



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 123.

An Act for making a Railway from the *Brecknock* and
Abergavenny Canal in the Parish of *Llanwenarth*
to or near to *Llanvihangel Crucorney* in the County
of *Monmouth*. [25th May 1811.]

WHEREAS the making and maintaining a Railway for the Passage of Waggons and other Carriages from the *Brecknock* and *Abergavenny* Canal, near the Coal Wharf in the Parish of *Llanwenarth*, by or near the *Cadvor* and *Penyr World*, *Lanfoist* and the *Maerdy*, over and across the River *Usk*, by or near the Brooks, by, through or near the Town of *Abergavenny* and *Penypound*, by or near *Cross-Onnen*, *White House*, *Panty Gelly*, *Blaengavenny*, *Penyclawydd*, and *Penydre*, in the several Parishes of *Llanwenarth*, *Llanfoyst*, *Abergavenny*, *Llantillio-Pertoley*, and *Llanvihangel Crucorney*, all in the said County of *Monmouth*, with necessary and proper Wharfs, will not only open an easy and commodious Communication between the said Canal, the said Town of *Abergavenny*, and the adjacent Country; and the County of *Hereford*, whereby the Conveyance of Coal, Lime, Limestone, Iron, and other Products of the adjoining and surrounding Hills and Country, for the Supply of those and other contiguous Places, will be greatly facilitated, from the advantageous Situation of the proposed Extremity of the intended Road, so peculiarly adapted for general Circulation, and rendered much less expensive, but will also in other respects be of very great public Benefit and Utility: And whereas the several Persons herein-after named are desirous, at their own Costs and Charges, to make and maintain the said intended Railway and other Works; but the same cannot be effected

[*Loc. & Per.*]

28 M

without

Proprietors
Names.

Incor-
porated.

Their
Powers.

without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Arthur John Henry Somerset* commonly called Lord *Arthur John Henry Somerset*, *Sir Charles Morgan*, *Sir Robert Salisbury*, *Sir John Edward Harington* Baronets, *Richard Brantwaite*, *Francis Chambre*, *Josiah Crutchley*, *Richard Davies* Clerk, *Thomas Davies*, *Thomas Ellis*, *William Ford*, *James Ashe Gabb*, *William Greenly*, *Samuel Homfray*, *Samuel Hopkins*, *Joseph Harrison*, *Charles Herbert*, *John Jones*, *Walter Jeffreys*, *Robert Jones*, *Thomas Jones*, *Hugh Jones*, *James Jones*, *Richard Lewis*, *Hugh Lawton*, *Thomas Morgan*, *Matthew Monkhouse* Clerk, *John Morgan*, *William Morgan* Clerk, *John Owen*, *Hugh Powell*, *Thomas Prothero*, *Thomas Prosser*, *Charles Powell* Clerk, *William Powell* Clerk, *John Phillips*, *Thomas Phillips*, *John Powell*, *Charles Prosser*, *Mary Prothero* Widow, *Jeremiah Rosher*, *Thomas Swinnerton*, *Martha Swinnerton*, *Mary Swinnerton*, *Elizabeth Swinnerton*, Spinsters, *Frederick Samuel Secretan*, *Lewis Williams*, *John Williams*, *John Cheese Watkins*, *William Williams*, *John Hanbury Williams*, *William Yarnold*, and such other Person or Persons as they or the major Part of them assembled at any General Meeting to be held as herein-after mentioned shall nominate and appoint under their Hands and Seals, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and hereby are united into a Company for making, completing, and maintaining the said Railway and other Works, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be One Body Corporate by the Name and Style of "The *Llanvihangel* Railway Company," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall have full 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 other Works, and also to sell or dispose of the said Lands, Tenements, or Hereditaments again, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Company shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, Servants, or Assistants, to make, complete, and maintain, and from Time to Time to alter, a single or double Railway, to be called "The *Llanvihangel* Railway," passable for Waggon and other Carriages constructed as herein-after mentioned, from the *Brecknock* and *Abergavenny* Canal, near the Coal Wharf in the Parish of *Llanwenarth*, to, through, or near the Village of *Llanvihangel Crucorney*, both in the County of *Monmouth*, to pass by or near the *Cadvor*, *Penyr World*, *Lanfoist*, and the *Maerdy*, over and across the River *Usk*, by or near the Brooks by, through, or near the Town of *Abergavenny* and *Penypound*, by or near *Cross-Onnen*, *White House*, *Panty-Gelly*, *Blaengavenny*, *Penyclawydd*, and *Penydre*, and by, through, or near the said Village of *Llanvihangel Crucorney*, to the Extremity of the said Undertaking and other Works, in the said Parishes of *Llanwenarth*, *Llanfoyst*, *Abergavenny*, *Llantillio Pertholey*, and *Llanvihangel Crucorney*, all in the said County of *Monmouth*; and for the Purposes aforesaid the said

Company, their Deputies, Servants, Agents, 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 and ascertain such Parts thereof as they the said Company of Proprietors or their Successors shall think necessary and proper for the making, continuing, or altering the said Railway, and all such other Works and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same; and also to bore, dig, cut, trench, sough, get, 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 Matters or Things which may be dug or got in the making, or which may hinder, prevent, or obstruct the making the said Railway or other Works, or out of the Lands or Grounds of any Person or Persons adjoining or being convenient or contiguous thereto, and which may be proper, requisite, or necessary for the making, carrying on, continuing, maintaining, altering, or repairing the said Railway and other Works, or which may hinder, prevent, or obstruct the making, using, completing, altering, extending, or maintaining the same respectively, according to the Intent and Meaning of this Act; and also to make, build, erect, and set up in, over, under, or upon the said Railway and other Works, or upon the Lands adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Wharfs, Houses, Warehouses, Toll Houses, Weigh-beams, Cranes, or other Machines, and other Works, Ways, Roads, and Conveniences, as and where the said Company shall think necessary and convenient for the Purposes of the said Undertaking; and all such Basins, Outlets, Communications, Wharfs, Landing Places, Bridges, Towing Paths, in, over, or adjoining to the said *Brecknock* and *Abergavenny* Canal, in, at, or near the Point of Junction of the said Railway with the said Canal, in the Parish of *Llanwenarth* aforesaid, as shall from Time to Time by the said Company of Proprietors of the said *Brecknock* and *Abergavenny* Canal and the said Company of Proprietors of the *Llanvihangel* Railway be jointly fixed and agreed upon; and also from Time to Time to alter, repair, and amend, or discontinue the same; and to make, divert, alter, widen, enlarge, and extend any Ways, Roads, Passages, or other Works or Conveniences, as well for carrying and conveying of Goods, Wares, Merchandize, and other Articles to and from the said Railway and other Works, as for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, maintaining, amending, widening, or enlarging the Railway and other Works hereby authorized to be made, or which may be useful for any the Purposes thereof, and also for the carrying and conveying of Coal, Lime, Culm, Iron, Iron Ore, Stone, Slate, Limestone, Goods, Wares, Merchandizes, and other Things, to, from, and upon the said Railway respectively, and for the carrying and conveying of all Manner of Materials necessary for the making, erecting, finishing, altering, repairing, amending, widening, or enlarging of the said Railway and other Works respectively, and to place, lay, work, or manufacture the said Materials 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, set out, and appoint such Roads and Ways and Conveniences for hauling or drawing of Waggon and

Making Satisfaction to Land Owners, &c.

and other Carriages passing upon the said Railway with Men, Horses, or otherwise, and for other Purposes, and proper Places for Waggon, and other Carriages and other Things to turn, lay, or pass each other, as they the said Company shall think convenient; and to construct, erect, make, and do all other Works, Matters, and Things whatsoever which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and using of the said Railway and other Works to be made or constructed in pursuance of and according to the true Intent and Meaning of this Act; they the said Company, 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 the Manner herein-after mentioned, to the Owners or Proprietors and all Persons interested in any Lands or other Hereditaments which shall be taken, used, removed, diverted, or prejudiced, for all Damages to be by them sustained in or by the Execution of all or any of the Powers of this Act; and this Act shall be sufficient to indemnify the said Company, 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 Provisoes and Restrictions as are herein-after mentioned and contained: Provided always, that where the said Railway shall cross any Turnpike Road or public Highway, the Ledge or Flanch of the Railway, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of the Road.

Power to make Inclined Planes.

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

II. And be it further enacted, That if the said Company of Proprietors or their Successors shall judge it expedient that Waggon or other Carriages shall be conveyed over or along any Part or Parts of the Line herein-after directed to be pursued in making the said Road, by Rollers, Inclined Planes, or in any other Manner, then and in such Case it shall and may be lawful for the said Company of Proprietors, or their Successors, to cause any Rollers, Inclined Planes, or other Works to be made for that Purpose, at such Parts or Places in the said Line as they shall think proper, and the same shall be considered to be Part of the said Works hereby authorized to be made: Provided always, that nothing in this Act contained shall authorize or empower the said Company, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage for the Purpose of the said Railway, or any other of the Purposes aforesaid, any House or Building which was erected or built on, at, or before the First Day of *January* One thousand eight hundred and eleven, or any Land or Ground which was then set apart and used as or for a Garden, Yard, Park, Paddock, planted Walk, or Avenue to a House, or any Part of the Land and Premises belonging to *Hugh Powell* Esquire, on the East Side of the Turnpike Road between the End of the Road leading from *Triley* towards *Llanvihangel* and the Northern Extremity of this Work, without the Consent in Writing of the Owner or Owners and Occupiers thereof and Persons interested therein respectively, other than and except an Orchard belonging to *Elizabeth* and *Ann Parry*, in the Parish of *Llantillio Pertholey*, in the Occupation of *Josiah Crutchley*, an Orchard belonging to *Hugh Powell* Esquire, in the Parish of *Llantillio Pertholey*, in the Occupation of *John Watkins*, and which are respectively meant and intended to be taken and used for the Purposes of this Act, and which it shall be lawful for the said

said Company to take and pass through and make use of for the Purposes of the said Undertaking, the said Company making Satisfaction to the several Owners and Persons interested in such Hereditaments and Premises respectively for the same, and for the Damages they shall respectively sustain thereby, the same to be ascertained and settled in like Manner as by this Act is directed with respect to other Hereditaments to be taken or used by the said Company of Proprietors.

