



ANNO QUINQUAGESIMO PRIMO

# GEORGII III. REGIS.

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## *Cap. 122.*

An Act for making and maintaining a Railway from or near the public Wharf of the *Brecknock* and *Abergavenny* Canal, in the Parish of *Saint John the Evangelist*, in the County of *Brecon*, to or near to a certain Place called *Parton Cross*, in the Parish of *Eardisley*, in the County of *Hereford*.

[25th May 1811.]

**W**HEREAS the Turnpike Roads in the Neighbourhood of the Town of *Hay*, in the County of *Brecon*, have been greatly injured and destroyed by Carriages travelling thereon, laden with Coals, Corn, and other heavy Commodities, which are carried to and from the *Brecknock* and *Abergavenny* Canal, and the adjoining Counties of *Hereford* and *Radnor*, and owing to the constant Draught of such heavy Commodities thereon, are now in a very dilapidated and ruinous State, and cannot be kept in Repair, even at enormous Expence: And whereas the making and maintaining of a Railway or Tram Road from the said Canal through the several Townships, Parishes, and Places herein-after mentioned, to or near to a certain Place called *Parton Cross*, in the Parish of *Eardisley*, in the County of *Hereford*, would not only greatly relieve such Roads from the Damage they sustain, but the Carriage and Conveyance of the aforesaid Commodities would be most materially facilitated and cheapened, and the Trade and Communication between the adjoining Counties very considerably increased;

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Proprietors.

by all which Means the said Undertaking will tend greatly to improve the Value of Lands and Estates near the said Railway or Tram Road, and 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 such Railway or Tram Road, and such other Works as are herein-after mentioned; but 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 the Right Honourable the Earl of *Asburnham*, *George Aubrey* Esquire, *Henry Allen* Esquire, *Williams Allen* Clerk, *Edward Allen* Gentleman, *Henry Allen* Junior, Esquire, His Grace the Most Noble Duke of *Beaufort*, *James Beavan*, *Edward Beavan* Surgeon *Cogleton*, the Right Honourable Earl *Camden*, Sir *George Cornwall* Baronet, Sir *John Geers Cotterell* Baronet, M. P., *Charles Gomond Cooke* Esquire, *George James Cholmondely* Esquire, *John Clutton* D. D., *Tomkyns Dew* Esquire, *William Davies* Esquire, *James Davies*, *Sarah Eves*, the Honourable *Andrew Foley* M. P., *Thomas Foley* Esquire, M. P., *Edward Frere*, *Frederick Fredericks* Esquire, the Members of the Friendly Society *Hay*, *William Gordon* Esquire, M. P., the Right Honourable *Henry Viscount Hereford*, *Samuel Homefray* Esquire, the Right Honourable Lady *Jane Harley*, the Right Honourable Lady *Charlotte Harley*, the Right Honourable Lady *Ann Harley*, the Right Honourable Lady *Frances Harley*, the Honourable *Alfred Harley*, the Honourable *Roach Harley* Widow, *Martha Harley* Spinster, *Frances Harley* Spinster, *James Lloyd Harris* Esquire, *Anna Maria Hughes* Widow, *Edward Hamley* Clerk, *Thomas Higgins*, *Thomas Howells*, *Samuel Hancock*, *Bridget Hughes* Spinster, *James Jones* Esquire, *Griffith Jones*, *William Jones* Esquire, *Edward Jones* junior, Esquire, *Thomas Jones*, *Walter Jeffreys* Esquire, *Benjamin Jones* Clerk, Lieutenant General *William Keppell*, *Thomas Frankland Lewis* Esquire, *John Lloyd* Esquire, *Lewis Lewis* Esquire, *Thomas Longfellow*, *Francis Langley*, *John Wellington Lloyd*, *James Lyke*, *Charles Lawrence* Esquire, Sir *Charles Morgan* Baronet, *George Munkley*, *John Morgan*, *John Milward*, *Peter Rickards Mynors* Esquire, *Charles Morgan* Esquire, the Right Honourable the Earl of *Oxford and Mortimer*, *George Overton* Esquire, *Samuel Peploe* Esquire, *Thomas Powell* Esquire, *Charles Pritchard* Esquire, *Leonard Parkinson* Esquire, *John Powell* Clerk, *Thomas Perry* Esquire, *James Price*, *Thomas Price* Esquire, *John Pugh*, *William Parsons* Clerk, *James Pewtriss* Esquire, *Uvedale Price* Esquire, *Robert Price* Esquire, *Thomas Price* Esquire, *Parry* Widow, *Thomas Price*, *William Price*, Sir *Robert Salusbury* Baronet, M. P., *William Saunders* Esquire, *Benjamin Thomas* Esquire, M. D., *Thomas Trumper* Esquire, *John Trumper* Clerk, *George Tomkins*, *David Thomas* Esquire, *Richard Underwood* Junior, Esquire, *Walter Wilkins* Esquire, M. P., *Thomas Wood* Esquire, *Thomas Wood* Esquire, M. P., *Jeffreys Wilkins* Esquire, *Thomas Watkins* Clerk, *James Williams* Esquire, *Walter Watkins* Esquire, *William Wilkins* Esquire, *Charles Williams*, *John Parry Wilkins* Esquire, *James Webster*, *Joseph Ward*, *Morgan Walters* Clerk, *Henry Williams*, *Charles Wiseman*, and *John Wood* Esquire, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railway or Tram Road,

Road, and other Works by this Act authorized to be executed, according to the Rules, Orders, and Directions herein-after mentioned and specified, and shall for that Purpose be one Body Corporate, by the Name and Style of *The Hay Railway Company*, and by that Name shall have perpetual Succession and 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 Statutes of Mortmain; and the said Company of Proprietors shall be and are hereby 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 Hay Railway*, on which Waggons and other Carriages to be constructed as herein-after appointed, may pass from or near the public Wharf of the *Brecknock and Abergavenny Canal*, in the Parish of *Saint John the Evangelist*, in the County of *Brecon*, to or near to a certain Place called *Parton Cross*, in the Parish of *Eardisley*, in the County of *Hereford*, through and into the several Townships, Parishes, and Places of *Saint John the Evangelist*, *Llanddew*, *Llanvillo*, *Talgarth*, *Broynllis's*, and *Aberllunwy*, in the County of *Brecon*, *Glasbury*, in the County of *Radnor*, *Glasbury*, *Llanigon*, and *Hay*, in the County of *Brecon*, *Cusop Hardwicke* in *Clifford*, *Clifford Whitney*, *Winforton*, *Willersley*, and *Eardisley*, in the County of *Hereford*, and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate whatsoever, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein-mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tram Road, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same, and for the Conveyance of Goods into and out of the said Canal, and for those Purposes to bore, dig, cut, trench, fough, get, raise, remove, take, carry away, lay, use, and manufacture, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in making the said Railway or Tram Road, or other Works, out of the Lands or Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate, adjoining or being convenient or contiguous to such Railway or Tram Road, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tram Road, and other Works, or which may hinder, prevent, or obstruct the making, using, completing, altering, extending, or maintaining the same according to the Intent and Meaning of this Act, and also to make, build, erect, bank, excavate, or let up, in, under, or upon the said Railway or Tram Road, and other Works, or upon the Lands adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Boats, Posts, Ropes, and Chains, for passing such Rivers, Brooks, Streams, and other

Their  
Powers.

Waters as aforesaid, and such and so many Sluices, Weirs, Pens for Water, Wharfs, Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works and Ways, Roads and Conveniences, 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 from Time to Time to alter, repair, and amend, or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Railway or Tram Road, and other Works, on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tram Road; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggons and other Carriages passing upon the said Railway or Tram Road, with Men or Horses, or otherwise, and proper Places for Waggons and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient, and to construct, erect, and keep in Repair any Bridges, 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 Railway or Tram Road, 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, altering, preserving, improving, completing, and using the said Railway or Tram Road, and other Works, to be made or constructed in pursuance 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 interested in any Lands or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; 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; subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned and contained.

