determined by the Majority of Votes; but no Member of such Committee, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote in the said Committee, except the President or Chairman, who in case of an equal Division shall always have a Second and the Casting Vote; and in order to defray the Expence of the Meetings of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed to expend or retain to themselves a reasonable Sum of Money out of the Capital Stock of the said Proprietors for their Expences in attending such Meetings; and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Committee, as well in buying and purchasing Lands and Hereditaments and Materials for the Use of the said Undertaking and Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee as aforesaid then assembled; and every Owner or Owners of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, not exceeding the Sum aforesaid for every Share, at such Time and Place as aforesaid, of which One Calendar Months Notice at the least shall be given, by publishing the same in some one such Newspaper as aforesaid, or by giving Notice in Writing to such Proprietor, or leaving the same at his or her usual or last Place of Abode, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for, by the first Call to be made by virtue of this Act, at the Time and Place appointed as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance shall be allowed; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the first Call as aforesaid, at the Time and Place so appointed as aforesaid, he, she, or they so neglecting or refusing, shall forfeit any Sum not exceeding Two Pounds nor less than Twenty Shillings for every Fifty Pounds of his, her, or their respective Share or Shares in the said Undertaking; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and at the Place so to be appointed for Payment thereof as aforesaid, then he, she, or they so neglecting or refusing, shall forfeit his, her, or their respective Share or Shares in the said Undertaking, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them to and for the Use and Benefit of the other Proprietors of the said Undertaking, and all such Forfeitures shall be sold at a public Sale by the said Company of Proprietors

Proprietors for the most Money they can get for the same, and the Produce shall be equally divided amongst the rest of the said Company of Proprietors in Proportion to their respective Shares and Interests in the said Undertaking.

Subscribers to have Notice before their Shares are forfeited.

LIV. Provided always, That no Advantage shall be taken of the Forfeiture of any Share or Shares of the said Undertaking until Notice shall be given by the Clerk or Treasurer of the said Company of Proprietors to the Owner or Owners thereof, or Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be held after the End of Two Calendar Months after the Forfeiture shall happen to be made, and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor or Proprietors so forfeiting, after such Share or Shares shall have been deemed to be forfeited by a General Assembly, but not before, against all Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors, with regard to carrying on the said Undertaking.

Directing the Proceedings in the Actions for Calls.

LV. And be it further enacted, That in any Action brought by the said Company of Proprietors against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors, for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and allege, that the Defendant or Defendants being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto, for such or so many Call or Calls of such or so many Sum or Sums of Money, upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be), whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action, it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in Fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls or any other Matter whatsoever, and the said Company of Proprietors shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Five Pounds for every Sum of Fifty Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid; and after Judgement shall be given for the said Company of Proprietors in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants with Two sufficient Sureties shall first become bound to the said Company of Proprietors by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in double the Sum adjudged to the said Company of Proprietors by such Judgement, to prosecute the said Writ of Error with Effect, and also if the said Judgement

be affirmed, or the said Writ of Error be Non-proffed, to satisfy and pay the Debt, Damages, and Costs adjudged by the said Judgement, and all Costs and Damages to be awarded for delay of Execution.

LVI. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint out of their own Body one or more Sub-committee or Sub-committees (every such Sub-committee to consist of Five or more Persons), who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen or Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Undertaking, which the said Committee are themselves hereinbefore authorized to do, or such of them as the said Committee shall think proper to entrust to the Care and Management of any such Sub-committee or Sub-committees, save and except, nevertheless, the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and making of Calls for Money upon the Proprietors of the said Undertaking; and that it shall be lawful for the said Committee for the Time being to order and direct such Compensation or Recompence to be made to the said Sub-committee or Sub-committees, from Time to Time, as they shall think reasonable; and it shall also be lawful for the said Committee, by an Order or Resolution for that Purpose to break up and dissolve any such Sub-committee or Sub-committees, or to remove and displace any Member or Members thereof, and to appoint some other or others in his or their Place and Stead, when and as often as such Committee shall think proper and expedient; and such Sub-committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid, and all Powers and Authorities hereby vested, or which shall by the said Committee be vested in any such Sub-committee or Sub-committees within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less than Three, and at all Meetings of such Sub-committees respectively, One of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given One Vote before.

LVII. And be it further enacted, That such Committee shall from Time to Time make Reports of their Proceedings to, and be subject to the Examination and Controul of the said General and Special Assemblies of the said Proprietors as aforesaid, and shall pay due Obedience to all such Orders and Directions in and about the Premises as shall from Time to Time be made by the said Proprietors at any such General or Special Assembly, such Orders and Directions not being contrary to any express Directions or Provisions in this Act contained.

LVIII. And be it further enacted, That proper Books of Accounts and other Matters relating to the said Undertaking shall be kept; and that

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all

Books of Account to be kept.

all such Books and other Matters shall be deposited and kept under the Direction of the Committee for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct, and every Proprietor or Proprietors at all seasonable Times shall have free Access to the same, for his, her, or their Inspection, without Fee or Reward.

On the Death of Subscribers before Shares completed Executors may complete the same.

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

Shares may be sold.

LX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein; subject to the Rules and Conditions herein mentioned and provided, and the Form of Conveyance

veyance for such Sales shall be in the following Words or to the like Effect; (varying the Names and Descriptions of the contracting Parties as the Case may require:)

“ I *A. B.* in Consideration of
 “ paid to me by *C. D.* do hereby bargain, sell, and transfer unto the
 “ said *C. D.* Share [or Shares, as the Case may be] of
 “ the Undertaking called *The Lydney and Lidbrook Railway*, to hold to
 “ him the said *C. D.* his Executors, Administrators, and Assigns, subject
 “ to the same Rules, Orders, and Restrictions, and on the same Con-
 “ ditions as I held the same immediately before the Execution hereof;
 “ and I the said *C. D.* do hereby agree to take and accept the said Share or
 “ Shares, subject to the same Rules, Orders, Restrictions, and Con-
 “ ditions. As Witness our Hands and Seals the
 “ Day of

Form of Con-
veyance.

And on every such Sale the said Deed of Conveyance executed by the Seller or Sellers and the Purchaser or Purchasers of such Share or Shares, shall be kept by the said Purchaser or Purchasers for his, her, or their Security, after the Clerk of the said Proprietors for the Time being shall have entered in the said Books a Memorial of such Transfer and Sale, to be kept for the Use of the said Company of Proprietors, and have testified or indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry or Memorial accordingly, and unless and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid unto him, her, or them, or any Vote as a Proprietor or Proprietors of the said Undertaking.

LXI. And be it further enacted, That after any Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, upon the Penalty of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors, in Trust for the Benefit of all the said Proprietors, unless he, she, or they at the Time of such Sale or Transfer shall have paid and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

After a Call
no Share to
be sold until
after the Call
be answered.

LXII. And be it further enacted, That if any of the Deeds for or respecting the Shares of the Company of Proprietors aforesaid shall be worn out or damaged, then upon the same being brought and shewn at some General Assembly of the said Company of Proprietors, such Deeds may be cancelled and destroyed, and other similar Deeds given under the Seal of the said Company of Proprietors to the Person or Persons in whom the Property of such Deeds and the Shares therein mentioned shall be at that Time vested, or in case such Deeds shall be burnt or totally destroyed, that then upon due Proof thereof, like Deeds shall be given to the Person or Persons who were the Owner or

For granting
new Deeds
where old
ones are de-
stroyed or
worn out.

Owners of or entitled to such Deeds so burnt or destroyed, so as that a due Entry of the Transfer of such Deed or Deeds (if any such have been made) shall have been entered by the Clerk to the said Company of Proprietors in Manner herein directed.

Proof to be given of Title to Shares acquired by Marriage, or by Will, or Letters of Administration.