III. And whereas a Level and Survey has been taken to ascertain the Practicability of making the said intended Railway and other Works, and a Map or Plan, with a proper Book of Reference thereto, has been made; be it therefore enacted, That there shall be Two Parts of the said Map or Plan, and Book of Reference thereto, which shall be certified by the Right Honourable the Speaker of the House of Commons, and severally deposited, one with the Clerk of the Peace for the said County of *Monmouth*, and the other with the Clerk of the said Railway Company, to either of which Maps, Plans, and Book 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; upon Twenty-one Days Notice to him given for that Purpose, shall and is hereby required from Time to Time to produce the Map or Plan and Book of Reference to be so deposited with him as aforesaid before the Commissioners herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

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

IV. And be it further enacted, That the said Company of Proprietors in making the said Railway shall not deviate more than One hundred Yards from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, nor cut, carry, or convey the same Railway into, through, across, under, or over any Part or Parts of the several Lands or Grounds now or late belonging to or reputed to belong to the several and respective Persons named or described in the said Book of Reference, other than such Part or Parts of such Lands or Grounds as are mentioned in the said Book of Reference in that respect, without the Approbation and Consent in Writing of the Person or Persons to whom such Lands and Grounds do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the Course or Direction of the said Railway, or Alteration or Extension in the same, within the Limits of the Parishes before mentioned, through the Lands or Grounds of all or any Person or Persons who shall in the Manner hereafter directed

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

consent thereto, for the Purposes of such Deviation, Alteration, or Extension.

For regul-
ating the
Rise, Fall,
&c. of Rail-
way.

V. And be it further enacted, That the Bridge by which the said Railway is to be carried across the River *Usk* shall be placed higher up the Stream of the said River than the Stone Bridge called *Abergavenny Bridge*, and at a Distance not exceeding Thirty Yards from the same Bridge, and shall be of such Height that the said Railway shall be elevated Thirty Feet at the least above the ordinary Surface of the Water, and that that Part of the said Railway which leads from the Canal to the said Bridge shall have a continual Fall or Inclination not exceeding Sixteen Inches nor less than Nine Inches in any One Chain of Sixty-six Feet; and that from the Centre of the said Bridge to the Point at which the said Railway is to enter the Farm called the *Brooks*, there shall be no Fall or Inclination whatever in the same; and that from the said last-mentioned Point to the Field called *Cenvidd*, in the Parish of *Llanvihangel Crucorney*, in the Occupation of *Matthew Gwatkin*, the said Railway shall have a regular Rise not exceeding Eleven Inches in any One Chain, and shall be continued from thence at a regular Fall of Six Inches in every Chain to the intended Wharf adjoining the Turnpike Road near *Llanvihangel Court*; or the said Road shall have such other Level, Rise, Fall, or Inclination as shall be agreed upon by the Engineer of the said Company of Proprietors for the Time being and by *John Hodgkinson* of *Cheltenham* in the County of *Gloucester*, Engineer, and by such Third Person as the said Two Engineers shall for that Purpose appoint as their Umpire, in case of Difference.

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

VI. Provided always, and it is hereby further enacted and declared, That the said Company of Proprietors may make the said Railway and other Works into, through, across, or over the Lands or Grounds of any Person or Persons who is or are or may be the Owner or Owners of Land over which the same is set out and described in the said Map or Plan as aforesaid, although the Name or Names of such Person or Persons may happen to be omitted in the said Book of Reference, in case it shall appear to any Two or more Justices of the Peace for the said County of *Monmouth*, and be certified by Writing under their Hands, that such Error or Omission proceeded from Mistake.

Breadth of
the Land to
be taken for
the Railway.

VII. And be it further enacted, That the Lands and Grounds to be taken or used for making and using of the said Railway and other Works shall not exceed Ten Yards in Breadth, except in such Places where it shall be judged necessary for Waggons or other Carriages and other Things to turn, lie, or pass each other, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Goods, Wares, Merchandize, and other Things which shall be conveyed on the said Railway, or where the Road shall be elevated more than Six Feet above or cut more than Six Feet beneath the natural Surface, 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.

VIII. Pro-

VIII. Provided always, and be it further enacted, That in all Cases where in exercise of the Powers aforesaid any Part of any Carriage or Horse Road, either public or private, shall be found necessary to be cut through, taken, or so much injured as to be impassable or inconvenient for Travellers or Carriages, or the Persons entitled to the Use thereof, the said Company of Proprietors or their Successors shall at their own Expence, before any such Road shall be cut through, taken, or injured as aforesaid, cause a good and sufficient Carriage or Horse Road (as the Case may require) to be set out and made instead thereof, as convenient for Passengers and Carriages as the Road so to be cut through, taken, or injured, or as near thereto as may be, and shall cause the same to be put in good and substantial Order and Condition where the former Road cannot be more immediately restored.

Where Roads are injured others to be made.

IX. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Railway and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences hereinbefore authorized to be made, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life or in Tail, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, 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 seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person and Persons whomsoever, who is or are or shall be seised, possessed of, or interested in any Lands, Tenements, Grounds, or Hereditaments which shall be so set out and ascertained, to contract for, sell, and convey the same and every Part thereof unto the said Company; and if it shall happen that by making the said Railway the Property of any Land Owner or Land Owners shall be separated into small Parcels, or so affected as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politic, Corporate, and Collegiate, and all and every such other Person and Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands, although they may not be assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell, and dispose of all or any Part of such Land or Hereditament so separated or affected as aforesaid to any Person or Persons whomsoever, for such Price or Consideration in Money, or other Equivalent, as to the said Commissioners shall seem reasonable, a Preference nevertheless to be given to original Owners, and an Affidavit being first made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Monmouth*, 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 behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to

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

or

or was refused by the Person or Persons to whom the same was so offered; and that all such Contracts, Agreements, Sales, Exchanges, 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 whomsoever, so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do by virtue of and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances (other than those which concern any Purchase or Exchange between any such respective Land Owners) so to be made as aforesaid shall be made, at the Expence of the said Company, according to the following Form; (*videlicet,*)

Form of Conveyance to the Company.

‘ I of in consideration of the Sum of
 ‘ to me paid [*or* in consideration of the
 ‘ annual Rent of to me to be hereafter
 ‘ yielded and paid] by the *Llanvibangel* Railway Company, do hereby
 ‘ grant and release to the said Company all [*describing the Premises 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 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 present Majesty, 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

Conveyances to be kept by Clerk, who shall give attested Copies when required.

And which said Conveyance shall be kept by the Clerk or Clerks of the said Company, 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 to every Sheet; and every such Conveyance as aforesaid which shall be made to any Person or Persons, other than the said Company, shall be according to the following Form; (*videlicet,*)

Form of Conveyance to others than Company.

‘ I of do hereby, in con-
 ‘ sideration of the Sum to me in Hand
 ‘ paid by at or before the sealing
 ‘ and Delivery of these Presents, the Receipt whereof I do hereby
 ‘ acknowledge, [*or* in exchange for other Lands situate
 ‘ conveyed to me by by Writing
 ‘ under his Seal bearing even Date herewith,] convey and assign to
 ‘ the said all [*describe the Premises*], to hold to
 ‘ the said his Heirs and Assigns for ever. As
 ‘ witness my Hand and Seal the Day of
 ‘ in the Year of our Lord

And every such Conveyance shall be valid and effectual.

Requiring the Company of Proprietors to give the first Offer of Land not wanted for

X. And whereas by the Means of Purchases which the said Company of Proprietors are empowered and required to make by virtue of this Act, they may happen to be seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore enacted, That it shall be lawful for the said Company of Proprietors

prietors 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 such Piece or Pieces of Land or Ground, shall first offer to resell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Land or Ground; and in case such Person or Persons respectively shall not then and thereupon agree or shall refuse to purchase or repurchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of *Monmouth*, 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 directed with respect to the disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein directed with respect to such Purchase made by the said Company of Proprietors, *mutatis mutandis*; and the Money to arise by the Sale or Sales which may be made by the said Company of Proprietors of such Piece or Pieces of Land or Ground as aforesaid shall be applied to the Purposes of this Act, and the Purchaser or Purchasers thereof shall not be answerable or accountable for the Misapplication or Nonapplication of such Money.

the Purposes of this Act, to the Persons from whom it was purchased.

XI. And be it further enacted, That in all Cases where in making the said Railway or other Works hereby authorized to be made there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Parts 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 Conveyance accordingly, on the Receipt of his, her, or their Proportion or Proportions of the Purchase Money as herein-after mentioned, or on the same being tendered to him, her, or them, subject to all the Rules, Regulations, and Provisions herein contained with respect to the Payment of other Monies for other Lands taken or used by the said Company of Proprietors; and the Commissioners herein-after mentioned, or a Jury summoned and returned in the Manner herein directed, shall ascertain what Proportion

The Commons or Waste Lands to be conveyed by the Lords of the Manors.

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

Commis-
sioners for
settling Dif-
ferences.