**Crossings.**

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

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

III. Provided always, and be it further enacted, 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 Railway or Tram Road, or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built at or before the  
Time

Time of the passing of this Act, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, planted Walk or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof and Persons interested therein respectively, other than and except such as are particularly mentioned and described in the Schedule annexed to this Act.

IV. Provided also, and be it further enacted, That nothing herein contained shall extend, or be construed to extend, to empower the said Company of Proprietors to do any Act, Matter or Thing whatsoever, whereby the Navigation of the River *Wye* shall be impeded or injured.

Navigation of the River *Wye* not to be impeded.

V. And whereas a Survey has been taken of the Line of the said Railway or Tram Road, and a Map or Plan, with a Book of Reference thereto, has been made; be it therefore enacted, That there shall be Four Parts of the said Map or Plan, and a Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, One with the respective Clerks of the Peace for the Counties of *Brecon*, *Radnor*, and *Hereford*, and the other with the Clerk of the said Railway Company; to either of which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort, and to examine or make Extracts from or Copies of the same, as Occasion shall require, paying to the said respective Clerks for Copies of, or Extracts from, the said Books of Reference, after the Rate of Sixpence for every One hundred Words; and either of the said Maps or Plans and Books of Reference so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Six Days Notice to him given for that Purpose, shall, and 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 impanelled 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.

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

VI. And be it further enacted, That the said Company of Proprietors in making the said Railway or Tram Road, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Plan, and set forth in the said Book of Reference, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such Lands which would be affected by such Deviation, do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the Course or Direction of such Line of the said Railway or Tram Road, in case all Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom the Lands to be cut through or made Use of for the Purposes of such Deviation shall belong shall consent thereto, such Consent in the case of Individuals to be given by Writing under their Hands, and in the Case of Bodies Corporate, to be given under their Common Seal.

Deviation from the Line laid down in Plan.

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

VII. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tram Road, and other Works, into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of the Commissioners hereby appointed, and to 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 such other Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Breadth of the Land to be taken for the Railway.

VIII. And be it further enacted, That the Lands and Grounds to be taken or used for making and using the said Railway or Tram Road, shall not exceed Ten Yards in Breadth; except in those 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 Vallies, or in deep Cuttings, or where any Warehouses, Cranes, or Weigh Beams may be erected, or where any Places may be set out or appropriated for the forming of Basins, or for the Reception or Delivery of Goods, Wares, and Merchandize, which shall be conveyed on the said Railway or Tram Road, 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 Railway or Tram Road.

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

IX. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said Railway or Tram Road and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveiences, and for the doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their *Cestuique* Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seized, possessed of, or interested in their own Right, or intitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is, are, or or shall be seized, possessed of or interested in any such Lands, Grounds, or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and that all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all other Persons, so conveying as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence

of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors, shall be made according to the following Form:

‘ I *A. B.* of \_\_\_\_\_ in Consideration of the Sum of \_\_\_\_\_  
 ‘ \_\_\_\_\_ to me paid by \_\_\_\_\_ Form of the  
 ‘ \_\_\_\_\_ do hereby by virtue of the Powers contained in an Conveyance  
 ‘ Act of Parliament, intituled, [*here set forth the Title of this Act*] grant to the Com-  
 ‘ and release to the said Company of Proprietors, all [*describing the Pre-*pany  
 ‘ *mises to be conveyed*] and all my Right, Title, and Interest in and to the  
 ‘ same, and every Part thereof, to hold to the said Company of Propri-  
 ‘ etors and their Successors for ever, by virtue and according to the true  
 ‘ Intent and Meaning of an Act, passed in the Fifty-first Year of the  
 ‘ Reign of His Majesty King *George* the Third, intituled, [*here set forth*  
 ‘ *the Title of this Act.*] In Witness whereof I have hereunto set my  
 ‘ Hand and Seal, the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_

And all such Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence *per* Sheet for every such attested Copy, reckoning One hundred Words for every Sheet, exclusive of Stamps.

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

Where small  
Parcels of  
Land are in-  
tersected,  
Company  
compellable  
to purchase  
the Whole.

XI. And be it further enacted, That in all Cases where in making the said Railway or Tram Road, or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Part of such Commons or Wastes by the Lord or Lords, Lady or Ladies for the Time being of the Manor or Manors in which the same are situate to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof (without the Commoners or other Persons interested therein joining in such Conveyance), and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, are hereby authorized and required to make and execute such Conveyances.

The Com-  
mons or  
Waste Lands  
to be convey-  
ed by the  
Lords of the  
Manors.

ances accordingly, Compensations for such Part of the said Commons or Wastes as shall be required to be taken for making the said Railway or Tram Road, being first made or tendered to the Surveyors of the Highways within the respective Parishes or Townships, wherein such Commons or Wastes shall lie, and the Money which shall be paid to such Surveyors respectively for such Compensation shall be by them laid out and applied towards the Repairs of the Highways within their said respective Parishes or Townships, and in no other Manner.

Satisfaction to be made either in gross Sums or by annual Rents.

XII. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before enabled to sell or convey Lands or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments through, in, or upon which the said Railway or Tram Road, 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 same, either in gross Sums or by annual Rents; 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.

Commissioners for settling Differences.

XIII. 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 used, taken, 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 further enacted, That *Thomas Bold* Esquire, *Samuel Church* Esquire, *James Crummer* Esquire, *Francis Coke* Clerk, *George Cornwall* Esquire, *James Davies* Esquire, *Jonathan Dixon* Esquire, *Hugh Powell Evans* Esquire, *Sir Isaac Coffin Greenly* Baronet, *William Greenly* Esquire, *Thynne Howe Gwynne* the younger, Esquire, *William Higgins* Esquire, *John Harley* Clerk, *Theophilus Jones* Esquire, *Edward Jenkins* Esquire, *Philip Jones* Esquire, *John Lilly* Clerk, *Philip Morgan* Esquire, *William Morgan* Esquire, *John Macnamara* Esquire, *Edward Morgan* Esquire, *John Powell* Esquire, *Charles Price* Esquire, *Richard Price* Esquire, *Thomas Pugh* Esquire, *Samuel Price* Esquire, *Walter Price* Esquire, *William Parry* Esquire, *Samuel Evans Price* Esquire, *Edward Rogers* Esquire, *Edward Rogers* junior, Esquire, *John Stallard* Esquire, *Cheesement Severn* Esquire, *Salvadore* Clerk, *Thomas Thomas* Esquire, *James Whitney* Esquire, *James Watt* Esquire, *William Williams* Esquire, *Robert Williams* Esquire, *Walter Wilkins* the younger, Esquire, *Perry Williams* Esquire, *Henry Wellington* Esquire, *William Williams* Esquire, *John Garbett Walsbam* Esquire, *John Whitaker* Esquire, and *Richard Whitcombe* Esquire, and every other Person residing within the Counties of *Brecon*, *Radnor*, or *Hereford*, or either of them, and seized in his own Right, or in Right of his Wife, and not as a Mortgagee of an Estate of Freehold or Copyhold of Inheritance, or both in Lands, Tenements, or Hereditaments of the Yearly Value of Two hundred Pounds, over and above all Reprizes, except Property Tax, or possessed of a Personal Estate of the Amount of Five thousand Pounds, in the Stocks or Publick Funds, or  
on



on Mortgage, Lease, Bonds, or special Securities for Money, or being the eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire, 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.

XIV. Provided always, and be it further enacted, That in every such Dispute or Difference as aforesaid, that may arise between the said Company of Proprietors, and such Person or Persons as aforesaid, Five at least of the Commissioners hereby appointed, who shall at the Time of such Dispute or Difference reside in the County where such Dispute or Difference shall arise, shall and are hereby required to attend for the Purpose of settling such Dispute or Difference.

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

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 within the Counties of *Brecon*, *Hereford*, or *Radnor*; nor shall any Person (not being an Heir Apparent as aforesaid) act as a Commissioner in this Act (otherwise than by giving Notice of the First Meeting of the Commissioners, and by administering an Oath or Affirmation in the Words following, to the other Commissioners), 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), Qualification of Commissioners.