LXIII. And whereas much Inconvenience may arise by the frequent Transfer of Shares in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong, be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of his or their Marriage or Marriages shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage shall be made and sworn to by some credible Person before a Judge in one of His Majesty's Courts of Record at *Westminster*, or before a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company of Proprietors for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by him for the entering of Transfers of Shares in the said Undertaking, and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or of any Letters of Administration, shall be entitled to receive the same, the said Will or the Probate Copy thereof, or such Letters of Administration, shall be produced and shewn to the Law Clerk of the said Company of Proprietors, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Testatrix, or a Copy of the said Letters of Administration, in case the Proprietor shall have died intestate, or both, a Copy of so much as aforesaid of such Will, and also a Copy of the said Letters of Administration in case Administration shall have been granted, with the Will annexed, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate, or to whom Administration shall be granted, with the Will annexed (as the Case may happen to be), before a Judge of One of His Majesty's Courts of Record at *Westminster*, a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company of Proprietors, who shall file and enter the same in Manner aforesaid.

Rates of Tonnage.

LXIV. And, in Consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railways, and other the Works hereby authorized to be made and maintained, be it further enacted, That it shall and may be lawful for the said Company of Proprietors from Time to Time and at all Times hereafter to ask, demand, take, recover and receive, to and for the Use and Benefit of the said Company of Proprietors, for the Tonnage and Conveyance of all Goods, Wares, Merchandizes, and other Things which shall be carried or conveyed upon the said Railways, or upon any Part or Parcel thereof, the Rates and Duties herein-after mentioned; that is to say;

For

For all Stone for the Repairs of any Turnpike Roads or other public Roads or Highways, and all Manure, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Two-pence *per Ton per Mile*:

For all Coal, Coke, Culm, Stone, Coal Cinders, Chalk, Marle, Sand, Lime, Clay, Ashes, Peat, Lime Stone, Pitching and Paving Stone, Iron Stone, Iron, or other Ore and other Minerals, and Bricks, the Produce of the said Forest, which shall be carried or borne on the said Railways or either of them, from any Places or Place whatsoever within the said Forest, to or near to the said River *Wye* at *Lidbrook*, or to or near to the said *Lower Forge*, or to any other Place or Places of shorter or less Distance than aforesaid, at which Place or Places such Goods shall be put down and deposited for Sale, or to be from thence conveyed by any other Means than on the said Railway or Railways, such Sum and Sums of Money respectively as the said Company of Proprietors shall from Time to Time direct and appoint to be taken for any or either of the said Kinds of Goods to such Place or Places respectively, not exceeding Three Shillings *per Ton* for such entire Distance; provided always, that the same Amount of Tonnage be taken for the aforesaid Goods of the same Kind for whatever Distance they may be carried, subject to the Power for reducing or varying the same herein-after contained.

For all Coal, Coke, Culm, Stone, Coal Cinders, Chalk, Marle, Sand, Lime, Clay, Ashes, Peat, Lime Stone, Pitching and Paving Stone, Iron Stone, or other Ore and other Minerals, and Bricks, the Produce of the said Forest, which shall be carried or borne along the said Railways, or either of them, to the Head of *Howler Slade* aforesaid, or to the Head of any other of the said Collateral Branches to be made from the said Main Line, to connect with any Road or Railway leading towards *Colford* or *Monmouth*, the Sum of Sixpence *per Ton* for the entire Distance:

For all Coal, Coke, Culm, Stone, Coal Cinders, Chalk, Marle, Sand, Lime, Clay, Ashes, Peat, Lime Stone, Pitching and Paving Stone, Iron Stone, or other Ore and other Minerals, and Bricks, the Produce of the said Forest, which shall be carried or borne along the said Railways or either of them to any other Place or Places within the said Forest, and there put down and deposited for Sale, or to be from thence conveyed by any other Means than on the said Railways hereby authorized to be made, except such as shall be carried to the Head of *Howler Slade* aforesaid, or to the Head of any other of the said Collateral Branches to be made from the said Main Line, to connect with any Road or Railway leading towards *Colford* or *Monmouth*, such Sum and Sums of Money respectively as the said Company of Proprietors shall from Time to Time direct and appoint to be taken for the Tonnage of any or either of the said Kind of Goods to such Place or Places respectively, not exceeding One Shilling and Sixpence a Ton for the entire Distance; provided always, that the same Amount of Tonnage be taken for the aforesaid Goods of the same Kind for whatever Distance they may be carried.

And for all other Goods, Commodities, Wares, and Merchandizes whatsoever carried on the said Railways or either of them, whether the Produce of the said Forest or not, such Sum or Sums as the said Company of Proprietors shall from Time to Time direct or appoint, not more than Sixpence *per Ton per Mile*.

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And

And in all Cases where there shall be a Fraction of a Ton, a Proportion of the said Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railways, or either of them, such Fraction shall in ascertaining the said Rates be deemed and considered as Half a Mile; and in order to ascertain such Distances, the said Company of Proprietors shall cause the said Railways to be measured, and Stones or Posts with proper Inscriptions to be erected and for ever maintained on the Sides of the same, at the Distance of Half a Mile from each other, or at such other Distance as the said Company of Proprietors or their Committee shall think fit: Provided always, that the Coal, called *High Delf*, raised on the South-West Side of *Cannop Brook* in or out of the said Forest (except that to be carried to the Head of *Howler Slade*, or to the Head of any other of the said Collateral Branches to be made from the said Main Line to connect with any Road or Railway leading towards *Colford* or *Monmouth*), shall be subject and liable to the Payment of no more than One Half of the highest Rate of Tonnage, which shall from Time to Time be demanded and payable for the other Coal which shall be raised and carried on the said Railways from the Eastern Side of the said Brook: Provided also, that all Coal, Coke, Culm, Stone, Coal Cinders, and other Forest Produce to be carried on the said Railways hereby authorized to be made, or any of them, and which shall be brought from any Place or Places beyond the said Summit at *Churchway*, shall be subject and chargeable with the Payment of Three-fourth Parts only of the highest Rates or Tonnages hereby imposed on the same Kind of Goods carried from Places on the Western Side of the said Summit.

Special Ex-emption from Tonnage for Tenants of the Hon. C. Bathurst's Estates.

LXV. Provided always, and be it further enacted, That nothing in this Act contained shall authorize or empower the said Company of Proprietors to ask, demand, or receive for any Coal or Culm passing on any Part of the said Railways, or either of them, and which shall be raised or gotten by or for the Use or Benefit of *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators, and Assigns, and any future Tenants of the Right Honourable *Charles Bathurst*, from the Estate of the said *Charles Bathurst*, any greater Rates of Tonnage than the following; (that is to say), For any Coal or Culm arising, or to be produced from the Collieries now occupied by the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, as Tenants as aforesaid, carried along the said Railway to or near to *Lower Forge* aforesaid, as far as the same Railways will extend towards the River *Severn*, one Third Part only of the Rate of Tonnage which from Time to Time shall be demandable and payable for the Coal, called *High Delf*, raised on the South-West Side of *Cannop Brook*, in the Forest of *Dean*, except that to be carried to the Head of *Howler Slade*, or to the Head of any other of the said Collateral Branches to be made from the said Main Line to connect with any Road or Railway leading towards *Colford* or *Monmouth*, and for all such Coal or Culm carried along the said Railways to or towards a Place called the *Middle Forge*, one Quarter only of the Rate of Tonnage paid for such High Delf Coal as aforesaid (except as before excepted), and for all such Coal or Culm carried along the said Railways to or towards a Place called the

Upper

Upper Forge, one Fifth Part only of the Rate of Tonnage paid for such High Delf Coal as aforesaid (except as before excepted).