XII. And whereas Differences may arise between the said Company and the several Owners of and Persons interested in the Lands and Hereditaments which shall or may be affected or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively; be it therefore enacted, That *William Fleetwood Bury, Henry Bird, John Bernard Bosanquet, Thomas Cooke senior, Thomas Cooke junior, Christopher Chambre, Richard Davies Clerk, William Davies, James Davies Clerk, Christopher Davies, Thomas Edwards, Thomas Edwards junior, Thomas Ellis, Charles Edwards, Frederick Fredericks, Richard Fothergill junior, Thomas Fothergill, Watkin George, William Gardner, William Grieves, William Hewer, John Harris, John Harris junior, John Harris (Llanthewy), Joseph Hosken, Joseph Hosken junior, Edward Harris, Edward Harris junior, Cornelius Harris, William Hughes, Robert Hughes, John Hughes, Samuel Hopkins, Thomas Hill, Arthur Harris, Samuel Homfray, Watkin Homfray, John Jones, John Jones junior, William Jones, Charles Jones, Theophilus Jones, Thomas Jones, William Jones, William Kinsey, Capel Leigh, Joseph Latham, William Lewis, Walter Savage Landor, Rowley Lascelles, William Monkhouse, Matthew Monkhouse junior, Thomas Monkhouse, William Morgan, David Morgan, Thomas Matthews, Sir Charles Morgan, Charles Morgan, Robinson Morgan, George Gould Morgan, Charles Augustus Samuel Morgan, Charles Octavius Swinnerton Morgan, Lewis Osborne, John Owen, William Pilkington, John Price, James Prosser, John Rumsey, the Right Honourable Charles Somerset commonly called Lord Charles Somerset, the Right Honourable Edward Somerset commonly called Lord Edward Somerset, the Right Honourable Arthur John Henry Somerset commonly called Lord Arthur John Henry Somerset, the Right Honourable William Somerset commonly called Lord William Somerset, Frederick Secretan junior, William Powell Smith, John Powell Smith, Charles Hanbury Tracey, Benjamin Waddington, John Hanbury Williams, Ferdinand Hanbury Williams, John Williams, John Williams Clerk, William Williams, William Yarworth, Robert Yarworth, James Yarworth, Benjamin Yarnold, William Yarnold junior, and their Successors to be elected in manner herein-after mentioned, shall be and are hereby appointed Commissioners for the settling, determining, and adjusting of all Questions, Matters, and Differences which shall or may arise between the said Company and the several Persons as aforesaid.*

Election of
new Com-
missioners.

XIII. And for continuing a sufficient Number of Commissioners for putting this Act into execution, be it further enacted, That when any of the Commissioners hereby appointed, or to be elected in manner herein mentioned, shall die or refuse to act, the surviving or remaining Commissioners shall and they are hereby empowered from Time to Time, at some Meeting to be held for that Purpose, by Writing under their Hands, to elect and appoint any other Person qualified as hereafter mentioned in the Place of every Commissioner dying or refusing to act; and

and all such Commissioners so to be appointed shall from the Time of their respective Appointments have the like Authority in all Things relating to the Execution of this Act as if they had been expressly named Commissioners in and by this Act.

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

Empowering the Quarter Sessions to nominate Commissioners in case the Survivors neglect, or a sufficient Number cannot be found in the Neighbourhood.

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

Commissioners may act as Justices of the Peace.

XVI. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Undertaking, or concerned or interested in any Contract or Bargain made or to be made for the Purposes of this Act, or in any Case where he shall be in anywise interested or concerned in the Matter in question, nor unless he shall reside in the County of *Monmouth*, nor unless he shall be seised or entitled in his own Right, or in the Right of his Wife, and not as Mortgagee, at the Time of his acting, of or to an Estate of Freehold or Copyhold of Inheritance, or both, in Lands, Tenements, or Hereditaments, of the yearly Value of One hundred Pounds over and above all Reprizes and Incumbrances, or unless he shall be possessed of or entitled to a Personal Estate of the Amount or Value of Two thousand Pounds, or unless he shall be eldest Son or Heir Apparent of a Peer or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any Person (not being an Heir Apparent as aforesaid) act as a Commissioner in the Execution of this Act, otherwise than giving Notice of the First Meeting of the Commissioners, and 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.

Oath. ' I do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I am truly and *bonâ 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 One hundred Pounds, above Reprizes [*or possessed of or entitled to a Personal Estate to the Amount or Value of Two thousand Pounds*]; and that I will, without Favour or Affection, truly and impartially, according to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act made in the Fifty-first Year of the Reign of His present Majesty King *George the Third*, intituled [*set forth the Title of this Act*].'

And the Clerk to the said Company shall be present when such Oath shall be taken by any Commissioner appointed or to be appointed by virtue of this Act, and an Entry or Memorandum of such Oath being taken by the Commissioner shall be made by and certified under the Hand of such Clerk, which Certificate shall be deemed sufficient Evidence of such Oath having been taken in all Courts whatsoever; and if any Person by this Act declared incapable to act as a Commissioner shall nevertheless presume to act as such in the Execution of this Act, every such Person shall for every such Offence forfeit the Sum of Fifty Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, by Action at Law in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, 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.

Notice to be given of Commissioners Meetings, such Meetings to consist of not less than Five.

XVII. And be it further enacted, That no Meeting whatsoever of the said Commissioners shall at any Time or Times be had for putting in execution any of the Powers or Authorities vested in them by this Act unless previous Notice of the Time, Place, and Purpose of such Meeting shall be given and inserted in some Newspaper or Newspapers circulated in the said County of *Monmouth* at least Fourteen Days before such Meeting, and that every such Meeting of the said Commissioners 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 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.

XVIII. And be it further enacted, That upon Application in Writing being made by the said Company, or any Five or more of them, or by the Owner or Owners, Occupier or Occupiers of any Lands or Hereditaments to be taken for or affected by the said Railway or any of the Works necessary or relating thereto, or any of them, requesting or desiring them the Committee of the said Company to appoint a General Meeting of the Commissioners, the Commissioners so applied to shall and they are hereby respectively authorized and required within Fourteen

Days

Days after such Request or Application made, to give Notice in manner aforesaid of a General Meeting, to be held at such Time and Place as shall be specified in such Notice, such Time not being less than Fourteen Days nor more than Twenty-eight Days from the Day on which such Request shall be made to them as aforesaid; and the said Commissioners are hereby authorized, empowered, and required to assemble at the Time and Place so to be appointed, in order to put this Act, and the Powers and Authorities hereby given to and vested in them, into execution, and shall then adjourn themselves, and afterwards meet at such Time and Place as the said Commissioners there assembled shall think proper or convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners a sufficient Number of Commissioners before Three of the Clock in the Afternoon of that Day to act at such Meeting and to adjourn to any other Time, then and from Time to Time, as often as the Case shall happen, the Clerk or Clerks to the said Commissioners shall and may by Notice to be given in manner aforesaid appoint the Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held on that Day Fortnight after the Day on which the said last Meeting of the said Commissioners was appointed to be held.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered, although they shall not be assembled at any Meeting to be held by virtue of this Act, from Time to Time and at all Times, upon such Request made as aforesaid, by Notice in Writing signed by them, and published in manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice, for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment of the said Commissioners: Provided also, that every Meeting of the said Commissioners for hearing and determining any Complaint, Controversy, Dispute, or Difference between the said Company of Proprietors or their Successors and any other Person or Persons, shall be held within Six Miles where or respecting which such Complaint, Dispute, or Difference shall arise.

Power to hold occasional Meetings.

Meetings of Commissioners for determining Disputes to be held within Six Miles of the Place in dispute.

XX. 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, either by an annual Rent or Payment, or by a Sum of Money in gross, to and at the Election of the Bodies Politic, Corporate, or Collegiate, or other 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 ascertained for making the said Railway 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 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

Powers of Commissioners.

[*Loc. & Per.*]

28 P

in

in any Lands or Hereditaments, by reason or means of the Execution of any of the Powers herein contained, by the said Company, 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 or their Agents and such Proprietors of and Persons interested in the said Lands or Hereditaments as aforesaid; and if the said Company for and on the Part and Behalf of themselves, or any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Bodies Politic, Corporate, or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or annual Rent, 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, or other Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments, for the Space of Fourteen Days next after such Notice neglect or refuse to treat or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability, Nonage, Coverture, or other Impediment cannot treat for themselves or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises which they are or shall be in possession of, or to the Interest which they claim therein, then and in every such Case the said Commissioners shall and they are hereby empowered and required from Time to Time to issue a Warrant or Warrants under their Hands and Seals to the Sheriff of the said County of *Monmouth*, 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 the said County not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury; and the said Sheriff or Coroner is accordingly hereby required to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for the Trial of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Nine nor more than Twenty-one Days after such Warrant or Warrants shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner, or their Deputies respectively, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all the Parties concerned may have their lawful Challenges against any of

Jury to be
summoned
in certain
Cases.

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 such Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in question, either by or before them the said Commissioners, or by or before any Jury or Juries as aforesaid, as the Case may be; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in controversy; which Jury, upon their Oaths, (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners are hereby empowered to administer,) shall enquire of, assess, and ascertain the Sum or Sums of Money or annual Rent to be paid for the Purchase of such Lands, or the Recompence to be made for the Damages that may or shall be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgment for such Purchase Money, Rent, or Recompence so to be assessed by such Juries; which said Verdict, and the Judgment thereupon pronounced as aforesaid, shall be signified 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 or their Deputy or Agent, shall make default in the Premises, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn and examined or give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, for the Benefit of the Party in whose Behalf such Person was so summoned, to be levied by virtue of any Warrant or Warrants under the Hands and Seals of the said Commissioners assembled at such Meeting, or the major Part of them, by Distress and Sale of the Goods and Chattels of the Persons or Person so offending, rendering to him or them the Overplus of the Money thereby produced, after such Penalty and the Charges of such Distress and Sale shall be deducted.