‘ 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 Two Hundred Pounds above Reprizes, except for Property Tax [or possessed of or entitled to a Personal Estate to the Amount or Value of Five thousand Pounds], and that I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Judgement, execute and perform the Powers and Authorities vested in me as a Commissioner, by an Act made in the Fifty-first Year of the Reign of King *George* the Third, intituled, [*here set forth the Title of this Act*]. Oath.

‘ 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

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which Certificate shall be deemed sufficient Evidence of such Oath having been taken, in all Courts whatsoever; and if any Person, not qualified 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 Two Hundred Pounds to any Person who shall sue for the same, to be recovered with full Costs of Suit, by Action at Law, in any of His Majesty's Courts of Record at *Westminster*, in which Action no Effoign, Protection, Privilege, or Wager of Law, or more than One Imparlance shall be allowed; and such Person so prosecuted shall prove that he is qualified as aforesaid, or otherwise shall pay the said Penalty 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.

Acts of Commissioners, though not qualified, to be valid.

XVII. Provided always, and be it further enacted, That every Act, Matter, and Thing, which shall be done by such Commissioners as last aforesaid, shall be valid and effectual to all Intents and Purposes, notwithstanding any such Want of Qualification as aforesaid.

Notice of Commissioners Meeting to be given.

XVIII. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had for putting in Execution any of the Powers or Authorities vested in them by this Act, unless previous Notice of the Time and Place, and Purpose of such Meeting, shall be given and inserted in the *Hereford* Newspaper at least three Times 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.

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

XIX. 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 Railway or Tram Road, or other Works, or any of the Works necessary or relating thereto, or any of them, to any one or more of the Commissioners, or Person qualified to act as a Commissioner, requesting or desiring that a General Meeting of the said Commissioners may be holden, the Commissioners so applied to shall, and they are hereby respectively authorized and required, within Seven Days after such Request or Application, to give Notice in Manner aforesaid, of a General Meeting to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fifteen Days, nor more than Twenty-four Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, empowered and required, to assemble at the Time and Place so to be appointed, in order to put this Act and the Powers and Authorities hereby given to, and vested in them in Execution, and shall then adjourn themselves, and afterwards

wards meet at such Time and Place as the said Commissioners there assembled shall think proper or convenient; and if it shall happen, that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and from Time to Time as often as the Case shall happen, the Clerk or Clerks to the said Commissioners shall and may by Notice to be given in Manner aforesaid, appoint the Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight after the Day on which the last Meeting of the said Commissioners was appointed to be held.

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

Power to hold  
occasional  
Meetings.

XXI. 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 or Persons interested in the said Proceedings, or his, her, or their Agent or Solicitor, and desirous of seeing and examining the same, without Fee or Reward; and such Entries being signed by such Number of the said Commissioners respectively, as are empowered by this Act to make such Orders, or carry on such Proceedings, shall be deemed Originals, and the same or true Copies thereof, shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may, and are hereby required, at their First Meeting, to appoint One, out of Three Persons to be named by the said Company of Proprietors, 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 or the Time being shall, within the Space of One Calendar Month after Notice in Writing for that Purpose shall have been given by the said Commissioners, nominate and appoint Three Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received, and the said Commissioners shall and may appoint such One of the said Three last 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 any Clerk who shall be removed, or die, or quit the Service as aforesaid, his Executors or Administrators, shall within One Calendar Month after such Notice in Writing to him or them respectively given by the said Commissioners, produce and deliver up to such Commissioners

Proceedings  
to be entered  
into a Book.

missioners 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 One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit in any of His Majesty's Courts of Record, in which Action no Essoign, Protection, Privilege, or Wager of Law, nor more than One Impar lance shall be allowed.

Commissioners to settle Differences.

XXII. 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, to the Bodies Politic, Corporate or Collegiate, Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Hereditaments which shall be set out and appropriated for making the said Railway or Tram Road, and other Works and Conveniences, 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 if 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 entitled 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 Twenty-one Days next after such Notice, Neglect, or Refusal to treat, or shall not agree with

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 shall 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 Precept, under their Hands and Seals to the Sheriff of the County in which the Lands in Question shall be situated; and in case such Sheriff, or his Under Sheriff, shall 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 Matter in Question, then to some one of the Coroners of such County, not interested as aforesaid, commanding such Sheriff or Coroner respectively, to impanel, summon, and return a Jury, and such 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*, or Court of Great Sessions in *Wales*, to appear before the said Commissioners, at such Time and Place as in such Warrant or Precept shall be appointed, not being less than Fourteen Days nor more than Twenty-one Days after such Warrant or Precept shall be served upon such 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, such Sheriff or Coroner, or his Deputy, 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 Matter in Question, either by or before them, the said Commissioners, or by or before any Jury or Juries as aforesaid, (as the Case may be); and the said Commissioners may order and authorize the said Jury or any Six or more of them, to view the Place or Places, or Matter in Controversy; and such Jury upon their Oaths, (which Oaths, as well as the Oaths to any Person or Persons who may be called upon to give Evidence, any One of the said Commissioners is hereby empowered to administer), shall inquire 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 which may or shall be sustained as aforesaid; and the said Commissioners shall give Judgment for such Purchase Monies, or Recompence, to be assessed by such Juries, which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes, against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff, or Coroner, or his 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; 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 to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, for the Benefit of the Party in whose Behalf such Person was so summoned.

Expences of  
Commissioners  
and Jury.

XXIII. 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, 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 Inquest, 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 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 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.

Persons re-  
questing a  
Jury to enter  
into a Bond  
to prosecute.

XXIV. And be it further enacted, That all and every Person and Persons making Complaint, and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Precept for summoning such Jury, first enter into a Bond, with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors for the Time being, in the Penalty of One hundred Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of Two 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: 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 for any Damages 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 Two 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, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them concerning the Value of Lands 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 Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

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

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*, or Great Sessions in *Wales*, 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 and Statutes of this Realm.

Jury to be under the same Regulations as Courts of Law, &c.

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 County in which the Question shall arise, 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 One Shilling 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.

Verdict to be recorded.

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,

Lands to vest absolutely in the Company upon Pay-

ment or Tender of the Money assessed or agreed upon.

enacted, That upon Payment or legal Tender of such Sum or Sums of Money by the said Company of Proprietors as shall have been agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in Manner respectively as aforesaid, as the Purchase Money for 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 intitled to receive such Money or Compensation respectively at any Time after the same shall have been actually so agreed for, determined or assessed, or if the Person or Persons 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 the Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid cannot be found, or if the Person or Persons intitled to such Lands or Hereditaments be not known or discovered, upon Payment of the 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, then and in all or any of the said Cases as often as the same shall happen, it shall be lawful for the said Company of Proprietors and their Agents, Workmen, and Servants immediately to enter upon the Lands, Tenements, and other Hereditaments respectively, or 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 for ever of the said Company of Proprietors and their Successors, to and for the Purposes of this Act; 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 whomsoever therein: Provided nevertheless, that until 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 Railway or Tram Road, or other Works, without the Consent of such Person or Persons respectively.

Application of Compensation when exceeding 200l.

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 and for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or seised or possessed of only a particular or determinable Estate or Interest therein, such



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 Company of Proprietors of the *Hay* Railway, together with the Name or Names of such Person or Persons as any Three 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 may 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 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 vested 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 made.

XXX. Provided also, 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 amount to or exceed the Sum of Twenty Pounds, then, and in all such Cases, the same shall (at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands or Hereditaments so 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 the Manner herein-before directed, or otherwise the same shall be

Application  
where less  
than 200l.

[*Loc. & Per.*]

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paid

paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Five 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 less than 20l.

XXXI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid, as last 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 Five or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XXXII. 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 or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands 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 and 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 the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to the Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Or if Persons cannot be found, the Purchase Money to be paid into the Bank, subject to the Order of the Court of Chancery on Motion or Petition.

XXXIII. Provided

XXXIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid 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 such Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully intituled 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 said 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 intituled to such Lands or Hereditaments, or to some Estate or Interest therein.

Where any Question shall arise touching the Title to Money to be paid, the Person in Possession of the Land, &c. at the Time of such Purchase shall be deemed entitled thereto according to such Possession.