LXVI. Provided also, and be it further enacted, That if any Person or Persons shall claim a Right to carry or convey any Articles on the said Railways, exempt from or on Payment of the lower Rates, Tolls, or Duties before mentioned, who shall not be entitled thereto, or shall use or dispose of any of the Articles liable to Exemption, or only to the Payment of such lower Rates, Tolls, or Duties, for any other Purpose than those in Respect of which such Articles are hereby exempted or made liable only to such lower Rates, Tolls, or Duties, and shall be thereof convicted before any Justice of the Peace, every such Person so offending shall for any such Offence forfeit and pay to the said Company of Proprietors or their Successors, any Sum not exceeding Five Pounds nor less than Forty Shillings, to be levied by Distress and Sale of his and their Goods and Chattels.

Penalty on fraudulent Claim of Exemption from Rates.

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

Recovery of Rates.

LXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times to let to farm the Rates hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railways, unto any Person or Persons for any Term or Time they shall think proper, not exceeding Three Years from the

Company empowered to lease the Rates,

encement

Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall during the Continuance of every such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors, provided publick Notice of the Intention to let the said Rates, or any Part thereof, be given in Writing by the said Committee, or any Seven or more of them, or the Clerk to the said Company of Proprietors, by Advertisement published in such Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any such General Assembly at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

Owners of Waggon, &c. to give an Account in Writing of Lading.

LXIX. And, for the better ascertaining and more easily collecting the said Rates, be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railways or any Part thereof respectively, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods or other Things as aforesaid shall be in such Waggon or other Carriage, and from whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account, or to produce his Bill of Lading, to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates or any Part of them, he shall forfeit and pay any Sum not exceeding Twenty Shillings, nor less than Ten Shillings for every Ton of Goods and other Things, and so in Proportion for any less Quantity than a Ton, which shall be in any such Waggon or other Carriage, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed to be paid for the same by virtue thereof.

Weight of Tonnage, &c. ascertained.

LXX. And, for the better ascertaining the Tonnage of Goods and other Things to be charged with the Payment of such Rates as aforesaid, be it further enacted and declared, That One hundred and twenty Pounds Weight Avoirdupoise shall, for the Purposes of this Act, be deemed, rated, or estimated as and for One Hundred Weight; any Usage to the contrary notwithstanding.

If any Difference concerning Weight, Collectors may weigh or measure Waggon.

LXXI. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein contained respectively; and in case the same shall, upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity

tity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, and gauging; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner, as the said Rates are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

LXXII. And be it further enacted, That all Persons whatsoever shall have free Liberty to pass upon and use the said Railways with Waggons or other Carriages properly constructed as herein-after mentioned, and to use the Wharfs hereby authorized to be made upon Payment only of such Rates as are authorized to be received by this Act, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors, by virtue of the Powers herein granted.

Passage on the Railway, &c. to be free upon Payment of Rates.

LXXIII. And be it further enacted, That if any Person or Persons, save and except the said Company of Proprietors, their Agents, or Servants, or others in Company with them, or the Surveyor General or his Deputy and Servants, or the Inspectors to be herein-after mentioned, shall ride, lead, or drive, or cause to be rode, led, or driven upon such Railways or any Part thereof, any Horse, Mare, or Gelding, Mule, or As, or shall lead or drive, or cause to be led or driven thereon, any Cow or other neat Cattle, Sheep, Swine, or any other Beast or Animal, (except only in crossing the same at Places to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the same Railways may be laid), he, she, or they shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings.

Strangers not to travel on Horseback, &c. on Railways.

LXXIV. And be it further enacted, That no Person shall pass upon any Part of the said Railways with any Waggon or other Carriage whatsoever, unless the same shall be constructed according to the Orders and Regulations of the said Company of Proprietors, which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on such Railways for collecting the Rates of Tonnage by this Act imposed, (except in crossing the same for the convenient Occupation of the adjacent Grounds, and in passing any Publick or Private Carriage Road which may happen to cross the said Railways), and that if any Person or Persons shall pass upon any Part of the said Railways with

No Waggon to pass on the Railways except properly constructed.

[*Loc. & Per.*]

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any Cart, Waggon, or Carriage, not constructed in the Manner by this Act directed, (except as before excepted), he, she, or they so offending, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the said Company of Proprietors.

Coals not to be carried from Mines, the Owners or Occupiers of which shall after the main Line is completed receive Forest Timber, &c.

LXXV. And whereas it is expedient that all Timber growing in His Majesty's Forest, should be as far as is possible reserved for the Uses of the Navy, and also that as much of the Lands of His Majesty's said Forests as is fit for the Growth of Timber applicable to such Uses should be employed in the Production thereof, and the Timber growing or to be produced thereon protected from Injury and Depredation; be it further enacted, That no Coal, Stone, or Iron Ore shall be carried upon or along any or either of the said Railways hereby empowered to be made, or any Part thereof, whether in or out of the said Forest from any Pit, Mine, or Quarry, the Owner or Occupier of which, after the said main Line shall be completed, for or in Respect of the sinking, opening, or using such Pit, Mine, or Quarry, shall claim to be intitled to and shall receive any Timber or Wood of the said Forest growth, and that no Coal, Stone, or Iron Ore shall be carried upon or along either of the said Main Line or Branches of Railway hereby empowered to be made, from any Pit, Mine, or Quarry to be hereafter sunk or opened at the Distance of more than One hundred Yards from the said Main Line or Branches of Railway, without the Consent in Writing of the Surveyor General for the Time being, on a previous Application to him in Writing, and signed by the Miner or Miners desirous of opening such Pit, except in the Case of any Pit, Mine, or Quarry to be hereafter sunk or opened in any of the Plains, or flat, wet, and marshy Parts of the said Forest, called and known by the Name of *Greens*, the Coal, Stone, or Iron Ore dug and got from, which last-mentioned Pits, Mines, or Quarries so hereafter to be sunk or opened upon any of the said *Greens*, it shall be lawful to carry upon or along any or either of the said Railways or any Part thereof, although the same may be at a greater Distance than One hundred Yards from the said Main Line or Branches of Railway, and may have been sunk or opened without such previous Application to and Consent of the said Surveyor General as aforesaid, and every Owner or Occupier of every such Pit, Mine, or Quarry, offending in either of the Cases aforesaid, 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 without such Consent 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 and pay any Sum not exceeding the Sum of Forty Shillings, 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.

Reserving His Majesty's Rights to Share of Mines.

LXXVI. Provided always, That nothing herein contained shall affect, alter, restrict in any way, or be construed to affect, alter, or restrict any of His Majesty's lawful Rights to any Share of the Produce of any Mines opened and worked, or to be opened and worked in the said Forest, or any Composition for the same or otherwise, or any Power, Jurisdiction or Authority which by Law appertains to His Majesty, with re-

spect

pect to the opening and working of such Mines and to the Produce thereof, and which has lawfully been or may be exercised on Behalf of His said Majesty, His Heirs and Successors, by his Officer of the said Forest, called and known by the Designation of the Keeper of His Majesty's Gawles, or the lawful and sufficient Deputy or Deputies of such Officer.