Commissioners may summon Witnesses, and examine them upon Oath.

XXI. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties as if such Jury or Jurymen had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act shall wilfully and corruptly 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 any of the Laws or Statutes of this Realm.

Jury to be under the same Regulation as in the Courts at Westminster, and Persons guilty of Perjury may be prosecuted.

XXII. And be it further enacted, That in all Cases where a Verdict shall be given for more Money as a Recompence or Satisfaction for any Lands

Expences of Commissioners and Jury
or

how to be borne.

or Hereditaments of any Person or Persons whomsoever, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons, than had been previously offered by or on behalf of the Company, 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; but if any Verdict shall be given or made for a less Sum than had been previously offered by or on behalf of the said Company, 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 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 it shall appear to the Satisfaction of the said Commissioners that any Person or Persons shall, by reason of unavoidable Absence or otherwise, have been prevented from treating, one Half of such Costs, Charges, and Expences shall be borne and defrayed by the said Company, and the other Half by such other Person or Persons as aforesaid.

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

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

XXIII. 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 Warrants for the summoning such Jury, first enter into a Bond, with sufficient Sureties, to the Treasurer or Treasurers of the said Company 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 One hundred Pounds, to prosecute such his, her, or their Complaint, and 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 whomsoever for any Injury or Damage 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, or their Clerk, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

XXIV. And

XXIV. 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 seasonable Times for the Inspection of any Person interested in the said Proceedings, or his or her Agent or Solicitor, and desirous of seeing and examining the same, without Fee or Reward; and such Entries, being signed by such Number of the said Commissioners respectively as are empowered by this Act to make such Orders or carry on such Proceedings, shall be deemed Originals, and the same or true Copies thereof shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may and are hereby required, at their First Meeting, to appoint, out of Three Persons to be nominated by the said Company, such One of the said Three Persons as the said Commissioners shall think proper to be their Clerk, and from Time to Time remove any such Person; and on such Removal, or in case any such Clerk shall die, or quit the said Employment, the said Company, or their Committee for the Time being, shall, within the Space of One Calendar Month after Notice in Writing for that Purpose to be given by the said Commissioners, nominate Three other Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received, and the said Commissioners shall and may appoint such One of the 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; and such Clerk who shall be removed, or die, or quit the Service as aforesaid, his Executors or Administrators, shall, within Two Calendar Months after Notice in Writing to him or them respectively given by the said Commissioners, produce and deliver up to such Commissioners all Books, Accounts, Papers, or Writings whatsoever relating to the Execution of his Office which shall be in his or their Custody or Power; and every such Person neglecting or refusing to produce and deliver up such Books, Accounts, Papers, or Writings, after such Notice as aforesaid, shall for every such Neglect or Refusal respectively forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, in which Action no Essoign, Protection, Privilege, Wager of Law, nor more than One Impar lance, shall be allowed.

Proceedings to be entered in a Book, and Clerk to be appointed.

XXV. And in order that the said Company of Proprietors may not be impeded in the Prosecution of the said Undertaking by means of any such Proceedings before the said Commissioners or Jury, be it further enacted, That either upon Payment or legal Tender of such Sum or Sums of Money by the said Company, or on their giving such Security as the said Commissioners shall approve for Payment of any such annual Rent as shall have been contracted or agreed for between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in manner respectively as aforesaid, for the Purchase of any such Lands, Tithes, 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

The Lands are to vest absolutely in the Company, upon their either paying or giving Security for Payment of the Value of the Lands, or Compensation for Damages.

therein, or entitled to receive such Money, Rent, or Compensation respectively, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon the said Company previous to giving such Security as the said Commissioners shall approve for the future Payment of such Sum of Money, or duly securing such annual Rent, when the Amount thereof shall be fixed by the said Commissioners or Jury as aforesaid; or if the Person or Persons interested in such Lands or Hereditaments shall not be able to make a good Title thereto, to the Satisfaction of the said Company, or shall refuse to receive the Sum or Sums awarded as aforesaid, or cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then, in any of the said Cases, upon Payment of such Sum or Sums of Money into the Bank of *England*, in case the same shall be requisite, as herein-after mentioned, for the Use of such Person or Persons so interested or entitled as aforesaid; and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors, and their Agents, Servants, and Workmen, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively, or before such Payment or Tender or Security given, by Leave of the Owners and Occupiers thereof; and then and thereupon such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company of Proprietors to and for the Purposes of this Act for ever; and such Tender, Payment, Investment, or Deposit, 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 before such Payment, Tender, Investment, Deposit, or Security as aforesaid, 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 and other Works, without the Consent of such Person or Persons respectively.

Verdict to be recorded, and Lands vested in the Proprietors.

XXVI. 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 Judgment of the said Commissioners thereon as aforesaid, shall be transmitted to and kept by the Clerk of the Peace for the said County of *Monmouth*, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of Two Shillings and Sixpence, and no more, and to take Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Roads to be fenced off

XXVII. Provided always nevertheless, and be it further enacted, That the said Company shall and they are hereby empowered and required, at their

their own proper Charges; after any Land shall be taken for the Use of the said Railway and other Works, to divide and separate and keep constantly divided and separated the same from the Lands or Grounds adjoining to such Railway and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, and at their own Costs and Charges from Time to Time maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so to be made, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway 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 shall think proper to fence off the same, instead of Gates being erected); and the said Company 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 also such Bridges, Arches, Culverts, Drains, or Passages as shall be deemed necessary and requisite; and then and in every such Case the Powers, Provisions, Directions, and Regulations herein contained with respect to Gates and other Works shall extend and apply and be made applicable to the making and maintaining of such Fences; and shall also make, erect, and keep in repair such Bridges, Arches, Culverts, Drains, or Passages over, under, or by the Side thereof, at such Places, and of such Dimensions, and in such Manner, as the said Commissioners shall 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, Grounds, or Hereditaments adjoining thereto, and of all Persons who now have or hereafter may have a Right to any Way over or through the Lands or Grounds which shall be used for making the said Railway and other Works; and that the said Company of Proprietors shall also make such proper and convenient Watering Places for Cattle, where, by means of the said Works hereby authorized to be made, Cattle shall have been deprived of the Watering Places which they were heretofore accustomed to drink and water at, and at all Times to supply the same with Water, in such Manner as the said Commissioners (in case of any Dispute about the same) shall direct; and also that the said Company of Proprietors shall, whenever the Works to be made in pursuance of this Act shall interfere with any River or Watercourse heretofore used for watering the Farms or Grounds contiguous or adjoining thereto, convey and secure the same Water in such Manner that the Enjoyment thereof may be continued to such Farms and Grounds in as ample and beneficial a Manner as the same has been heretofore used and accustomed; and that the said Company of Proprietors shall not make the said Railway or other Works in or across any common Highway, Public or Bridle Way, or Footway, until such Time as they shall at their own proper Costs and Charges have made and perfected such Bridge over, or other convenient Passages through, or Arch or Arches under, the said Places where the said Railway or other Works respectively shall be intended to be made, of such Dimensions and in such Manner as the said Commissioners shall judge proper; and all such Gates, Stiles, Fences, Bridges, Arches, and other Conveniences to be made by the said Company of Proprietors for the Purposes aforesaid, either with or without the Direction of the said Commissioners, shall from Time to Time be supported, maintained, and kept in sufficient Repair by the said Company of Proprietors; and in case it shall be found necessary to alter or widen any Arch or Arches now existing, the same shall afterwards

afterwards be repaired from Time to Time at the joint and equal Expence of the Person or Persons now liable to repair the same, and of the said Company of Proprietors.

In case of Failure to fence off the Railway and make Bridges, &c. Owners of Lands adjoining may do the same at the Company's Expence.

XXVIII. And be it further enacted, That in case the said Company of Proprietors or their Agents shall fail or neglect to make, erect, and set up such Fences on the Sides of the said Railway, and such Gates and Stiles in, upon, and over the said Fences, or such Bridges, Arches, or Passages over, under, or through the said Railway as aforesaid, or to make such Watering Places for Cattle as hereinbefore directed, for the Use and Convenience of such Persons as hereinbefore mentioned, and of such Dimensions and in such Manner as the said Commissioners assembled at a Meeting to be held as aforesaid, or the major Part of them, shall from Time to Time direct and appoint (in case there shall be any Dispute about the same), or to maintain or support such Fences, Gates, Stiles, Bridges, Arches, and Watering Places when erected, set up, and made, or altered as aforesaid, for the Space of Three Calendar Months next after the Time to be appointed for that Purpose by the said Commissioners present at such Meeting, or the major Part of them, then and in every such Case it shall and may be lawful to and for every or any of the said Owners or Occupiers of the said adjacent Lands or Grounds, and every other Person or Persons, who shall find themselves, himself, or herself aggrieved by any such Failure or Neglect, to make and set up such Fences, Gates, Stiles, Bridges, Arches, Passages, Watering Places, and other Conveniences as the said Commissioners shall have before directed or appointed to be made, erected, and set up by the said Company of Proprietors as aforesaid, and to maintain, repair, and support the said Fences, Gates, Bridges, Arches, Passages, Watering Places, and other Conveniences from Time to Time as Occasion shall require; and all the reasonable Costs and Charges thereof, to be settled and allowed by the Commissioners present at such Meeting as aforesaid, or the major Part of them, shall be repaid to the Person or Persons who shall make, erect, or repair the said Fences, Gates, Stiles, Bridges, Arches, Passages, Watering Places, or other Conveniences, by the said Company of Proprietors or their Successors, within the Space of Twenty Days next after the same shall have been settled and allowed, and an Account and Demand shall have been delivered and made thereof to the Committee of Proprietors to be appointed by virtue of this Act, as hereinbefore mentioned, for the Time being; and in default of Payment of the said Costs and Charges within the Time aforesaid it shall be lawful for the said Commissioners present at such Meeting as aforesaid, or the major Part of them, and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of the Goods and Chattels of the said Company of Proprietors to and for the Use of such Person and Persons who shall have so laid out and expended the same as aforesaid, rendering to the said Company of Proprietors or to some of their Agents the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; or otherwise every or any of the said Owners or Occupiers of Lands, or other Person or Persons aforesaid, who shall have made, erected, set up, or repaired any such Fences, Gates, Stiles, Bridges, Arches, Watering Places, or other Conveniences, by virtue of the Powers hereby given, shall and may sue for and recover such

such Costs and Charges against the said Company of Proprietors, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