XXXIV. Provided always, and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, intituled 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 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 such 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 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.

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

XXXV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors, for all Tythes, 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 Purpose 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, such Tythes to be estimated at the average Value of the last Four Years, commencing on the Twenty-ninth Day of *September* One thousand eight hundred and six, and ending on the Twenty-ninth Day of *September* One thousand eight hundred and ten; 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 herein-before directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an annual Rent, but the Recompence and Satisfaction to Lay Impropriators, or to the Lessees of any Spiritual Persons for any Interest in their Tythes, may be made either by annual Rents or Sums in Gross, as shall be fixed and ascertained by the said Commissioners.

Compensation to be made for Tythes.

XXXVI. And

For paying  
off Mortgages  
on Lands  
used by the  
Company.

XXXVI. 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, and they are hereby required, upon Application being made to them by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators, to pay the Money or any Part thereof, secured by such Mortgage or Mortgages, out of, or with such Sum or Sums of Money after the same shall have been so agreed for and adjusted, or settled in Manner aforesaid, for such Lands in Mortgage, in part of, or in full for, 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 Witness or Witnesses in Satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages.

Mortgagees  
to have No-  
tice of paying  
off their Debt  
or Interest in  
advance.

XXXVII. Provided always, and be it further enacted, That no such Mortgagee or Mortgagees shall be compelled to take and receive his, her, or their Mortgage, Debt or Debts, unless Six Calendar Months Notice in Writing of the Intention of the said Company of Proprietors to pay off the same shall have been given to such Mortgagee or Mortgagees, or left at his, her, or their usual Place of Abode, or unless Six Months Interest in Advance shall be paid to such Mortgagee or Mortgagees upon Payment by the said Company of Proprietors of such Mortgage Debt.

Requiring  
the Company  
of Proprie-  
tors to give  
the first Offer  
of Land, not  
wanted for  
the Purposes  
of the Act, to  
the Persons  
from whom  
it was pur-  
chased.

XXXVIII. And whereas by Means of the 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 further 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, his, her, or their Heirs or Assigns, 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 in which the Lands may lie or be situated, 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 repurchasing 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 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 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, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

XXXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Railway or Tram Road, and the Ways, Quays, Wharfs, Bridges, and other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Fifty thousand Pounds, except as hereafter mentioned, and that the same shall be divided into Shares of One Hundred Pounds each, and that such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same; and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or subscribe such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the said Undertaking, and other the Purposes of the said Subscription, shall be entitled to and receive at such Time and Times, as the said Company of Proprietors shall at a General or Special Meeting, to be convened for that Purpose, as Meetings on other Occasions are directed to be convened, direct, and appoint, the entire and neat Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages which 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 and Persons having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed; and all and every the Shares and Proportions of all Bodies Politic, Corporate, or Collegiate, and all other Person or Persons of and in the said Undertaking, or the Joint

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

Application  
of the Money  
to be raised.

Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate and transmissible as such, and not of the Nature of Real Property; and 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 other necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railway or Tram Road, Bridges, 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 deli-  
vered to them.

XI. And for better securing to the several Proprietors of the said Undertaking their several 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 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 to 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 HAY RAILWAY COMPANY.

‘ Number

‘ THESE are to certify, that *A. B.* of \_\_\_\_\_ is a Pro-  
‘ prietor of the Share or Number \_\_\_\_\_ being one Share of  
‘ *The Hay Railway*, subject to the Rules, Regulations, and Orders of  
‘ the said Company, and that the said *A. B.* his [*or, her*] Executors,  
‘ Administrators, [*or, Successors*] and Assigns, is and are entitled to  
‘ the Profits and Advantages of such Share: Given under the Common  
‘ Seal of the said Company the \_\_\_\_\_ Day of \_\_\_\_\_  
‘ in the Year of our Lord \_\_\_\_\_

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

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

session 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 case 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*,

I *A. B.* one of the Proprietors [*or*, we *A. B.* and *C. D.* Guardians of *E. F.* one of the Proprietors] of *The Hay-Railway*, do hereby nominate, constitute, and appoint *G. H.* to be my [*or*, his *or* her] Proxy, in my [*or*, his *or* her] Absence, to vote and give my [*or*, 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 Tram Road, or any of them, in such Manner as 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

Form of the  
Appointment  
of a Proxy.

And that every Election of Committees and Officers, and every Question, Matter, and Thing 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 Person shall have more than Twenty Votes in his or her own Right, nor more than Thirty other Votes in Right of any Proxy or Proxies.

All Questions  
to be decided  
by a Majority  
of Votes.

XLII. And be it further enacted, That in case the said Sum of Fifty Thousand Pounds herein-before authorized to be raised, shall be found insufficient for making, completing, and maintaining the said Railway or Tram Road, and other Works hereby authorized to be made, and for defraying all the 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 amongst 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

Proprietors  
may raise an  
additional  
Sum, if ne-  
cessary.

of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Fifteen 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, or raised, had originally been Part of the said Sum of Fifty thousand Pounds, any Thing herein contained to the contrary thereof in anywise notwithstanding.

Power to raise  
Money by  
Promissory  
Notes.

XLIII. 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 it meet and expedient, to borrow the said Sum of Fifteen 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 either with or without a Power in the respective Holders of such Notes to have an Option of becoming a Proprietor of One Share of One hundred Pounds in the said Undertaking, in lieu of the Principal Money by such several Promissory Notes to be secured, or so much or such Parts thereof as the said Company of Proprietors, or their Committee for the Time being, and the Person and 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 of One hundred Pounds in the said Undertaking in lieu of a less Principal Sum of Money than One hundred 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 in the said Undertaking shall be fully expressed and set forth in the said several and respective Notes.

Power to  
raise Money  
by Mortgage.

XLIV. Provided always, That in case the said Company of Proprietors shall be desirous of raising such further Sum of Fifteen 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 such further Sum of Fifteen 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 has been made for that Purpose by 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 further 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),

Number

BY virtue of an Act made in the Fifty-first Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*], We, the Company of Proprietors of *The Hay Railway*, 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, in, and to 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 One hundred Pounds for a Year shall be fully paid and satisfied. Given under our Common Seal, this \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord

Form of Mortgage.

And that all and every Person or Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by Reason of Priority of any such Assignments, or on any other Account whatsoever; and a Memorial of every such Assignment, containing the Date and Name or Names of the Person or Persons to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk of 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 therein, 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),

I \_\_\_\_\_ [*or, we*] \_\_\_\_\_ of \_\_\_\_\_ in Consideration of the Sum of \_\_\_\_\_ paid by \_\_\_\_\_ of \_\_\_\_\_ do hereby transfer a certain Mortgage Number \_\_\_\_\_, made by the Company of Proprietors of *The Hay Railway*, 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

Form of Transfer.

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  
[*Loc. & Per.*] \_\_\_\_\_ 28 D. \_\_\_\_\_ the

the original Mortgages or Assignments, for which the said Clerk shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding One Shilling, 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.

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

XLV. 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 Twenty-eight Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, that then it shall be lawful for the said Commissioners, or any Five or more of them, 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 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*, or in the Court of Great Sessions for the Counties of *Brecon* or *Radnor*.

Mortgagees not to vote on Account of having lent Money.

XLVI. 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.

First and other General Assemblies.

XLVII. 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 *Swan* Inn, in the Town of *Hay*, in the County of *Brecon*, on the Third *Monday* 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 Times as shall at such First or any subsequent General Assembly be appointed; all such Meetings to be holden within the Town of *Hay* aforesaid, and one General Assembly to be holden on the last

last *Monday* in the Month of *September* in every Year; and the 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 Five Shares at the least in the said Undertaking, a Committee to manage the Affairs of the said Company of Proprietors as herein directed, and to consist of Fifteen or more Persons, Three of whom shall, at all Meetings of the said 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 among themselves, as they shall think proper, (the Method of calling Special or General 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 Railway or Tram Road, 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 Merchandize, and other Articles and Things upon any Part of the said Railway or Tram Road, 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 printed and affixed upon the several Toll-Houses to be erected on the said Railway and Wharfs, and 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 all such Rules, Bye-Laws, and Orders shall be subject to Appeal in Manner herein-after mentioned; and every such General Assembly shall have Power to call for, audit, and settle all Accounts for 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 employed by, or concerned for, or under them, in and about the said Railway or Tram Road, 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 as they shall see Occasion for the further Execution of this Act.