LXXVII. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend or be construed to extend to limit or abridge the Right now vested in His Majesty, by an Act of the Twentieth Year of the Reign of His late Majesty King *Charles* the Second, intituled, *An Act for the Increase and Preservation of Timber in the Forest of Dean*, and an Act of the Forty-eighth Year of the Reign of His present Majesty, intituled, *An Act for the Increase and Preservation of Timber in Dean and New Forests*, to inclose, sever, and improve, plant and hold in Severalty any Part of the Waste or open Lands of the said Forest for the Growth and Preservation of Timber, freed and discharged from all Rights, Titles, Privileges, and Claims whatsoever, as extensively and in such Manner as is authorized by the said Two last-mentioned Acts, or either of them, and that in case any Pit, Mine, or Stone Quarry, for the digging and getting of Coals, Stone, or Iron Ore therein and therefrom, shall have been, or at any Time hereafter be opened within any Part of the said Waste or open and uninclosed Lands, which shall or may be deemed at any Time hereafter proper so to be inclosed as aforesaid, the Owner or Occupier, Owners or Occupiers, and the Miner or Miners concerned or in any Way interested in such Pit, Mine, or Stone Quarry, on receiving Notice in Writing from the Surveyor General for the Time being, that such Lands are intended to be inclosed for the Purposes aforesaid, and by virtue of the said Acts, shall be and is, and are hereby required within Six Months from the Date of such Notice to relinquish and abandon the working of any such Pit, Mine, or Stone Quarry; or in Cases where the said Surveyor General shall signify in Writing his Consent thereto, to fence off the same from the rest of the said Lands and the Road leading thereto on each Side, and in such Manner as shall be required by the said Surveyor General, and so as not to leave more than the Width of Seven Yards for such Road between the Fences on each Side thereof, in which Case, with such Consent, it shall be lawful to continue to work such Pit, Mine, or Stone Quarry, notwithstanding any such Inclosure of the Lands in which the same shall be situated.

This Act shall not affect the Rights granted to His Majesty by 20 C. 2. & 48 G. 3.

LXXVIII. And be it further enacted, That the Clerk to the said Company of Proprietors, or Person appointed to collect the Tolls, shall on Monday Morning in every Week deliver unto the said Deputy Surveyor or any Person to be employed by the Surveyor General to obtain the same, a List in Writing of the Name and Names of all and every Free Miner or Free Miners whose Coals, Stone, or Iron Ore, shall have been carried through their respective Gates in the preceding Week, and of the Carrier and Carriers hauling and conveying the same.

Clerk to deliver to the Deputy Surveyor Lists of the Names of free Miners and Carriers using Railways.

LXXIX. And be it further enacted, That the said Surveyor General or his Deputy shall from Time to Time make out and give to the Clerk of the said Company of Proprietors a List of the Names of all and every

Deputy Surveyor to give Lists to the Clerk of free

Miners opening Pits, &c.

Penalty on Proprietors and Collectors permitting such Miners to pass.

Empowering Deputy Surveyor to seize their Coals.

the Free Miners who shall hereafter open any Pit at the Distance of more than One Hundred Yards from the said Main Line or Main Branches of Railway, without such Application to and Consent of the said Surveyor General or other Person duly authorized as aforesaid, and also of all and every the Free Miners who shall after the said Main Line shall be completed claim and receive such Timber, for sinking, opening, or working any Pit, Mine or Quarry within the said Forest, and whose Names the said Clerk shall cause to be written on a Board under a Superscription, denoting that such Persons claim and receive such Timber, and fix the same up to public View at each Gate on the said Railways, where the Tolls shall be collected; and if any Collector shall at any Time or Times permit or suffer any Coal, Stone, or Iron Ore, knowing the same to be the Property of any Person or Persons named in the said Table, to pass such Gate or Gates, the said Company of Proprietors shall forfeit and pay any Sum not exceeding the Sum of Ten Pounds, and the said Collector any Sum not exceeding the Sum of Twenty Pounds, to the Use of His said Majesty for each and every such Offence; and if the said Deputy Surveyor or any Person employed by him or such Collector or Collectors shall suspect any Coals, Stone, or Iron Ore, hauled or carried on the said Railways or either of them to be the Property of any such Free Miner or Free Miners, or of any Person who shall have purchased the same from, or otherwise obtained the same under Colour of the Name or Privilege of such Free Miner, although such Fact shall be denied by the Carrier, it shall be lawful for such Deputy Surveyor or his Assistants, or such Collector, to seize any such Coal, Stone, or Iron Ore, and in case such Seizure shall be made by such Collector, he is hereby required forthwith to give Notice thereof to the said Deputy Surveyor, who is also hereby required to cause Information to be made of such Seizure before any One or more of His Majesty's Justices of the Peace for the said County of *Gloucester*, which Justice or Justices shall have Power to hear and determine the said Complaint, and to summon all and every other Person or Persons to appear before him and them, and to give Evidence thereon, upon Oath, and upon such hearing the Proof that such Coal, Stone, and Iron Ore, was not the Property of a Free Miner claiming or receiving Timber or Wood from the said Forest, or was not dug or raised in such Pit opened beyond the Distance of One hundred Yards from the said Main Line or Main Branches without the Consent in Writing of the said Surveyor General as aforesaid, (except as aforesaid), shall rest upon the Owner of such Coal, Stone, or Iron Ore, or the Carrier thereof; and in case such Seizure shall appear to such Justice or Justices to have been irregular and illegal, or to have been made without a reasonable Ground of Suspicion, such Justice or Justices shall have Power and Authority to award such Satisfaction to the Party injured as he or they shall think fit.

No Goods to be unladen in the Forest except, &c.

LXXX. Provided also, and be it further enacted, That no Coal, Stone, Iron Ore, or other Articles, Goods, Wares, or Merchandizes whatsoever to be carried on the said Railways, shall be unladen or delivered within the said Forest, unless where it may be necessary to transfer the same from one Railway Cart to another, or to some other Carriage, by directly loading the one into the other to proceed immediately, and unless at such other Place or Places where either of the Principal Lines of Railway shall intersect or communicate with any King's Highway in the Forest, which on Application in Writing to the Surveyor General, signed by some Person

son

Person duly authorized on behalf of the said Railway Company, shall be consented to by the said Surveyor General, at which last mentioned Places of Deposit so to be consented to, no Inclosures, Buildings, or covered Warehouses, shall be permitted to be erected or made, and that no Timber, Wood, or Bark, of any Sort, other than such of His Majesty's Timber, Wood, and Bark, either belonging to His Majesty, or any Person or Persons who may have purchased the same of Him, as shall have been felled and stripped in the Forest under the Authority and Direction of His Majesty's Surveyor General, shall be loaded or carried on or along any Part of the Railways within the said Forest, under the Penalty of any Sum not exceeding Five Pounds if the Driver shall be the Owner of such Carriage, or of any Sum not exceeding Forty Shillings if he shall be the Driver only, for each and every such Offence; and also of the Forfeiture of such Timber, Wood, or Bark, such Penalty and Forfeiture to be to the Use of His said Majesty to be recovered as after mentioned; save and except that it shall be lawful for the said Miners of the said Forest, by themselves or their Agents, or by the said Carriers, to haul and bring into the said Forest such Timber and Wood as shall be necessary for the Use of the said Coal Pits, Mines, and Quarries in the said Forest, and to be *bonâ fide* used in getting the Produce thereof, but in which Case the Person or Persons for whom the same shall be brought shall cause at the least Two Days previous Notice in Writing to be given to the Deputy Surveyor of the said Forest of the Time of carrying the same, by leaving the same at his Office or delivering the same in Person, and of the Parts of the said Railways over which the same is intended to pass; and for the Conveyance of which from the Entrance of the Forest to the Pit, Mine, or Quarry, where the same shall be unloaded or used, reasonable Time shall be given not exceeding Six Hours; and save and except also that it shall be lawful for the said Company of Proprietors, their Servants and Agents to carry Bark, although such Bark may not have been produced in the Forest from the Wharfs at or near *Lidbrook* aforesaid and *Bishop's Wood* along the said Main Line to the Termination at or near the *Lower Forge* aforesaid, upon giving such Notice as aforesaid to the said Deputy Surveyor and Inspector, in order that they or either of them may, and they or one of them is hereby required to attend the first loading thereof, and to enter the same in a Book to be kept for that Purpose, and also to give to the Carrier or Driver of the Waggon or Carriage in which the same shall be laden, a Ticket in Writing, signed by them or him, specifying the Weight or Quantity of such Bark, which said Carrier or Driver shall proceed on his Journey without Delay, and shall deliver the said Ticket to the Clerk or Agent of the Company at the Extremity of the said Railway next the *Severn*, to be by him filed and preserved among the Papers of the said Company for the Inspection of the said Surveyor General, or other Persons appointed by him for that Purpose, and for the Conveyance whereof only Eight Hours shall be allowed; and any Person offending against the Exception or Privilege aforesaid, in any Manner, shall be considered a Wrong Doer *ab initio*, and be subject to the Forfeiture and Penalty herein-before imposed.