XXIX. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper for or relating to Waggons or other Carriages, and all other Things whatsoever, passing along or using the said Railway and other Works, and all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggons or other Carriages or other Things, upon pain of forfeiting a Sum not exceeding Five Pounds for every Default; and if any Waggon or other Carriage or other Things shall be placed or suffered to remain in or upon any Part of the said Railway or other Works so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage or other Things shall absent himself from, or shall not immediately, upon such Request made, remove such Waggon or other Carriage or other Things, he shall forfeit for every such Offence any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making such Request; and in case of Refusal it shall be lawful for any Agent or Officer to the said Company to cause any such Waggon or other Carriage or other Thing to be unloaded, if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Waggon or other Carriage or other Thing, and the Loading thereof, until the Penalties before mentioned, together with the Charges occasioned by such Removal, shall be paid; and if such Payment shall not be made within the Space of Five Days, then it shall be lawful for the said Company to sell and dispose of such Waggon or other Carriage or other Thing, with the Loading thereof, in such Manner as the Law directs in Cases of Distress for Rent in arrear, rendering to the former Owner of such Waggon or other Carriage or other Thing the Overplus; after such Penalties, Expences, and the Charges of such Sale shall be deducted.

Company's Committee to regulate the Passage on the Railway, and the using thereof.

XXX. And be it further enacted, That if any Person shall suffer the Loading of any Waggon or other Carriage or other Thing using the said Railway to lie over the Sides of such Waggon or other Carriage or other Thing whatsoever, and shall not immediately upon Notice to him given for that Purpose remove such Obstruction, or if any Person shall throw any Gravel, Stones, Rubbish, or other Matter or Thing into or upon any Part of the said Railway or other Works to be made by virtue of this Act, or if any Person shall wantonly or negligently open and leave, or cause to be opened and left, any Gate or Gates to be erected by virtue of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds; and if any Person shall wilfully, maliciously, and to the Prejudice of the said Undertaking break, throw down, destroy, steal, or take away any Part of the said Railway or other Works to be erected and made by virtue of this Act, every Person so offending, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Per-

Penalty on Persons obstructing the using of the Works, &c.

or damaging the Road, &c.

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

Company to
make and
erect Gates,
&c.

XXXI. And be it further enacted, That the said Company shall, at their own proper Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railway, and also all such Arches, Culverts, Ditches, Drains, and Passages over, under, or by the Side of the said Railway, 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 shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owner or Occupiers thereof from straying or escaping thereout by reason of such Railway, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, 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; and in case the said Company shall refuse or neglect to make, erect, or set up such Gates, 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 as aforesaid, for the Space of Three Calendar Months 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 Refusal or Neglect, to make, erect, and set up all such Gates, 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, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railway, Wharfs, Buildings, and other Things hereby authorized to be made or erected by the said Company shall not be obstructed or injured for any longer Space of Time, or in any other Manner, than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Commissioners) shall be repaid to the respective Owners or Occupiers of the said Lands or Hereditaments who shall have so erected and made, repaired and maintained, such Gates, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, by the said Company, 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 by Delivery of such Account or Demand to the Treasurer or Clerk of the said Company for the Time being; and in default of Payment of the said Costs and Charges within the Time

aforesaid,

aforesaid, the said Commissioners shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, for the Use of such Person or Persons who shall have so incurred such Costs and Charges, rendering to the said Company the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Commissioners; and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company 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.

XXXII. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway shall be made do or shall at any Time or Times hereafter find that any of the Gates, Arches, Culverts, Ditches, Drains, and Passages respectively which the said Commissioners shall have so directed or appointed to be made by the said Company 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 shall pass, then and so often, or in any such Case, it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of a Committee of the said Company, upon Request made to them through the Means of 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 Committee, to make, fix, and erect, at their own Costs and Charges, any such other Gates, Arches, Culverts, Ditches, Drains, or Passages of the same or the like Construction or Form with those made and erected by the said Company, in, upon, or near to the said Railway, 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 other Hereditaments, and to repair and support the same at their own like Costs and Charges as Occasion shall require, so that the Passage through or along the said Railway 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, Arches, Culverts, Ditches, Drains, and Passages had been made or erected by the said Company: Provided always, that it shall be lawful for the Owners and Occupiers of the respective Lands or Grounds through which the said Railway shall be made, and his and their Servants and Workmen and Cattle, at all Times to pass and repass upon, over, and across, and their Carriages directly across, such Part of the said Railway as shall be made in and upon their said Lands and Grounds respectively, not damaging or obstructing the same or the Passage thereof, without Payment of any Tolls or Tonnage for the same, provided they shall not pass along any other Part of the said Railway.

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

Owners and Occupiers to pass along Railway.

Carriages may be allowed to pass directly across.

XXXIII. 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 from laying down

Owners of Lands not to be prevented from making Branches.

down any Branch or Branches from their respective Lands or Grounds, to communicate with the said Railway, for their own Use only, nor for making at their own Expence such Openings in the Ledges or Flanches of the said Railway as may be necessary or expedient for effecting such Communication; and that the said Company of Proprietors shall not receive any Tonnage for the passing of any Goods, Wares, and Merchandizes along such Branch or Branches.

Gates to be shut and fastened after Waggon shall have passed through them, on Penalty of Five Pounds.

XXXIV. And be it further enacted, That all and every Person and Persons opening any Gate set up across the said Railway shall and he and they is and are hereby required and directed, so soon as he or they, or the Waggon or other Carriage, shall have passed through the same, to shut and fasten the same, and neglecting so to do shall forfeit and pay for every such Offence a Sum not exceeding Five Pounds, to be levied and recovered as herein-after mentioned; and the Money arising by such Forfeiture or Forfeitures shall be applied in the Manner following, (that is to say,) one Half thereof shall be paid to the Informer, and the other Half to the Poor of the Township or Parish where such Offence shall be committed, any thing herein contained to the contrary notwithstanding.

Directing how Purchase Money in certain Cases shall be paid.

XXXV. And be it further enacted, That out of all Sums of Money which are to be paid to any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees whatsoever, for and on the Behalf of any Infant, Lunatics, Idiots, Femmes Covert, or other Cestuique Trusts, or to any Person or Persons whose Lands or Estates were limited in strict Settlement, for the Purchase of or for the Damage to be done to any Lands, Grounds, Tenements, Tithes, or Hereditaments, for the Purpose or by virtue of this Act, there shall in the first place be allowed and paid to any Lessees or Tenants of such Lands, Grounds, Tenements, Tithes, or Hereditaments, such Sum or Sums of Money as by the said Commissioners assembled at a Meeting to be held as aforesaid, or the major Part of them, or by the Verdict of a Jury, as the Case may be, shall be declared to be equal in Value to the Right and Interest therein of such Lessee or Tenant respectively; and the Residue of the Monies to be paid for such Purchase or Damages as aforesaid in manner herein-after mentioned.

Application of Compensation Money where exceeding 200*l.*

XXXVI. 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 for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account *ex parte* the *Llanvihangel* Railway Company, 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 shall be applied, under the Direction and with the Approbation of the said Court,

to

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 meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were actually made.

XXXVII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 Hereditaments so purchased, taken, and used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands,) be paid into the Bank in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application where less than 200l.

Application where less than 20*l*.

XXXVIII. 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 Three or more of them shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles, 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.

XXXIX. 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 Purpose 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 Three or more of them, to order the Sum and Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands or Hereditaments, (describing them if they are known, and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Hereditaments, without any Description of them,) subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of such Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to the Money paid, the Person in possession of the Land, &c. at the Time

XL. 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

shall have been in possession of the Lands or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Lands or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Bank Annuities to be purchased with such Money, and also the Capital of such Bank Annuities, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful one, and that some other Person or Persons was or were lawfully entitled to such Lands or Hereditaments, or to some Estate or Interest therein.

of such Purchase shall be deemed entitled thereto, according to such Possession.

XLI. Provided always, and be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands and Hereditaments, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of 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.

XLII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company for all Tithes, both Great and Small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are or at any Time hereafter might have been entitled to such Tithes, according to their respective Interests therein, such Tithes to be estimated at the average Value of the Four Years commencing at *Michaelmas Day* One thousand eight hundred and six, and ending at *Michaelmas Day* 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.

Compensation to be made in lieu of Tithes.