XLVIII. Provided

General Assemblies for choosing Committees, to consist of 250 Shares.

XLVIII. Provided always, and be it further enacted, That if at any General Assembly there shall not be Persons present who shall be possessed of or entitled to at least Two hundred and fifty Shares or Subscriptions of One hundred 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 from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of the said Committee who shall die or decline to act shall be made, nor shall any Bye Law, Rule or Regulation be made or altered at that Time, but in such Case there shall be another Assembly of the said Company of Proprietors at the same Place, at the Expiration of Four Weeks; and if a sufficient Number of Proprietors as Principals or by Proxies shall not then attend, the said General Assembly shall stand adjourned to that Day Fortnight next following each of such Meetings to be advertised in the intermediate *Hereford* Journals, and such Choice, Removal, or new Appointment of any Member of any such Committee so before appointed shall then take Place and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of until a new Committee shall be appointed as aforesaid; and in case of Failure of assembling a 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, unless he shall have a sufficient Excuse for his Non-attendance, for every Share or Subscription of One hundred Pounds which he or she shall possess in the said Undertaking, the Sum of Twenty 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 Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Twenty 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.

Assemblies of Proprietors may be specially convened.

XLIX. 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 shall each of them be possessed of or entitled unto Five Shares or Subscriptions of One hundred Pounds each, or upwards, at the least in the said Undertaking, to cause Twenty-one Days Notice at the least to be given thereof in the *Hereford* Newspaper, 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 General Assembly, and the Time when the same shall be held; and the said Proprietors are hereby authorized to meet in pursuance of 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 with respect to the Matters so specified only; and all such Acts of the Proprietors,

or

or the major Part of them met together at every such General Assembly, provided such major Part shall be possessed of at least One hundred and twenty-five Shares or Subscriptions of One hundred 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 been done at a General Assembly at the Time herein-before appointed for holding the same.

L. 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 or Treasurers, and Clerk, and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer, Clerk, 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 or Treasurers, Clerk, or other Officer, 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 Sixpence 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 the 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.

Officers to the Company to be appointed.

EI. And be it further enacted, That the Accounts of the Treasurer to the said Company for the Time being shall constantly be audited, examined, and settled Twice in each Year by the said Committee, or any Three or more of them to be appointed for that Purpose.

Accounts to be settled.

LII. 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  
[Loc. & Per.] 28 E. to

Power of the Committee to make Calls.

Expences of  
Committee  
to be paid.

to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expence 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 Ten Pounds upon each Share, and so as no Calls be made but at the Distance of Six Weeks 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 aforesaid, meet at such Times, and from 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 Meeting 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 Meeting, and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Company of Proprietors, 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 employing Clerks, Servants, Agents, and Workmen, and in suspending or displacing the same Persons, or any of them, other than and except such Officers as shall have been appointed at any General or Special Assembly of Proprietors, 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 all 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 Twenty-one Days Notice at least shall be given in the *Hereford* 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 Imparance 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.

appointed as aforesaid, he, she, or they so neglecting or refusing shall forfeit any Sum not exceeding Twenty Shillings for every One Share 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 One Calendar Month 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 Publick Sale by the said Company of Proprietors for the most Money that can be gotten for the same, and the Produce thereof shall be equally divided amongst the Rest of the said Company of Proprietors, in Proportion to their respective Shares and Interests in the said Undertaking.

LIII. 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 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 Three Calendar Months after the last Meeting holden 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.

Subscribers  
to have No-  
tice before  
their Shares  
are forfeited.

LIV. And be it further enacted, That in any Action to be brought by the said Company of Proprietors against any Owner or Owners of any Share or Shares of 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 alledge that the Defendant or Defendants being a Proprietor or Proprietors of such and 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

Directing the  
Proceedings  
in the Actions  
for Calls.

Notice

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 Ten Pounds for every such Sum of One hundred Pounds, or was made within the Distance of Six Weeks from the last preceding Call, or without Notice given as aforesaid.

Proprietors  
in Arrear not  
to vote.

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

Committee  
to be under  
Control of  
General As-  
semblies.

LVI. And be it further enacted, That such Committee shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports to and be subject to the Examination and Control 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.

Books of Ac-  
count to be  
kept.

LVII. And be it further enacted, That proper Books of Account, and other Matters relating to the said Undertaking shall be kept; and that all such Books 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 Subscrib-  
ers before  
Shares com-  
pleted, Exe-  
cutors may  
complete the  
same.

LVIII. 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 any 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 and 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 any 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



hereby authorized and required to admit any other Person or Persons to be a 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 Admissions, 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.

LIX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors or Administrators, from and after Payment of the Sum of Twenty-five Pounds *per Centum* by him, her, or them, on his, her, or their Share or Shares in the said Subscription, but not before, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance 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):

Shares may be sold.

‘ I *A. B.* in Consideration of  
 ‘ to me by *C. D.* do hereby grant, bargain, sell, and transfer unto  
 ‘ the said *C. D.*  
 ‘ be] of the Undertaking, called *The Hay 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 Conditions 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 sub-  
 ‘ ject to the same Rules, Orders, Restrictions, and Conditions: As Wit-  
 ‘ ness our Hands and Seals, the  
 ‘ of

paid Form of Conveyance.

Share or Shares [as the Case may be]

And that 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 for the Time being to the said Company of Proprietors 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 and indorsed the Entry of such Memorial on the Deed of Sale or Transfer, for which no more than One Shilling 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.

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

LX. And be it further enacted, That after any Call for such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, although Twenty-five Pounds *per Centum* shall have been paid thereon, 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.

For granting new Deeds when old ones are destroyed or worn out.

LXI. And be it further enacted, That if any of the Deeds for or respecting the Shares of the said Company of Proprietors shall be worn out or damaged, then, upon the same being brought and shown 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 any 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 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.

LXII. 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, her, 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 Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk for the Time being of the said Company of Proprietors, 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 Proprietors shall

shall have died intestate, and a Copy of so much as aforesaid of such Will and 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 or 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*, or a Master or Master 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.

LXIII. 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 Railway or Tram-Road, 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 of all Goods, Wares and Merchandize, and other Things which shall be carried or conveyed upon the said Railway or Tram-road, or upon any Part thereof, the Rates and Duties herein-after mentioned; (that is to say),

Rate of Tonnage.

For all Lime-stone, Stone for the Repair of Turnpike Roads or Highways, and all Dung, Compost, and all Sorts of Manure, except Lime, which shall be carried or conveyed upon the said Railway or Tram-road, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding the Sum of Two-pence *per Ton per Mile*.

For all Coal, Coke, Culm, Stone, Cinders, Marl, Sand, Lime, Clay, Peat, Iron-stone, and other Minerals, Building Stone, Pitching and Paving Stone, Bricks, Tiles, Slates, Timber, Lead in Pigs or Sheets, Bar-iron, Waggon-tire, and all gross and unmanufactured Articles and building Materials, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Four-pence *per Ton per Mile*.

And for all other Goods, Commodities, Wares and Merchandizes, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Sixpence *per Ton per Mile*.

Which said respective Rates, so to be fixed as aforesaid, shall be the same along the whole Line of the said Railway or Tram-road.

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

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

Company empowered to regulate and fix the Price of small Parcels not exceeding 500 Weight.

Persons demanding more subject to a Penalty.

Penalty on Persons claiming Exemptions from Tolls unlawfully.