LXXXI. And be it further enacted, That it shall be lawful for His Majesty's said Surveyor General for the Time being from Time to Time to nominate and appoint such and so many Persons as he shall think neces-

[*Loc. & Per.*]

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Inspectors to be appointed who may search Carts, sary

&c. and de-
tain suspected
Persons.

fary for the Purpose of preventing and detecting Thefts and Frauds on the said Railways, Tram Roads, and other Works, and also for inspecting, enquiring, and reporting to the said Surveyor General or his Deputy, whether the Conditions herein mentioned and directed have been duly kept and performed by the said Company, in Consideration of the Liberty and Privilege hereby given, and each of such Persons so appointed, shall and may from Time to Time as often as they or either of them shall see Occasion, stop, detain, examine and search any Waggon, Cart, or other Carriage going or travelling on the said Railways or other Works, which there shall be Reason to suspect hath any Timber or Bark stolen or unlawfully procured from or out of His Majesty's Forest of *Dean*, and also to apprehend and detain or cause to be apprehended and detained any Person or Persons who may be reasonably suspected of having or conveying the same; and such Person or Persons shall be (as soon as conveniently may be) conveyed before One or more Justice or Justices of the Peace for the said County of *Gloucester*, and if such Person or Persons shall not give an Account of the Manner of his, her, or their coming by such Timber or Bark, which shall upon Investigation be satisfactory to such Justice or Justices, or if such Person or Persons shall not upon being required so to do, produce the Party or Parties from whom he, she, or they received the same, or if such Person or Persons shall produce the Party or Parties last aforesaid, and upon the whole of the Evidence it shall appear to such Justice or Justices that the Person or Persons so suspected did at the Time of his, her, or their receiving such Timber into his, her, or their Possession, believe or had reasonable cause to believe that the same was at any Time and by any Person unlawfully come by or obtained, such Person or Persons so apprehended shall be deemed and adjudged guilty of a Misdemeanor; and being the Driver and Owner of every such Waggon, Cart, or other Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and not being such Owner, any Sum not exceeding Five Pounds, to be applied and disposed of to and for the Benefit of His said Majesty.

Surveyors
General or
Navy Board
may lay Col-
latetal Lines.

LXXXII. And be it further enacted by the Authority aforesaid, That nothing herein contained shall extend or be construed to extend so as to prevent the Commissioners of His Majesty's Navy, and for the said Surveyor General for the Time being, at his and their Discretion to lay any Collateral Lines of Railway, at the Expence of their Official Departments, to join and communicate with the Main and other Lines of Railway, herein-before authorized to be made by the said Company of Proprietors for the Carriage of Timber and Wood, and Bark, to be felled and stripped in the said Forest, under the Direction of the said Surveyor General, and to carry such Timber, Wood, and Bark on the Railways hereby authorized to be made, for which a reasonable Payment shall be made to the said Company of Proprietors, and also Satisfaction for any Injury which may be done to the said Railways by the Weight or Size of Timber carried thereon or otherwise,

Company to
pay after the
Rate of One
Guinea a
Week for
such Inspec-

LXXXIII. And be it further enacted, That the said Company of Proprietors shall on the Twenty-fifth Day of *December* in every Year pay or cause to be paid unto the Surveyor General or his Deputy for the Time being for the Use of His said Majesty, a Sum at and after the Rate of One Guinea

Guinea a Week, for and towards the Costs and Charges which will be incurred by His said Majesty in appointing and keeping such Inspectors as are herein-before named, and also the further Sum of Three hundred Pounds yearly for the Liberty and Privilege hereby given, such Payment for the said Inspectors, to commence from and to continue only during such Time as such Officer shall be appointed and employed for that Purpose by the said Surveyor General, and the said Yearly Rent of Three hundred Pounds from the Twenty-fifth Day of *December* One thousand eight hundred and ten, or from such earlier Period at which the said Main Line of Railway shall be completed.

tors, and also
Three hundred
Pounds per
Annum for
the Privileges
given by this
Act.

LXXXIV. And, for the better Regulation of the Owners of Waggon and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any Thing by them done contrary to the Directions of this Act; be it further enacted, That every Owner of any Waggon or other Carriage passing along the said Railways shall cause his or her Name and Place of Abode, and the Number of his or her Waggon or other Carriage to be entered with the Clerk to the said Company of Proprietors, and shall also cause such Name and Number to be printed in large White Capital Letters and Figures on a Black Ground, Three Inches high at the least, and a proportional Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged or measured, at the Expence of the said Company of Proprietors, whenever it shall be required by them, or any Person or Persons appointed for that Purpose, provided that no such Waggon or other Carriage shall be gauged or measured more than Four Times in any one Year; and every Owner of any Waggon or other Carriage which shall pass on any Part of the said Railways, without having such Name, Figures, and Index thereon, as herein-before directed, and every Person who shall alter, erase, deface, or destroy the same, or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, nor less than Forty Shillings.

Owners to
put their
Names on
Outside their
Waggons.

LXXXV. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railways, shall be, and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or any of the Waggoners or other Persons belonging to or employed in or about the same respectively, unto the Railways, or other Works to be made by virtue of this Act, or by loading or unloading any Waggon or other Carriage, and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property adjoining or lying near to the same or any of them, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage, shall for every such Damage, upon Conviction of such Person or Persons before any Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured, the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and also shall,

Owners of
Waggons an-
swerable for
Damages.

over

over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Waggon or other Carriage, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage, shall and may be prosecuted for the same in any Court of Record at *Westminster*; and if a Verdict pass against him or her, or Judgement be given against him or her upon Demurrer or by Default, the Plaintiff in such Case shall recover his Damages thereby sustained, with full Costs of Suit.

Owners to recover back from their Servants any Sums paid for their Neglect or Default.

LXXXVI. Provided always, That in case the Owner or Owners of any Waggon or other Carriage, as aforesaid, shall be compelled to pay any Penalty, or to make Satisfaction for any Damage, by reason of any wilful Neglect or Default done or committed by his, her, or their Servant or Servants, such Servant or Servants shall be liable to repay such Penalty or Satisfaction to such Owner or Owners, and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him, her, or them, of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them, by such Servant or Servants, although demanded (such Oath to be made before One Justice of the Peace), the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale, and the said Penalty and Satisfaction, when recovered, shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him or them paid for the wilful Act or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall, and is hereby required to commit such Servant to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Penalty on leaving Waggon, &c.

LXXXVII. And be it further enacted, That if any Waggon or other Carriage, shall be placed or suffered to remain in any Part of the said Railways, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage, shall not immediately upon Request made remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer to the said Company of Proprietors to cause any such Waggon or other Carriage to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Waggon or other Carriage, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall be paid; and if such Payment shall not be made within the Space of One Week, then it shall be lawful for the said Company of Proprietors to sell and dispose of such Waggon or other Carriage,

Carriage, with the Loading thereof, in such Manner as the Law directs in Cases of Distress for Rent in Arrear, rendering to the former Owner of such Waggon or other Carriage the Overplus, after such Expences and the Charges of such Sale shall be deducted.

LXXXVIII. And be it further enacted, That if any Person shall suffer the loading of any Waggon or Carriage using the said Railways, to lie over the Sides of such Waggon or other Carriage, or shall overload any such Waggon or other Carriage, so as to obstruct the passing of any other Waggon or other Carriage, and shall not, immediately upon Notice to him given for that Purpose, remove such Obstruction; or if any Person shall throw any Gravel, Stones, Rubbish, or other Matter or Thing into or upon any Part of the said Railways, or other Works to be made by virtue of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Persons obstructing the using of the Works.