XLIII. And be it further enacted, That it shall be lawful for the said Commissioners at a Meeting to be held as aforesaid, or the major Part of them so assembled, to settle what Shares and Proportions of the Purchase Monies to be paid for any Lands, Tenements, Grounds, Tithes, or Hereditaments, not being the Property of any Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, or other Trustees, or of any other Person or Persons whose Lands or Hereditaments are limited in strict Settlement, and also of the Monies to be paid by way of Recompence for Damages accruing to the same, which shall be so agreed for by the said Company of Proprietors or their Successors, or determined

Commissioners may settle the Proportions of Purchase Money not directed to be laid out in Lands between the several Persons interested.

and

and adjusted by the said Commissioners, or assessed by a Jury in the Manner herein-before mentioned, shall be allowed to any Lessee or Tenant or other Person having a particular Estate, Term, or Interest in such Lands, Tenements, Grounds, Tithes, or Hereditaments, for his, her, or their respective Interest therein.

The Com-
pany may
pay Purchase
Monies to
Mortgagees
of the Lands
purchased, if
required.

XLIV. 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, upon Application being made to them by each Mortgagee or Mortgagees, his, her, or their Executors or Administrators, and the said Company are hereby authorized and required, to pay such Sum or Sums of Money, together with Six Calendar Months Interest for the same, after the same shall be so agreed for and adjusted or assessed in manner aforesaid, for such Lands in Mortgage, in part of the Principal 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.

The Com-
pany empow-
ered to raise
20,000*l.*
among them-
selves.

XLV. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst themselves, in such Proportions as to them shall seem meet and convenient, a competent Sum of Money for making and completing of the said Railway, Wharfs, and other Works and Conveniences thereto, not exceeding in the whole the Sum of Twenty thousand Pounds (except as herein-after mentioned), and that the same shall be divided into such Number of Shares as herein directed, and that no Person subscribing thereto or becoming a Proprietor of such Undertaking do become a Proprietor of less than One Share; and all the Money to be raised by the said Company 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, Satisfaction, and Discharge 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 making, completing, and maintaining the said Railway and other Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

Application
of the Money
to be raised.

The Money
raised to be
divided into
One hundred
Shares, and
deemed Per-
sonal Estate.

XLVI. And be it further enacted, That the said Sum of Twenty thousand Pounds, or such Part thereof as shall be subscribed and contributed or necessary for the Purposes of this Act, by the several Persons herein-before named, shall be divided into One hundred equal Parts or Shares, at a Price not exceeding Two hundred Pounds *per* Share, 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 One hundred Shares shall be and they are hereby vested in the several Persons, Bodies Politic and Corporate, so sub-
scribing

scribing the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit, proportionable to the Sum they shall respectively subscribe and pay thereunto; and all and every the said Shares shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property; and all Bodies Politic and Corporate, and all and every Person and Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe and pay in the Sum of Two hundred Pounds, or such Sum or Sums as shall be demanded in lieu thereof, towards the carrying on and completing the said Undertaking, shall be entitled to and receive, after the same shall be completed, the entire and net Distribution of One Hundredth Part of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sum and Sums of Money to be raised, recovered, or received by the Authority of this Act, and so in proportion for any greater Number of Shares; and every Body Politic and Corporate, Person or Persons, having such a Property of One Share in the said Undertaking, and so in proportion for any greater Number of Shares as aforesaid, shall bear and pay a proportionable Sum towards carrying on the said Undertaking in the Manner herein directed and appointed.

XLVII. And for the better securing to the several Proprietors of the said Undertaking their respective Shares therein, be it further enacted, That the said Company 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, 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 affixed thereto, to be delivered to every Subscriber for each Share, upon Demand, specifying upon such Ticket the Share to which he, she, 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 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*,

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

‘ The *Llanvihangel* Railway Company.
‘ Number

‘ THESE are to certify, That _____ of _____ is a
‘ Proprietor of the Share or Number _____ being One Share of
‘ the *Llanvihangel* Railway Company, subject to the Rules, Regulations,
‘ and Orders of the said Company; and that the said
‘ 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 _____

Form of Ticket.
[This Ticket should be produced and registered, with all and every Transfer of the Share therein specified.]

and contribute amongst themselves, in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or, in the next place, by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding in the whole 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 to be raised, and shall also be liable to such Forfeitures and Regulations, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Twenty thousand Pounds, any thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that in case the said Company shall be desirous of raising the said 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 to and for the said Company to borrow and take up at Interest the said Sum of Fifteen thousand Pounds or any Part thereof, upon the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company or the Committee of the said Company, after an Order of any General Assembly, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of such Assignment to be paid out of such Rates,) as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; which said Mortgages or Assignments shall be made, under the Common Seal of the said Company, in the Words or to the Effect following; (that is to say,)

Or the Company may borrow such Fifteen thousand Pounds on Mortgage.

‘ BY virtue of an Act made in the Fifty-first Year of the Reign of
 ‘ His Majesty King George the Third, intituled *An Act [set forth the*
 ‘ *Title of this Act]*, we the *Llanvihangel Railway Company*, incorporated
 ‘ by and under the said Act, in consideration of the Sum of
 ‘ of lawful Money of the United King-
 ‘ dom of *Great Britain and Ireland* to us in Hand paid by
 ‘ of do assign unto the said
 ‘ his [*or her*] Executors, Administrators, and Assigns, the said Under-
 ‘ taking, and all and singular the Rates arising by virtue of the said Act, and
 ‘ all the Estate, Right, Title, and Interest of and in the same, to hold unto
 ‘ the said his or her Executors, Administrators, and
 ‘ Assigns, until the said Sum of with Interest
 ‘ for the same after the Rate of Five Pounds for every One hundred
 ‘ Pounds *per 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 all and every Person and 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

No Preference among Mortgagees.

according to the respective Sums in such Assignments mentioned to be advanced, without any Preference by reason of Priority of any such Assignment, or on any other Account whatsoever; and a Memorial of any such Assignment, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk to the said Company, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors and 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,)

Form of
Transfer.

‘ I [or we] of _____ in consideration of
 ‘ the Sum of _____ paid by _____ of
 ‘ _____ do hereby transfer a certain Mortgage, Number
 ‘ made by the Company of Proprietors of the *Llanvihangel* Railway
 ‘ to _____ bearing Date the
 ‘ Day of _____ and 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 _____

And every such Transfer shall within Sixty Days after the Date thereof be produced to the Clerk of the said Company, who shall cause a Memorial to be made thereof in like Manner as the original Mortgage or Assignment, for which the said Clerk shall be paid such Sum as the said Company shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry made every such Transfer shall entitle such Assignee or Assignees, his, her, or 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: 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 Principals or by Proxy, at any Meeting of the said Company, for or on account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Assignment.

Mortgagees
not to vote
on account of
having lent
Money.

Interest of
Mortgages
to be first
paid.

L. 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 Dividend due and payable by virtue of this Act to the said Company or any of them, and shall from Time to Time be fully paid and discharged or provided, before the yearly or other Interest or Dividends due to the said Proprietors or any of them shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid by the Space of
 Thirty-

Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made; and in case of Default or Refusal of Payment by the said Company of Proprietors or their Successors of such Sum or Sums of Money, and at such Times and in such Manner as shall be awarded or assessed for Recompence or Damages of any Kind by virtue of this Act, or in case such annual Rents as shall be agreed upon or settled and ascertained to be paid for any Lands or Grounds or Hereditaments taken for the Purpose of this Act shall be charged on the Tolls, Rates, or Duties herein-after granted to the said Company of Proprietors and their Successors, shall be in arrear and unpaid for the Space of Twenty-one Days next after the same shall respectively become due and payable, and after Demand made; then, and in each, every, or either Case, it shall and may be lawful for the said Commissioners assembled at a Meeting to be held as aforesaid, or the major Part of them so assembled, and they are hereby required, on Request to them made by any Creditor whose Interest shall be so in arrear, or any Person to whom such Recompence, Damages, or annual Rent shall be due and payable 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, Recompence, Damages, or annual Rent so due and unpaid as aforesaid; and the Money so to be received by such Person or Persons is hereby declared to be as so much Money received by or to the Use of such Person or Persons to whom such Interest, Recompence, Damages, or annual Rent shall be then due, until the same and every Part thereof, together with the Costs and Charges of recovering and receiving the Rates, shall be fully paid and satisfied, and then the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine; or otherwise the said Interest, Recompence, Damages, or annual Rent so due and unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*.

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

Remedies for recovering annual Rents and Sums for Damages.

LII. And be it further enacted, That the First General Assembly of the said Company for putting this Act into execution shall be held at the *Greyhound Inn* in the Town of *Abergavenny*, upon the Second *Thursday* next after the passing of this Act, at the Hour of Eleven in the Forenoon; and the Second and every subsequent General Assembly shall be held at such Time and Place as the said First General Assembly shall appoint, and the like General Assembly shall afterwards be held on the First *Thursday* in the Month of *September* in every Year for the future, at such Place as the said Proprietors at each next preceding General Assembly shall appoint, all such Meetings being at the Hour of Twelve in the Forenoon; and the said Company at such respective General Assemblies, together with such Proxies as shall be then present, shall choose and elect out of such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Stock to the Amount of Four hundred Pounds, or Two Shares at the least in the said Undertaking, one Com-

General Meeting of Proprietors appointed.