LXIV. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors from Time to Time at any General Meeting or Assembly of the said Company, to be held as herein-before is directed, with the Consent of the major Part of the said Company of Proprietors, assembled at any such Meeting to be held as herein-before directed, to make such Bye Law or Bye Laws for ascertaining and fixing the Price or Sum or Sums of Money to be charged or taken for the Carriage of any Parcel, not exceeding Five Hundred Weight, upon the said Railway or Tram-road or any Part thereof, respectively, and from Time to Time repeat, alter, or vary the said Rates, as to them shall seem meet, fitting, and reasonable; and that the said Company of Proprietors shall from Time to Time affix and stick up, or cause to be affixed and stuck up, upon every public Wharf and upon every Stopgate or Toll-house on the said Railway or Tram-road in some conspicuous Part there, in large and legible Characters, an Account or List of the several Rates or Tonnage which the said Company of Proprietors shall from Time to Time direct and appoint, and of the Price and Prices, Sum and Sums of Money so allowed to be taken for the Carriage of all and every such Parcel and Parcels, not exceeding Five Hundred Weight as aforesaid, upon the said Railway or Tram-road or any Part thereof; and in case any Owner or Master, or other Person, belonging to any Waggon or other Carriage passing upon the said Railway or Tram-road, or any Collector of the Rates, Tolls or Duties aforesaid, shall after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit any Sum not exceeding Five Pounds; and such Bye Laws shall be valid and binding in all Cases upon all Persons whomsoever.

LXV. And be it further enacted, That if any Person or Persons shall claim a Right to carry, or shall fraudently carry or convey any Articles or Things whatsoever on the said Railway or Tram Road, on Payment of a lower Rate, Toll, or Duty, than that to which such Articles or Things are hereby subject or liable, and shall be thereof convicted before any Justice of the Peace for the County in which such Offence shall be committed, every such Person so offending shall for every such Offence forfeit

and

and pay to the said Company of Proprietors or their Successors, any Sum not exceeding Ten Pounds over and above the Rate, Toll, or Duty, to which such Articles or Things are liable, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act, can or may be levied and recovered.

LXVI. And be it further enacted, That the Rate of Tonnage herein authorized to be demanded and taken shall be paid to such Person or Persons, at such Place or Places, at, upon, or near the said Railway and Tram-road, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Assembly or Assemblies, or as the Committee shall by Notice to be annexed to the Account or List of Tonnage, direct or appoint; and in case of Refusal or Neglect of Payment of 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 in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rate of Tonnage ought to have been paid, may, and he or they is or are hereby authorized to seize the Goods or other Things for or in respect whereof any such Rate of Tonnage ought to have been paid, or any Part thereof, and the Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made, and also until Payment of all Arrears of any Rates which may be due from the Owner or Owners of such Horse, Cattle, 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 Tolls, and again to raise the same as they shall think proper, not exceeding the Rate of Tonnage herein mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

Recovery of Rates.

LXVII. 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 and Tolls hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway or Tram-road, unto any Person or Persons for any Term or Time which they shall think proper, not exceeding Two Years from the Commencement of any Lease, and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates and Tolls so let, shall during the Continuance of any such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees; and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors, provided public Notice of the Intention to let the said Rates and Tolls, or any Part thereof, be given in Writing by the said Committee, or any Three or more of them, or by the Clerk to the said Company of Proprietors by Advertisement, published in such Newspaper, or by Notice to such Proprietors

Company empowered to lease the Rates.

as aforesaid, at least One Calendar Month prior to any such General Assembly at which the said Rates and Tolls, or any Part thereof, are proposed to be let as aforesaid.

Owners of  
Waggons to  
give an Ac-  
count in  
Writing of  
Lading.

LXVIII. And for better ascertaining and more easily collecting the said Rates and Tolls, 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 Railway or Tram-road, or any Part thereof, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates and Tolls, 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 with respect to such Waggon or other Carriage, 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 an Intent to avoid the Payment of the said Rates and Tolls, or any Part of them, he shall forfeit and pay any Sum not exceeding Forty Shillings for every Ton of Goods and other Things, and so in Proportion for any less Quantity than a Ton which shall be in 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 and Tolls directed to be paid for the same by virtue hereof,

Weight of  
Tonnage, &c.  
ascertained.

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

If any Differ-  
ences con-  
cerning  
Weight, Col-  
lectors may  
weigh or  
measure  
Waggons.

LXX. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Tolls, 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 respectively contained; and in case the same shall upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity 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, or 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 and Tolls are hereby appointed to be recovered and levied; but if such Goods and 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, or gauging, and also pay to such Owner or Owners of such Goods or other Things such Damages as shall

shall appear to the said Commissioners, on the Oath of any credible Witnesses (all which Oaths any One of the said Commissioners is hereby empowered to administer), 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, or in such other Manner as any Penalties or Forfeitures may be recovered and levied by virtue of this Act.

LXXI. And be it further enacted, That all Persons shall have free Liberty to pass upon and use the said Railway or Tram-road with Carts, Waggon, or other Carriages properly constructed, as herein-after mentioned, and to employ the said Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates and Tolls as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors by virtue of the Powers herein granted.

Passage upon Railway to be free upon Payment of Tonnage.

LXXII. And be it further enacted, That if any Person or Persons (save and except the said Proprietors, their Agents or Servants employed by them) shall ride, lead, or drive, or cause to be rode, led, or driven upon such Railway or Tram-road, or any Part thereof, any Horse, Mare, Gelding, Mule, or Ass, 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 directly crossing the same at Places to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the same Railway may be laid, he, she, or they shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend, or be construed to extend, to subject any Person or Persons having any Goods or Merchandise hauled along the said Railway to any Penalty for passing along the same, for the *bona fide* Purpose of superintending the Carriage and Delivery of such Goods.

Railway not to be used as a Passage for Horses or other Cattle.

LXXIII. And be it further enacted, That no Person or Persons shall pass upon any Part of the said Railway or Tram-road 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 Railway or Tram-road for collecting the Rates of Tonnage by this Act imposed, (except in crossing the same at appointed Places for the convenient Occupation of the adjacent Grounds, and in passing any public or private Carriage-road, which may happen to cross the said Railway or Tram-road); and that if any Person or Persons shall pass upon any Part of the said Railway or Tram-road, with 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; 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

No Waggon to pass on Railway except properly constructed.

Owners to put  
their Names  
on the Out-  
side of Wag-  
gons.

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 Railway or Tram-road, shall cause his or her Name and Place of Abode to be entered with the Clerk to the said Company of Proprietors, who shall appoint a Number for distinguishing such Carriage; and such Owner shall also cause such Name and Number to be painted 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 weighed 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 weighed more than Twelve Times in any one Year; and every Owner or Driver of any Waggon or other Carriage which shall pass on any Part of the said Railway or Tram-road, without having been previously weighed and registered as aforesaid, or without having such Name, and Figures and Index thereon, as herein-before directed; and every Person who shall alter, deface, or destroy the same, or any Part thereof, or who shall refuse to permit and suffer the same to be weighed, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to the said Company of Proprietors.

Owners of  
Waggons an-  
swerable for  
Damages.

LXXIV. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tram-road shall be and is hereby made answerable for any Damage, Spoil, or Mischief which 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 Railway or Tram-road, and other Works to be made by virtue hereof, or by loading or unloading any Waggon or other Carriage, or 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 one Justice of the Peace of the County wherein the Offence shall be committed, 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 such Damages do not exceed the Sum of Five Pounds, and also shall, 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 have been 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, and if a Verdict pass against him or



her, or Judgment 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.

LXXV. 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 make Satisfaction for any Damage by reason of any wilful Neglect or Default of 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 any Justice of the Peace for the County or Place in which such Penalty was incurred), 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 Neglect or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant to the Common Gaol or House of Correction for the said County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

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

LXXVI. 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 Railway or Tram-road, 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, or if he shall be absent from his Waggon, he shall forfeit for every such Offence any Sum not exceeding Ten Shillings, and the like Sum of Ten Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer to the said Company of Proprietors to cause any such Waggon or other Carriage to be unloaded and 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 said Fine or Fines and Charges occasioned by such Removal shall be paid.

Penalty on leaving Waggon &c.

LXXVII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Undertaking, break, throw down, destroy, steal, or take away any Part of the said Railway or Tram-road, or other Works to be erected and made by virtue of this Act, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases 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 this Realm; or in Mitigation of such

Penalty on Persons obstructing the using of the Railway or Works.