LXXXIX. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Undertaking, break, throw down, destroy, steal or take away any Part of the said Railways, or other Works to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or in Mitigation of such Punishment, such Courts may, if they shall think fit, award such Sentence as the Law directs in Cases of Petit Larceny: Provided, that nothing herein contained shall extend to any Owner of Land, or his or her known Agent or Agents, till Satisfaction shall have been tendered as herein provided.

Or damaging Railways.

XC. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, within One Month next after any Part of the said Railways shall be laid out and formed, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates in and upon the said Railways, and also all Bridges, Arches, Culverts, Ditches, Drains, and Passages over, under, or by the Side of the said Railways, of such Dimensions and in such Manner as the said Commissioners shall at any of their Meetings from Time to Time judge necessary and appoint, or if the same shall be required within the said Forest, then in such Manner as the said Surveyor General shall judge necessary and appoint in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railways shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof from straying or escaping thereout, by reason of such Railways or any other Matter or Thing to be done in pursuance of this Act, and all such Gates, Bridges, Arches, Ditches, Drains, and Passages so to be made as aforesaid, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company of Proprietors, and in case the said Company of Proprietors shall refuse or neglect to make, erect, or set up such Gates, Bridges, Arches, Ditches, Drains

Company empowered to make and erect Gates, &c. under Direction of the Commissioners.

[*Loc. & Per.*]

360

and

and Passages as herein-before directed, or to maintain and support the same, or any of them when erected, set up, and made in Manner as aforesaid, for the Space of Six Calendar Months next after the Time to be appointed for those Purposes respectively by the said Commissioners, or the said Surveyor General, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, or for the said Surveyor General to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as the said Commissioners shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time, as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railways, and other Things hereby authorized to be made or erected by the said Company of Proprietors, shall not be obstructed or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said Lands or Hereditaments, or to the said Surveyor General who shall have so erected and made, repaired or maintained, such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, by the said Company of Proprietors, within the Space of Two Calendar Months, next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof, to and from the said Company of Proprietors by delivery of such Account or Demand to the Treasurer or Clerk of the said Company of Proprietors for the Time being, and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners shall, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons who shall have so incurred such Costs and Charges, rendering to the said Company of Proprietors the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners, and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them or any of them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

Owners of
Lands em-
powered to
erect Gates,
&c. on In-
sufficiency of
those erected
by the Com-
pany.

XCI. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railways shall be made, or the Surveyor General in the Case aforesaid, do or shall at any Time or Times hereafter apprehend that any of the Gates, Arches, Culverts, Ditches, Drains, and Passages respectively which the said Commissioners or the said Surveyor General shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient either in their Number or Situation for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railways shall pass, then and so often, or in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Ap-
probation

probation of the said Company of Proprietors, upon Request made to them, or their Clerk or Treasurer for the Time being, or in Case of their Refusal for the Space of Fourteen Days next after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix and erect at their own Costs and Charges any such other Gates, Bridges, Arches, Culverts, Ditches, Drains, or Passages in, upon, or near to the said Railways, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so that the Passage through or along the said Railways be not prevented or obstructed thereby for any longer Space of Time, or in any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages had been made or erected by the said Company of Proprietors.

XCII. Provided always, That it shall be lawful for the said Surveyor General or his Deputy for the Time being, and the Lord Warden and other Officers of the Forest for the Time being, and for the Owners and Occupiers of the respective Lands or Grounds through which the said Railways shall be made, and his and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass over, upon, and across such Part of the said Railways as shall be made in and upon or immediately adjoining to their said Lands or Grounds respectively, not damaging or obstructing the same or the Passage thereof, but not to use Railway Carriages, or do any Damage thereon.

Owners and Occupiers to pass along Railways.

XCIII. Provided always, and be it further enacted, That nothing herein contained shall extend to subject any Cart or Carriage, or Horse, or other Cattle used or employed in carrying or conveying Coal, Limestone, Ironstone, Metals, Minerals, Timber, Wood, Materials, Goods, Wares, and Merchandizes, or other Articles to and from the present or any future Works and Collieries of Messieurs *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, in the Parish of *Lydney* aforesaid, or in the Parish of *Newland*, in the said County of *Gloucester*, as Tenants of the said *Charles Bathurst*, which shall only cross the said Railways, to the Payment of any of the Rates or Duties by this Act authorized to be taken.

Exemption for crossing Railways in Favor of Messrs. Pidcock.

XCIV. Provided always nevertheless, and be it further enacted, That the said Company of Proprietors shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the Railways, to divide and separate, and keep constantly divided and separated the same from the Lands or Grounds adjoining to such Railways with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and at their own Costs and Charges, from Time to Time, maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so to be made as aforesaid, in case the Owner or Owners of such Lands or Grounds adjoining to such Railways, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same, instead of Gates being erected as aforesaid; and the said Company of Proprietors shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all

For fencing off Railways.

such Gates being made to open towards such Lands and Grounds; then and in every such Case the Powers, Provisions, Directions, and Regulations herein-before contained with respect to the Gates and other Works as aforesaid, shall extend and apply and be applicable to the making and maintaining of such Fences as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were now repeated and re-enacted with respect to such Fences.

As to fencing within the Forest.

XCV. Provided also, That so much of the Railways hereby empowered to be made as lies within the Forest of *Dean*, as also all and every Collateral Branch or Branches which shall or may at any Time hereafter be made by the said Company of Proprietors, extending from or leading thereto, shall be, by and at the Expence of them the said Company of Proprietors, fenced and kept fenced from the Lands and Grounds adjoining, or through which the same shall pass, when and in such Manner as the Surveyor General or his Deputy, or any Inspector duly appointed, shall from Time to Time direct; and that immediately upon Notice by the said Surveyor General, his Deputy or Inspector, for that Purpose given to the Clerk of the said Company of Proprietors or Collector at the nearest Gate, the said Company of Proprietors shall repair the same, under the Penalty of any Sum not exceeding Twenty Pounds nor less than Five Pounds, and in case such Defect of Fence shall be on a Collateral Branch leading from the said Main Line into any Inclosure for the Growth of Timber, the Gate set upon the Entrance into such Branch shall be kept locked by the said Surveyor General, his Deputy or Inspector, and no Carriage allowed to travel thereon, until such Defect shall be repaired, under the Penalty of any Sum not exceeding Five Pounds, such last-mentioned Penalties to be applied to His Majesty's Use; and if any Question shall arise as to the reasonable Time within which such Defect of Repairs shall be made good and completed, the same shall be determined by the Justice of the Peace before whom any Complaint herein shall be made.

Gates to be shut and fastened after Waggon shall have passed through them, on Penalty of 5*l*.

XCVI. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railways, or if more than One Person shall closely and immediately follow each other, then the last of such Persons shall, and he and they is and are hereby directed and required, so soon as he or they, and the Waggon or other Carriage shall have passed through the same, to shut and fasten the same, and every Person neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, to be levied and recovered as herein-after mentioned, and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following; (that is to say), One Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed, or if such Offence be committed within the said Forest, then such other Half shall be paid to the said Surveyor for the Use of His Majesty; any Thing herein contained to the contrary notwithstanding.