A Committee to be chosen and appointed.

mittee to manage the Affairs of the said Company as herein directed, and to consist of Seven or more Persons, Five or Three of whom, as the said Committee shall resolve, shall at all Meetings of the Committee be a Quorum; and the said Company shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers under them, and to choose and elect others, in case of Death or other Vacancy; and to revoke, alter, amend, or change any of the Rules or Directions which may have been prescribed and laid down by virtue of this Act with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling General or Special Assemblies, and their Time and Place of meeting and voting, and appointing Committees, only excepted); and shall also have Power and Authority to make such new Rules, Bye Laws, and Orders for the good Government of the said Company, their Agents and Workmen, for making, maintaining, and using the said Railway and 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 other Works; and from Time to Time to alter and repeal 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 the said 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 mentioned; which said Rules, Bye Laws, and Orders, being reduced into Writing under the Common Seal of the said Company, 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 the same shall be subject to Appeal in manner by this Act directed; and every such General Assembly shall have Power and are required to call for, audit, and settle at their annual Meeting all Accounts of Money received, laid out, and disbursed on account of the said Undertaking by the Treasurer, Receivers, or Collectors of the Rates and other Officers by them appointed, or by any other Person or Persons whomsoever employed by or concerned for or under them, in and about the said Railway and other Works thereto belonging; but no Vote or Votes by Proxy shall be given or have any Power in or as to the auditing and Settlement of Accounts; and the said Company shall have Power to adjourn themselves from Time to Time to such Place or Places as shall at any such General Assemblies be thought proper and convenient within some One of the several Parishes through which the said Railway shall pass.

Appointing
of Officers.

Treasurers,
&c. to give
Security.

LIII. And be it further enacted, That it shall be lawful for the said Company at any General Meeting assembled, and they are hereby authorized and required, from Time to Time to nominate and appoint a Treasurer and Clerk, and such other Officers as they shall think proper, and shall take sufficient Security from every such Treasurer and other Officer having

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 shall think proper, and from Time to Time to remove any such Treasurer, Clerk, and other Officer, or any of them; and such Clerk shall attend the General Meetings and Assemblies of the said Company 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 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 Clerks of the said Commissioners, *gratis*, and may demand and have Copies thereof or of any Part thereof, paying Sixpence for every One hundred Words so to be copied; and if such Clerk shall refuse to permit any of the Proprietors to inspect and peruse any such Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in any reasonable Time at the Rates 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, it shall be lawful for the Committee of such Proprietors for the Time being, or a Majority of the whole, 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, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

LIV. 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 Two or more of them, to be appointed for that Purpose.

Treasurer's
Accounts to
be settled
every Half
Year.

LV. And be it further enacted, That the Committee for the Time being of the said Company shall have full Power and Authority from Time to Time to make such Call or Calls for Money from the Proprietors of the said Undertaking, to defray the Expences of and to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that the first Call does not exceed the Sum of Twenty Pounds, nor any subsequent Call exceed the Sum of Twenty-five Pounds, upon each Share, and so as no such Calls be made but at the Distance of One Calendar Month at the least from each other; which Money so called for shall be paid to such Person or 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 at such Places, 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

Committee
may make
Calls for
Money.

and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings shall be finally determined by the Majority of Votes; but no Member of such Committee, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than One Vote in the said Committee, except the President or Chairman, who in case of an equal Division shall always have a Second and the casting Vote; and in order to defray the Expence of the Meetings of the said Committees it shall be lawful for the said Committees and they are hereby allowed to expend or retain to themselves a reasonable Sum of Money out of the Capital Stock of the said Proprietors for their Expences in attending such Meetings, not exceeding Ten Shillings and Sixpence for each Person so attending; and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Company, as well in buying and purchasing Lands and Hereditaments and Materials for the said Undertaking and Works, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no such Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee as aforesaid then assembled; and every Owner or Owners of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid at such Time and Place as aforesaid, of which One Calendar Month's Notice at the least shall be given, not exceeding the Sum aforesaid for every Share, by publishing the same in some One Newspaper as aforesaid, or by giving Notice in Writing to such Proprietors, or leaving the same at his or her usual or last Place of Abode, or in such other Manner as the said Company or the Committee shall at any General Assembly or otherwise 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 to sue for and recover the same, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparlance, shall be allowed; or if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the first Call as aforesaid at the Time and Place so appointed as aforesaid, he, she, or they so neglecting or refusing shall forfeit any Sum not exceeding Six Pounds for every Two hundred Pounds of his, her, or their respective Share or Shares in the said Undertaking; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and at the Place so to be appointed for Payment thereof as aforesaid, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share or Shares in the said Undertaking, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a public Sale by the said Company for the most Money they can get for the same, and the Produce thereof shall be

be equally divided amongst the rest of the said Company in proportion to their respective Shares and Interests in the said Undertaking.

LVI. And be it further enacted, That in any Action brought by the said Company against any Owner or Owners of any Share or Shares in the said Undertaking to recover any Sum or Sums of Money due and payable to the said Company for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company to declare and allege, that the Defendant or Defendants, being a Proprietor or Proprietors of such or so many Share or Shares in the said Undertaking, is or are indebted to the said Company in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, 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 by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant or Defendants, at the Time of making such Call or Calls, was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Twelve Pounds Ten Shillings for every Sum of One hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid.

Directing the Proceedings in Actions for Calls.

LVII. Provided always, and be it further enacted, That if at any such General Assembly there shall not be Persons present who shall be possessed of or entitled unto at least Twenty Shares or Subscribers of Two hundred Pounds or upwards in the said Undertaking, by Principals and 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 at that Time; but in such Case there shall be another Assembly of the said Company at the same Place upon that Day Three Weeks; and if a sufficient Number of Proprietors, as Principals or Proxies, shall not then attend, the said General Assembly shall stand adjourned to the same Place on the Third *Thursday* next following, and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take place and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid; and in case of Failure of the assembling of a sufficient Number of Proprietors, having such Shares or Subscriptions as Principals and 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, for every Share or Subscription of Two 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

But General Assemblies not to choose Committees, or remove any from the Committee, or fill up Vacancies, unless there are present Votes in respect of One Fifth of the whole Number of Shares.

No Business to be done at any Meeting of Committee, unless Three Members present.

shall be payable to such Person or Persons making default as aforesaid within Three Calendar Months next after making 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: Provided always, that no Resolution shall be taken or any Business done at any Meetings of the said Committee for the Time being (except for the Purpose of Adjournment), unless Three or more, as the said Committee shall direct, of the Persons composing such Committee, shall be present; nor shall the Treasurer of the said Company issue any Sum or Sums of Money on account of the said Company, without an Order signed by the Chairman of the Committee present at some such Meeting.

Books containing the Company's Accounts, and where and how to be kept.

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

To compel Payment of Subscriptions.

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

Special Meetings or Assemblies of the Proprietors, when and how to be called.

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

the Proprietors present at such Assembly shall be possessed of at least Twenty Shares or Subscriptions of Two hundred Pounds each in the said Undertaking by Principals and Proxies,) shall be 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: 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 the next General Assembly of the said Company which shall be held 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, and against all Actions, Suits, and Prosecutions whatsoever to be commenced or prosecuted from any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting and the rest of the Proprietors, with regard to the said Undertaking.

Shares not to be forfeited without Notice.

LXI. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision, by Will or otherwise, how or 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 for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money, when called for as aforesaid, to complete every such Subscription; 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 shall be and are 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 Admission, pay to the Executors or Administrators of such deceased Owner or Owners, or 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 Lifetime, 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, in Trust for and for the equal Benefit of

In case of Death of Subscribers before their Subscriptions are completed, Executors may complete the same.

all

all the rest of the said Proprietors in proportion to their respective Interests in the said Undertaking, and shall be subject to be sold and disposed of in like Manner as other forfeited Shares may be sold and disposed of by virtue of this Act.

Shares may be sold, but not until the whole Amount of Shares paid, or the Undertaking completed.

LXII. And be it further enacted, That no Share or Shares in the said Undertaking shall be sold, assigned, or transferred (except only as aforesaid, and in case of Death or Insolvency,) until the whole Amount of such Share or Shares shall have been paid up, or the whole of the Undertaking shall have been completed; and that after such full Payment made, or the Undertaking completed (but not otherwise), it shall be lawful for the several Proprietors of the Undertaking, his, her, or their respective Executors or Administrators, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and for that Purpose Duplicates of the Deed of Bargain and Sale, or Transfer of such Share or Shares, shall be executed by every Vendor and Vendee, and one Part thereof so executed shall be delivered to the Clerk of the said Company for the Time being, to be filed and kept for the Use of the said Company, and an Entry thereof shall be made in a Book to be kept by the Clerk for that Purpose, for which no more than Two Shillings and Sixpence shall be paid, and the said Clerk is hereby required to make such Entry accordingly; and until the Duplicates of such Deed shall be so delivered to the Clerk as aforesaid the Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor Interest paid to him, her, or them for or in respect of such Share or Shares so purchased, nor be entitled to vote as a Proprietor or Proprietors of the said Undertaking.

LXIII. And be it further enacted, That every Bargain and Sale or Transfer of the said Shares 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):

Form of Conveyance.

‘ I in consideration of
 ‘ paid to me by of do hereby
 ‘ bargain, sell, and transfer to the said
 ‘ Share, Number in the *Llanvihangel* Railway, to hold to him
 ‘ the said his Executors, Administrators, and
 ‘ Assigns, subject to the same Rules, Orders, and Restrictions, and on the
 ‘ same Conditions, that I held the same immediately before the Execution
 ‘ hereof; and I the said do hereby agree to take and
 ‘ accept of the said Share or Shares, subject
 ‘ to the same Rules, Orders, Restrictions, and Conditions. As witness
 ‘ our Hands and Seals, the Day of in the
 ‘ Year of our Lord ,

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

LXIV. And whereas much Inconvenience may arise by the frequent Transfer of Shares in the said Undertaking, by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of his or their Marriages shall be entitled to receive

receive the same, an Affidavit containing a Copy of the Register shall be made and sworn to by some credible Person before a Judge in One of His Majesty's Courts of Record at *Westminster*, or before a Master or Masters Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by him for the entering of Transfers of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or of any Letters of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or such Letters of Administration, shall be produced, and shown to the Law Clerk of the said Company, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Testatrix, or a Copy of the said Letters of Administration in case the Proprietor shall have died intestate, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate (as the Case may happen to be), before a Judge of One of His Majesty's Courts of Record at *Westminster*, a Master or Masters Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file and enter the same in manner aforesaid.