Punishment such Courts may, if they think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

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

LXXVIII. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs and Charges, within Six Calendar Months next after any Part of the said Railway or Tram-road shall be laid out and formed, make, erect, and set up, and from Time to Time maintain and support such and so many convenient Gates in and upon the said Railway or Tram-road; and also all Bridges, Arches, Culverts, Ditches, Drains, and Passages over and under, or by the Side of the said Railway or Tram-road, 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, 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 Railway or Tram-road 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 estraying or escaping thereout by Reason of such Railway or Tram-road, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, Arches, Culverts, 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, Culverts, Ditches, Drains, 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 aforesaid, for the Space of Fourteen Days next after the Time to be appointed for those Purposes respectively, by the said Commissioners, 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, 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 Railway or Tram-road, Buildings, 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 and Hereditaments, who shall have so erected and made, repaired or maintained, such Gates, Bridges, Arches, Culverts, 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 for the Time being of the said Company of Proprietors; 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 War-

rant

rant 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 to whom such Costs and Charges shall have been allowed, 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 by 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.

LXXIX. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway or Tram-road shall be made, do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages respectively, which the said Commissioners 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 Railway or Tram-road shall pass, then and so often and in any such Case, it shall be lawful for any such Owners or Occupiers with the Consent and Approbation 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 other Gates, Bridges, Arches, Culverts, Ditches, Drains or Passages, of the same or like Construction or Form with those made and erected by the said Company of Proprietors in, upon, along, or near, to the said Railway or Tram-road, 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 Costs and Charges as Occasion shall require, so that the Passages through or along the said Railway or Tram-road 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.

Owners of Lands empowered to erect Gates, &c. on insufficiency of those erected by the Company.

LXXX. Provided always, That it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway or Tram-road shall be made, and his and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass, directly over and across such Part of the said Railway or Tram-road as shall be made in and upon the said Lands or Grounds respectively, not damaging or obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass along any other Part of the said Railway or Tram-road: Provided also, that it shall be lawful for the Occupier or Occupiers of the respective Lands or Grounds through which the said Railway or Tram-road shall be made, and his, her, and their Servants having Authority for all or any of such Purposes in Writing from the said Company of Proprietors, or their Committee, to ride, lead, or drive

Owners and Occupiers to pass along Railways.

drive any Horse, Mare, or Gelding, Mule or Ass, Cow or other Neat Cattle, Sheep, Swine, or any other Beast along the said Railway, (as far only as the Lands in his own Occupation shall extend, for the Purpose of occupying the same Lands, such Person or Persons not damaging or obstructing the said Railway or the Passage thereof).

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

LXXXI. Provided also, and be it further enacted, That nothing herein contained shall extend to prevent the Owners and Occupiers of the respective Lands or Grounds adjoining the said Railway or Tram-road from laying down any Collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway or Tram-road, nor from making at their own Expence such Openings in the Ledges or Flanches of the said Railway or Tram-road as may be necessary or expedient for effecting such Communication.

For fencing off Railways through private Lands.

LXXXII. 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 said Railway or Tram-road and other Works, to divide and separate, and keep constantly divided and separated the same from the Lands or Grounds adjoining to such Railway or Tram-road and other Works with good and sufficient Posts, Rails, Hedges, Ditches, Mounds or other Fences, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway or Tram-road and other Works, 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 such Gates being made to open towards such Lands and Grounds; 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 to the making or maintaining of such Fences, as fully and effectually to all Intents and Purposes as if the said Powers, Provisions, Directions, and Regulations were here repeated and enacted with respect to such Fences.

Gates to be shut and fastened after Waggon's shall have passed through them on Penalty of Forty Shillings.

LXXXIII. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railway or Tram-road, shall, and he and they is and are hereby directed and required as soon as he, she, or they, and the Waggon or other Carriage shall have passed through the same, to shut and fasten the said Gate; and every Person neglecting so to do shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings, 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.

Lords of Manors may erect Wharfs on their own Lands.

LXXXIV. 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 such Lands or Grounds near to, through, or by which the said Railway or Tram-road, or any Part thereof, shall be made, to

to erect and use any Wharfs, Landing-places, Cranes, Weigh-Beams, or Warehouses, in, or upon his, her, or their respective Wastes, Lands or Grounds adjoining or near to the said Railway or Tram-road, or any of them, and to land any Goods or other Things upon such Wharfs or Landing-Places, or upon the Banks lying between the same and the said Railway or Tram-road, or any Part thereof; and also to make and use proper and convenient Places for Waggon, 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 Railway or Tram-road; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing-Places, Cranes, Weigh-Beams, 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 or their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors be not thereby reduced, altered, or infringed.

LXXXV. And be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their last or usual Place or Places of Abode, by or on Behalf of the said Company of Proprietors, signifying 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, Landing-Places, Warehouses, and Buildings for the Use of the said Railway or Tram-road, or for making and laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Railway or Tram-road, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair such proper and sufficient Wharfs and Landing-Places, Warehouses, Buildings, and Roads for the Use of the said Railway or Tram-road, 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 Wastes, 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 a Garden, Orchard, Yard, Park, planted Walk, or an Avenue to a House (except as herein-before mentioned), for erecting and building proper and sufficient Wharfs, Landing-Places, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Railway or Tram-road, agreeable to such Notice to be delivered as aforesaid.

But if they refuse when required by the Company, the Company may erect the same.

LXXXVI. And be it further enacted, That the said Company of Proprietors shall make Satisfaction for the Lands or Grounds taken and used by them for the Purpose of making any such Wharfs, Landing-Places, Warehouses, Buildings, and Roads as aforesaid, in such Manner as is herein 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.

Compensation to be made for Lands taken for Warehouses.

Regulations  
respecting  
private  
Wharfs.

LXXXVII. 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, Quays, Landing-Places, Cranes, Weigh Beams, 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 Railway or Tram-road, 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, Quays or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners.

Limiting the  
Wharfage to  
be taken by  
Individuals  
who may  
erect Wharfs.

LXXXVIII. 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 or Quays, 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 for that Purpose contained (as the Case may be), for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Lead Ore, or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel or other Things, nor more than One Penny for the Warehousing of every Package not exceeding Fifty-six Pounds Weight, nor more than Two-pence for the Warehousing of every Package above Fifty-six Pounds Weight, and not exceeding Five Hundred Pounds and not more than Sixpence per Ton for the Warehousing any Package exceeding Five Hundred Pounds Weight, which shall be respectively placed upon any of the Wharfs, or Warehouses hereby authorized to be made, and which shall be placed, and remain in and upon any such Wharfs, Quays, or Warehouses, and shall not continue thereupon for a longer Space of Time than Forty-eight Hours: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs, Quays, or Warehouses, 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, Quays, or Warehouses, the further Sum of One Penny *per* Ton for Wharfage, and Three-pence *per* Ton for Warehousing for the next Ten Days, and the like Sum of One Penny, or Three-pence respectively, *per* Ton for every further Day which such Articles shall remain upon such Wharfs, Quays or Warehouses, after the Expiration of the said Ten Days: Provided also, 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 or Quays last mentioned, for the more convenient loading and unloading, and weighing of any such Minerals or other Goods, Wares, Merchandize or Commodities, in case the Proprietors of such Wharfs or Quays shall refuse or neglect 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.

LXXXIX. And

LXXXIX. 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 herein-before provided, then, and in every such Case the Recompence or Satisfaction for such Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned.

For making  
Recompence  
for Damages  
not herein-  
before pro-  
vided for.

XC. 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 Railway or Tram-road, and 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.