Penalty on Persons leaving open Swivel or

XCVII. And be it further enacted, That all and every Person and Persons opening any Draw Bridge or Swivel Bridge, erected by virtue of this

this Act for the Passage of any Boat or other Vessel, shall from Time to Time as soon as such Boat or other Vessel shall have passed such Bridge shut and fasten the same, and that every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings, and in case any such Bridge shall be left open longer than necessary for the Passage of any Boat or other Vessel as aforesaid, through the Neglect or Carelessness of any Person belonging to any such Boat or Vessel, then the Master or Owner of such Boat or Vessel shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings on due Proof being made before any Justice of the Peace for the said County of Gloucester of such Neglect as aforesaid, and if any Person or Persons shall wilfully open any such Swivel Bridge or Draw Bridge when no Vessel is to pass through the same, so as to interrupt the free Passage over the same, such Person or Persons on being convicted thereof in the Manner aforesaid, shall forfeit and pay a Sum not exceeding Five Pounds nor less than Twenty Shillings, to the Use of the said Company of Proprietors.

Draw
Bridges, &c.

XCVIII. And be it further enacted, That if any Wharfinger, or other Servant belonging to the said Company of Proprietors, shall give any Preference or shew any Partiality to any Person or Persons in loading or unloading any Goods, Wares, or Merchandizes at any of the Wharfs, Warehouses, Weigh Beams, Cranes, and other Machines belonging to the said Company of Proprietors, 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 Twenty Shillings.

To prevent
Wharfingers
giving any
Preference to
Boats.

XCIX. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors, and the Owner or Owners of any Lands or Grounds near to, through, or by which the said Railways or any of them shall be made, to erect and use any Wharfs, Cranes, Weigh Beams, or Warehouses in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining or near to the said Railways or any of them, and to land any Goods or other Things upon such Wharfs, or upon the Banks lying between the same and the said Railways, or any of them, and also to make and use proper and convenient Places for Waggons, Carts and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railways or any of them, and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Cranes, Weighbeams, and Warehouses respectively, shall be, and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies of such Manors, or the Owner or Owners of such Lands or Grounds who shall make and erect the same as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors be not thereby reduced, altered, or infringed.

Lords of Ma-
nors may
erect Wharfs
on their own
Lands.

C. And be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not within the Space of Twelve Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on behalf

But if they
refuse when
required by
the Company
of Proprie-
tors, the

[Loc. & Per.]

36 P

Company of Proprietors may erect the same.

of the said Company of Proprietors, that any Part of such Wastes, Lands, or Grounds is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Warehouses, and Buildings for the Use of the said Railways, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs, Warehouses, and Buildings, for the Use of the said Railways, as the said Commissioners assembled at a Meeting to be held as herein-before mentioned, or the major Part of them, shall think necessary on the respective Part or Parts of the Waste Lands and Grounds described in such Notice, then and in every or any such Case the said Company of Proprietors shall have full Power and Authority without any Hindrance or Restraint whatsoever, to make Use of such Wastes, Lands, or Grounds, (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Paddock, planted Walk, or an Avenue to any House), for erecting and building proper and sufficient Wharfs, Warehouses, and Buildings, respectively, agreeably to such Notice as aforesaid, they the said Company of Proprietors first making Satisfaction for the same, in such Manner as is herein-before directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act, and then and in such Case all Rates or Tolls which shall be paid for the Use and Benefit of such last-mentioned Wharfs, Cranes, Weighbeams, and Warehouses respectively, shall be and the same are hereby accordingly vested in the said Company of Proprietors and their Successors.

Penalty on Persons taking in or unloading Goods unless at a Publick Wharf.

CI. And be it further enacted, That if any Person or Persons working or employed in working any Waggon or other Carriage upon the said Railways, shall load, unload, or take into any such Waggon or other Carriage any Goods, Wares, and Merchandizes, or Commodities whatsoever, liable to pay any of the Tolls, Rates, or Duties herein-before mentioned, for the Purpose of evading the said Tolls, Rates, or Duties, or any of them, at any other Place or Places than at the Wharfs or Quays hereby authorized to be made, such Person or Persons shall forfeit a Sum not exceeding Five Pounds, nor less than Forty Shillings.

Rates of Wharfage.

CII. And be it further enacted, That no more than the Sum of One Penny *per* Ton shall be demanded or taken by any such Lord or Lords, Lady or Ladies, Land Owner or Owners, who shall make, erect, or build any such Wharfs in pursuance of the Notice to be given by or on Behalf of the said Company of Proprietors to such Lord or Lords, Lady or Ladies, Owner or Owners for that Purpose as aforesaid, or by the said Company of Proprietors themselves, under the Power herein-before for that Purpose contained (as the Case may be), for the Wharfage of any Coals, Culm, Limestone, Clay, Iron, Iron-Stone, Lead Ore, or any other Ores, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw, Corn in the Straw, Manure, nor more than Three-pence *per* Ton for the Wharfage of any other Goods, Wares, Merchandizes, or Things whatsoever, where the same shall be respectively placed and remain upon any such Wharfs, and shall not continue thereupon for a longer Space of Time than Six Days, except Coals, Culm, Limestone, Clay, Iron, Iron Stone, Lead Ore, or other Ore, Timber, Stone, Bricks, Tiles, Slates, Gravel, Hay, Straw,

Corn in the Straw, and Manure, which may remain thereupon for One Month upon Payment of the said Three-pence *per* Ton: Provided nevertheless, that in case any of the said Articles shall be left and remain in and upon any such Wharfs for the Space of Ten Days over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharfs One Penny *per* Ton for such Ten Days, and One Penny *per* Ton for every further Day which such Articles shall remain upon such Wharfs after the Expiration of the said Ten Days: Provided always, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs last mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandizes, or Commodities, in case the Proprietors of such Wharfs shall neglect or refuse to make and erect the same for the Space of Three Calendar Months, after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected, neglect or refuse to keep the same in Repair; any Thing in this Act contained to the contrary thereof notwithstanding.

CIII. And be it further enacted, That the said *Charles Bathurst*, his Heirs and Assigns, shall and will, and is and are hereby required and authorized upon Notice in Writing to be given by the said Company of Proprietors to set apart, allot, and employ such Quantity of Land adjoining or contiguous to the Termination of the said Railways, at or near *The Lower Forge* aforesaid, as shall be necessary for publick Wharfs as aforesaid, and also shall and will at all future Times, on Application and Notice in Writing made and given to him by the said Company of Proprietors, that the said Wharfs, are too small and insufficient for their Purpose, increase and enlarge the same to such Extent and in such Manner as may be necessary, and in case any Difference of Opinion shall arise between the said *Charles Bathurst* and the said Company of Proprietors, whether the Land which shall be then already allotted and assigned, be or be not sufficient and proper for such Wharfs, and for the Trade to be carried on upon the same, such Difference shall be referred to and settled by the Commissioners appointed by or by virtue of this Act for settling Differences between the said Company of Proprietors and any Owner of Land to be used for the Purposes of this Act.

Mr. Bathurst to allow and allot Land for Wharfs on the Severn.

CIV. And be it further enacted, That if the Rates and Duties to be payable to the said *Charles Bathurst*, his Heirs or Assigns, for Goods to be landed and deposited on the Wharfs, to be made upon his Lands and Grounds, 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 hereby granted to them, and such Deficiency shall be paid and payable within Two Calendar 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.

Proprietors to guarantee the Wharfage to Mr. Bathurst from Jan. 1, 1813, to be not less than 500l. per Annum.

CV. And

Regulations
respecting
private
Wharfs.

CV. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons to make Use of any Wharfs, Cranes, Weighbeams, or Warehouses which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railways, for his, her, or their own private Use only, or to set up, erect, or use any Cranes or Weighing Machines in or upon any such Wharfs, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners, unless such private Wharfs, Cranes, Weighbeams, or Warehouses shall be erected without the previous Consent in Writing of the said Company of Proprietors, and they the said Company of Proprietors shall deem the same necessary for the Purposes of the said Undertaking, in which Case the same shall or may be used in the same Manner as if the same had been set out, erected, or made in pursuance and for the general Purposes of this Act.

Not to pre-
vent Messrs.
Pidcock from
erecting
Wharfs on
their own
Lands.

CVI. Provided always, and be it further enacted, That nothing in this Act contained, shall prevent or be construed to prevent the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, and their Executors, Administrators, and Assigns, and all future Occupiers of the Lands now holden by the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, of the said *Charles Bathurst* from erecting and making without the Consent of the said Company of Proprietors, any Wharfs, Quays, Landing Places, Cranes, Weighbeams, or Warehouses, for their own private Use, upon any of the said Lands which shall not be wanted for making the said Railways, in like Manner as they might or could have erected and made the same in case this Act had not been passed, and that it shall not be lawful for the said Company of Proprietors to take or make use of the same Lands for the Purpose of erecting and making any Wharfs, Cranes, Weighbeams, or Warehouses, without having first obtained the Consent in Writing of the said *Thomas Pidcock*, *John Pidcock*, and *George Homfray*, their Executors, Administrators and Assigns, or of such future Occupiers as aforesaid.

Annual Rent
to be paid for
Land charged
on the Tolls
and Rates,
with Powers
for recovering
the same.

CVII. And be it further enacted, That the said Sum of Three hundred Pounds *per Annum*, and also the said Sum, after the Rate of One Guinea a Week, payable as aforesaid to His said Majesty, and also such Sum or Sums of Money as shall or may be payable unto the said *Charles Bathurst*, his Heirs and Assigns, by the said Company of Proprietors, from and out of the said Tolls and Duties, shall be charged on the Tolls, Rates, or Duties herein-before granted to the said Company of Proprietors and their Successors, and shall be paid by them as the same shall become due and payable, and in case any such annual Rents, or the said Sum payable to the said *Charles Bathurst*, his Heirs or Assigns, shall be in Arrear and unpaid for the Space of Twenty-one Days next after the same shall respectively become due and payable, it shall be lawful for the said Commissioners assembled at a Meeting to be held as aforesaid, or the major Part of them, not being less than Three, by an Order under their Hands, to appoint One or more Person or Persons to receive the said Tolls, Rates, or Duties, and to pay the same to such Person or Persons to whom such annual Rent or Rents and other Sum so in Arrear shall be due,
the

the said Commissioners taking such Security from every such Collector, for the due and faithful Execution of his Office, as they shall judge proper and sufficient, and the Power and Authority of every such Collector shall continue until such annual Rent or Rents, or other Sums so in arrear, with the Costs and Charges of recovering and receiving thereof, shall be fully satisfied and paid, or His said Majesty, or the said *Charles Bathurst*, his Heirs or Assigns, to whom such annual Rent or Rents, or other Sum shall be due and owing, may sue for and recover the same with Costs of Suit by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or otherwise it shall be lawful for him and them, and he and they is and are hereby empowered to seize and distrain any Waggons, Carriages, or other Goods and Effects of the said Company of Proprietors, or their Successors, which shall be found on the said Railways, or in, upon, or about the Wharfs, Warehouses, or other Works belonging to the said Company of Proprietors, and to detain the same until Payment of such Rent or Rents, together with the reasonable Charges attending such Distress, and if such Distress shall not be redeemed within Five Days after the same shall be taken, and Notice thereof given in Writing, by affixing such Notice on some public Place at any of the Wharfs, Quays, or Toll-houses belonging to the said Company of Proprietors, then such Waggons, Carriages, or other Goods or Effects so distrained, shall and may be appraised and sold in such Manner as the Law directs in Cases of Distress for Rent.

CVIII. Provided always, and be it further enacted, That the Person or Persons to whom such Annual Rents or such Sums of Money for Damages shall be payable as aforesaid, shall and may for the Recovery thereof use more than one or all of the Remedies by this Act given or provided for the Recovery of the same.

Remedies for recovering of annual Rents and Sums for Damages may be used.

CIX. And be it further enacted, That if at any Time or Times hereafter any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, and for which no Remedy is hereinbefore provided, then and in every such Case, the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as hereinbefore directed in respect to any other Recompence or Satisfaction hereinbefore mentioned.

For making Recompence for Damages not hereinbefore particularly provided for.

CX. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe to advance any Money for or towards making and maintaining the said Railways, and the other Works hereby authorized to be made, shall and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, or such Parts or Proportions thereof as shall from Time to Time be called for by the said Committee, under and by virtue of the Powers and Directions of this Act, at such Times and Places as shall be directed by the said Company of Proprietors, or the said Committee in Manner before mentioned; and in case any Person or Persons shall refuse or neglect to pay the same at the Time and in the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

To compel Payment of Subscriptions.

[*Lac. & Per.*]

36 2

CXI. Provided

Main-rail-ways and all Fences within the Forest to be completed in Three Years.

CXI. Provided always, and be it further enacted, That if the said Company of Proprietors shall not, within the Space of Three Years next after the passing of this Act, make and complete the Main Line from the River *Wye* at *Lidbrook* to the *Lower Forge*, and the said Collateral Branch from *Miery Stock* to the Summit at *Churchway*, the said Branch leading to the Head of *Howler Slade*, and the said Branch leading to the Birches, and also all and every the Fences and Inclosures of the other Lines and Branches herein-before mentioned, if required so to do by the Surveyor General of the said Forest, unless the said Surveyor General shall signify his Consent in Writing to enlarge the Time for making such Fences and Inclosures only, then and in either of such Cases, this Act, and all Powers and Authorities hereby given, or enlarged Time, as the Case may be, so far as respects such of the said Railways and Fences within the said Forest, or such Part thereof as shall not then be finished, shall cease, determine, and be no longer in force.

Railway Company not to interrupt Inclosures, but give their support to them.

CXII. Provided always, and be it further enacted, That the said Company of Proprietors, their Servants or Agents, shall not in any Manner whatsoever impede, interrupt or prevent the Surveyor General of the said Forest, or any Person to be employed by him in raising or making Enclosures for the Growth or Support of Timber or Wood in the said Forest, under and by virtue of the said Acts, passed in the Twentieth Year of the Reign of His Majesty King *Charles* the Second, and in the Forty-eighth Year of His present Majesty; but that the said Company of Proprietors, their Servants and Agents, shall and will at all Times give their Support and Countenance to the making and keeping up such Enclosures, according to the Spirit, true Intent, and Meaning of the said Statutes.

Recovery of Forfeitures.

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

CXIV. And

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

Persons aggrieved by Irregularity in Distress, to recover special Damages.

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

Gloucestershire, } BE it remembered, That on the
to wit. } Day of in the Year of our Lord
A. B. is convicted before me C. D. One of His Majesty's Justices of the
Peace for the said County [*specifying the Offence, and the Time and Place*
when and where the same was committed.] Given under my Hand and Seal
the Day and Year aforesaid.

Form of Conviction.

CXVI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act shall be quashed or vacated for want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Westminster* or elsewhere, any Law or Statute to the contrary notwithstanding.

Proceedings not to be quashed for Want of Form.

CXVII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Two Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen or arise, first giving Fourteen Days Notice, at the least, in Writing, of such Intention to appeal to the Parties interested in such Complaint; and the said Justices shall, in a summary Way, hear and determine the said Appeal at such Session, or if they think proper, may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable; and may also order such Costs to be paid to the Party aggrieved, by the Party aggressing, as they in their Judgement shall think just and reasonable.

Appeal.

CXVIII. And

Limitation of
Actions.

CXVIII. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any Thing done or to be done in pursuance of this Act, or in Execution of any of the Powers or Authorities, or any of the Orders made, given, or directed in, by, or under this Act, unless One Calendar Month previous Notice in Writing shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the said Company of Proprietors, or to their Clerk or Treasurer for the Time being, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed; or in case there shall be a Continuation of Damage, then within Three Calendar Months next after the doing or committing such Damages shall cease, and not afterwards, and shall be laid or brought in the said County of *Gloucester*, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the Special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if such Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if, on a Demurrer or otherwise, Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in any other Case by Law.

Public Act.

CXIX. 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.

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