XCI. And whereas an Act was passed in the Thirty-seventh Year of the Reign of His present Majesty, intituled, *An Act to amend an Act made in the Twentieth Year of the Reign of his present Majesty, for building a Bridge across the River Wye, between Whitney and Clifford, in the County of Hereford*: And whereas the Erection of the intended Bridge over the River *Wye* by the said Company of Proprietors may prove highly injurious to the Proprietor or Proprietors of the Bridge erected by virtue of the said Act; for Prevention whereof, be it enacted, that nothing herein contained shall extend or be construed to extend to injure or prejudice the Proprietor or Proprietors of the said Bridge for the Time being, by the Erection of a Bridge over the said River by the said Company of Proprietors, save and except so far as relates to the Passage of Clerks, Servants, and other Persons actually employed by the said Company, and all Carriages, Horses, and Drivers, passing on the said Tram-road, and paying Toll to the said Company of Proprietors.

Act not to  
affect Whit-  
ney Bridge.

XCII. And it is hereby further enacted, That if any Person or Persons, (save and except the said Company of Proprietors, their Agents, Clerks, Servants, and all Tram Carriages, Horses, and Drivers, actually employed on the said Railway or Tram-road, as herein-before mentioned), shall pass over the said intended Tram Bridge, or any other Bridge which the said Company of Proprietors may hereafter erect at or near *Whitney* aforesaid, or shall pass over in any Ferry Boat or other Boat, Barge, or Vessel, to be used and employed by the said Company of Proprietors, in ferrying or conveying over the said River *Wye* at or near *Whitney* aforesaid, any such Tram Carriages, Horses, Agents, Clerks, Servants and Drivers, every Person or Persons so offending, shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings, to be levied and recovered as herein-after mentioned; and the Money arising from such Forfeitures shall be

Preventing  
Persons pass-  
ing over the  
Bridge erect-  
ed by the  
Company.

paid to the Proprietors or Proprietor of *Whitney Bridge*, for the Time being.

Recovery of Forfeitures.

XCIII. 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 their Committee as aforesaid, shall, upon Proof of the Offences respectively, before any Justice of the Peace for the County or Place where the Offence shall be committed, either by the Confession of the Party or Parties, 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 or Place where such Offence shall be committed, 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.

Persons aggrieved by Irregularity in Distress to recover Damages.

XCIV. 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.

XCIV. 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 of Words to the same Effect, as the Case may require; *videlicet*,

Form of Conviction.

To wit. } ' **BE** it remembered, That on the \_\_\_\_\_ in the Year of our Lord  
 } ' Day of \_\_\_\_\_ A. B. is con-  
 ' victed before me C. D. one of his Majesty's Justices of the Peace for the  
 ' County (or Place, as the Case may be, specifying the Offence, and  
 ' Time and Place when and where the same was committed.) Given  
 ' under my Hand and Seal the Day and Year aforesaid.'

XCVI. And



XCVI. 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.

XCVII. 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 Session 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 Sessions, 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 such 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 right, just, and reasonable.

Appeal.

XCVIII. 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 to be done in pursuance of this Act, or in the 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's 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 committing or doing such Damage shall have ceased, and not afterwards; and shall be laid or brought in the County or Place where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information, shall and may plead the General Issue, and give this Act and the special Matter in Evidence upon any Trial to be had thereupon, and that the same was done in pursuance and under 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

Limitation of  
Actions.

dants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if on Demurrer or otherwise Judgement shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have 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.

XCIX. 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.

The SCHEDULE to which the foregoing Act refers.

Number on the Plan.	Owners.	Occupiers.	Description of Property.	In what Parish and County.
<i>Breconshire.</i>				
1	Brecknock and Abergavenny Canal Company.	Brecknock and Abergavenny Canal Company.	A Wharf	St. John the Evangelist.
4	Walter Jeffreys, esq.	Walter Jeffreys, esq.	Garden	ditto
7	Sir C. Morgan, Bt.	Tho. Bold, esq.	Nursery	ditto
29	Wm. Henry Scourfield, esq.	Tho. Longfellow,	Orchard	ditto
54	Tho. James Clerk.	Ann Kinsey.	Garden and Farm Yard.	Llanthew.
62	Rev. Tho. James	John Harper	Garden	ditto
135	David Davies	David Davies	Nursery	Broyallys
138	James Davies, esq.	James Davies, esq.	ditto	ditto
135 & 140	David Davies	David Davies	Two Orchards	ditto
151	James Davies, esq.	James Davies, esq.	Nursery	ditto
158 & 159	Wm. Davies, esq.	Wm. Davies, esq.	Orchard and Nursery	ditto
174	Earl of Ashburnham.	Evan Proffer	Nursery	ditto
184, 185 } 186 & 187 }	Tho. Wood, esq.	Elizabeth Davies Evan Morgan Cecil Jones Elizabeth Williams	Four Gardens & Orchards	ditto
<i>Radnorshire.</i>				
205, 206, 207	Tho. Wood, esq.	Roger Lewis	Three Gardens and Orchards	Glafsbury
210	Henry Allen, esq.	John Morgan	Orchard	ditto
212	Tho. Wood, esq.	John Morgan	ditto Garden, and Cottage	ditto
213	Walter Wilkins, esq.	ditto	ditto	ditto
214	Frances Davies	Thomas Morgan	Garden	ditto
215	ditto	Frances Davies	ditto	ditto
<i>Breconshire.</i>				
250	Walter Wilkins, esq.	Hugh Stevens	Orchard	Hay
251	Hon. Roach Harley	Thomas Wheeler	ditto	ditto
267, 268	ditto	David Probert	Two Gardens	ditto
274	Benjamin Davies	Benjamin Davies	Garden	ditto
276	Ann and Hannah Watkeys	Ann and Hannah Watkeys	Orchard	ditto
277	Edward Allen	Edward Allen	ditto	ditto
278	William Williams, the Trustee of Ann Higgs.	Churchwardens & Overseers of Hay	Garden	ditto
279	James Beavan, esq.	James Beavan	ditto	ditto
280, 281	Honourable Roach Harley	Wm. Pritchard } James Price }	ditto	ditto
282	Walter Watkins, esq.	James Watkins	ditto	ditto
283	Samuel Maddy	Matt. James Jarvis	ditto	ditto
284	Walter Maddy,	Richard Brett	ditto	ditto
285	Dowager Viscounts Hereford	James Maybrey	ditto	ditto
286 } 287 }	Thomas James	Thomas James } Elizabeth Lewis }	ditto ditto	ditto ditto

Number on the Plan.	Owners.	Occupiers.	Description of Property.	In what Parish and County.
				<i>Breconshire.</i>
288	John Milward	John Milward	Garden	Hay
288 <sup>a</sup>	Edm. Cheefe, Esq.	John Morgan	ditto	ditto
289	Thomas Purchase	Thomas Purchase	ditto	ditto
291	Thomas Lloyd	Thomas Lloyd	ditto	ditto
		Thomas Wilmore	ditto	ditto
		James Pritchard	ditto	ditto
292, 293	Mr. Willm Aeton	Joseph Connell	ditto	ditto
		John Jackson	ditto	ditto
		Thomas Evans	ditto	ditto
294	Hon. Roach Harley	Benjamin Watkeys	ditto	ditto
295	ditto	Thomas Howells	Tenter Ground	ditto
		Richard Connel	} Gardens	ditto
		Lemuel Allen		
		James Miles		
		William Phillips		
		Whitaker		
296	James Beavan	Widow Morgan	} Gardens	ditto
		William Parry		
		William Bowcott		
		Uriah Watkins		
		Charles Rumfey		
		James Bowcott		
297	Sir Geo. Cornwall, Bart.	Henry Wellington, Esq.	} Garden	} Casop
304	Charlotte Williams, a Ward of Chancery	Mrs Sarah Wheeler	} ditto	} Hardwick in Clifford
323	Widow Phillips	William Williams	ditto and Orchard	Clifford
325, 326	William Williams	ditto	Two ditto	ditto
327	Uvedale Price, Esq.	ditto	One ditto	ditto
347	Tomkins Dew, Esq.	John Spencer.	Cottage and Garden	Whitney
355, 356, 360	ditto	Tho. Powell, Esq.	{ Orchard and Two Gardens	ditto
364	Mr. John Spencer	Tho. Trumper, Esq.	Orchard	ditto
385	John Freeman, Esq.	Robert Pritchard	ditto	Winforton.
393	Thomas Perry, Esq.	John Harris	ditto	Eardisley.

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