LXV. And be it further enacted, That if any of the Deeds for or respecting the Shares of the said Company shall be worn out or damaged, then, upon the same being satisfactorily proved, or the Remains of such as are damaged 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, to the Person or Persons in whom the Property of such Deeds and the Shares therein mentioned shall be at that Time vested; or in case such Deeds shall be burnt or totally destroyed, that then, upon due Proof thereof, such 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 in manner herein directed.

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

LXVI. And in consideration of the great Charge and Expence which the said Company must incur and sustain in making and maintaining the said Railway and other Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company 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, for the Tonnage and Conveyance of all Iron, Ironstone, Iron Ore, Lead Ore, Limestone, Timber, Coals, Goods, Wares, Merchandize, and other Things whatsoever which shall be carried or conveyed upon or over the said Railway or any Part thereof respectively, such Rates and Duties as the said Company shall think fit, not exceeding the respective Rates herein-after mentioned; (that is to say,)

The Company empowered to take Rates and Tolls for Tonnage and Wharfage of Goods, &c.

For all Dung, Compost, Limestone, and all Sorts of Manure, and Materials for the Repair of Roads, Two-pence *per Ton per Mile* :

For all Lime, Chalk, Marle, Ashes, Peat, Clay, Bricks, and Sand, Three-pence *per Ton per Mile* :

For Coals, Cinders, Coke, Culm, Charcoal, Tin, Copper, Lead Ore, Lead in Pigs or Sheets, Ironstone or Ore, Iron in Pigs, Bar Iron, Tiles, Slates, Flagstones and other Stones, Four-pence *per Ton per Mile* :

And for all other Goods, Wares, and Merchandizes and Things whatsoever, Sixpence *per Ton per Mile* :

Tolls to be paid for a full Half Mile and for a full Quarter of a Ton,

And in all Cases where there shall be a Fraction of a Ton a Proportion of the said Rates shall be demanded and taken for such Fraction according to the Number of Quarters of a Ton contained in such Fraction, and where there shall be a Fraction of a Quarter of a Ton such Fraction shall be deemed and considered as a whole Quarter of a Ton; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon or other Carriage or other Thing shall pass upon the said Railway, such Fraction shall, in ascertaining the said Rates, be deemed and considered as a Half Mile; and in order to ascertain such Distances, the said Company shall cause the said Railway to be measured, and Stones or Posts with proper Inscriptions to be erected and for ever maintained on the Sides of the same, at the Distance of Half a Mile from each other, or of such other Distance as the said Company or their Committee shall think fit.

Penalty on Persons claiming Exemptions from Tolls unlawfully.

LXVII. And be it further enacted, That if any Person or Persons shall claim a Right to or fraudulently carry or convey any Articles or Things whatsoever on the said Railway, on Payment of the lower Rates, Tolls, or Duties, for any other Purposes than those in respect of which such Articles or Things are hereby made liable only to such Rates, Tolls, or Duties, and shall be thereof convicted before any Justice of the Peace, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors or their Successors any Sum not exceeding Five Pounds, exclusive of the Difference of the Tonnage, to be levied by Distress and Sale of his and their Goods and Chattels.

Company empowered to take Tolls for Horses, &c. passing on Railway.

LXVIII. 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 and at all Times for ever to ask, demand, take, and receive, to and for their own proper Use and Benefit, the several further Tolls following; (that is to say,)

For every Horse, Mare, Gelding, Colt, Mule, or Ass, (not carrying or drawing any Goods, Wares, or Merchandizes in respect whereof a Rate, Toll, or Duty is herein-before made payable,) which shall or may go or travel upon the said Railway, and shall pass through or by any Stop Gate or any other Gate or Toll House to be erected upon or across the same by the said Company of Proprietors or their Successors, and before such Horse, Mare, Gelding, Colt, Mule, or Ass shall be permitted to pass through or by the same, the Sum of One Penny :

For

For all Cows and Horned or Neat Cattle (except Sheep and Swine) which shall or may go or be driven loose upon the said Railway, and shall pass through or by any such Stop Gate or other Gate or Toll House as aforesaid, and before such Cows and Horned or Neat Cattle shall be permitted to pass through or by the same, the Sum of One Penny each :

For all Swine and Sheep, the Sum of Sixpence *per* Score :

And for all privileged Waggon and Carriages carrying Persons for Hire upon and along the said Railway, the Sum of One Penny *per* Mile for each Passenger or Person so travelling in such Waggon or Carriage upon the said Railway.

LXIX. Provided always, and be it further enacted, That the Collector or other Person appointed by the said Company to receive the said last-mentioned Tolls shall on Payment thereof give or deliver to the Person or Persons paying the same a Ticket specifying the Day when and the Number of Horses or other Beasts or Cattle, and of Persons travelling, for which the same shall be paid ; and that such last-mentioned Tolls shall not be demanded or taken, or be payable, more than once in any one Day upon such Line of Railway (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night), for the same Horse, Mare, Gelding, Colt, Mule, Ass, Cow, or Horned or Neat Cattle, Pigs, Sheep, or Passengers, which shall pass or repass through or by all or any of the Stop Gates or other Gates or Toll Houses to be erected upon or across such distinct Railway, so that the Person or Persons who shall be travelling with or attending such Horse, Mare, Gelding, Colt, Mule, Ass, Cow, or Horned or Neat Cattle, Pigs or Sheep, Waggon or Carriage, do and shall produce to the Collector or other Person appointed by the said Company to receive such Tolls, at every such Stop Gate or other Gate or Toll House through or by which the same shall pass or repass (if demanded), the Ticket which he or they shall have received at the Stop Gate or other Gate or Toll House on the same Railway at which he or they shall have already paid such Toll.

Collector of such Tolls to deliver Tickets.

Tolls not payable more than once a Day for the same Horse, &c.

LXX. 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 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 Pounds Weight) upon the said Railway, or any Part thereof respectively, 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 Stop Gate or Toll House on the said Railway, in some conspicuous Place there, an Account or List upon Paper, either written or printed, of the Price and Prices, Sum and Sums of Money, to be charged or taken for the Carriage of all and every such Parcel or Parcels, not exceeding Five Hundred Pounds Weight as aforesaid, upon the said Railway 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

Company empowered to regulate and fix the Price of Carriage of small Parcels not exceeding Five Hundred Pounds Weight.

Persons demanding more subject to a Penalty.

Railway; 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 Forty Shillings; and such Bye Laws shall be valid and binding in all Cases upon all Persons whomsoever.

Rates, Tolls,
and Duties
how to be
recovered.

LXXI. And be it further enacted, That the Rates or Tolls herein authorized to be demanded and taken shall be paid to such Person or Persons, at such Place or Places, at or near to the said Railway, and in such Manner and under such Regulations, as the said Company at some General or Special Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates or Tolls or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for the same, by Action of Debt or upon the Case, in any His Majesty's Courts of Record; or the Person or Persons to whom such Rates or Tolls ought to have been paid may and he and they is and are hereby authorized and empowered to seize the Goods, Wares, Merchandizes, or other Things for or in respect whereof any such Rates or Tolls ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, or any other Thing subject to such Rates and Tolls as aforesaid, and detain the same until such Payment shall be made, and also until Payment of all Arrears of any Rates or Tolls which may be due from the Owner or Owners of such Waggon or other Carriage, Goods, Wares, Merchandizes, or other Things, as the Case may be, to the said Company, together with the reasonable Charges for such Seizure and Detention; and if such Articles or Things 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 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 Rates hereinbefore mentioned), as often as it shall be deemed necessary for the Interest of the said Undertaking.

Company
empowered
to lease the
Rates.

LXXII. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, at any Time or Times, to let to Farm the Rates hereby made payable, or any Part or Parts thereof, upon the whole or any Part or Parts of the said Railway, unto any Person or Persons for any Term or Time they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual; and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates so let, shall, during the Continuance of every such Lease, be deemed Collectors of the Rates so let, 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: Provided public Notice of the Intention to let the said Rates or any Part thereof be given in Writing by the said Committee, or any Three or more of them, or the Clerk to the said Company,

by Advertisement published in such Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any such General Assembly at which the said Rates or any Part thereof are proposed to be let as aforesaid.

LXXIII. And for the better ascertaining and more easily collecting the said Rates or Tolls, be it further enacted, That the Owner or Owners or Person or Persons having the Care of any Waggon or other Carriage, or any other Thing, passing on the said Railway or any Part thereof respectively, shall give an exact and true Account, in Writing signed by him or them, to the Collectors of the said Rates at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods or other Things as aforesaid shall be in such Waggon or other Carriage, or otherwise under his or their Care respectively, and, with respect to such Waggon or other Carriage and other Things, from whence brought, and where the same are intended to be unloaded or left, and also of the Quantities, Qualities, and Weight of such Goods and other Things as shall have been discharged or taken out of such Waggon or other Carriage or otherwise left within the Limits of the said Railway before their Arrival at the Place where such Account is to be given, and the Delivery of all such Goods so left, discharged, or taken out shall be indorsed upon the original Bill of Lading or Way Bill, signed and dated by the Party receiving the same; and in case any Person shall neglect or refuse to give such Account or to produce his said original Bill of Lading to such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods or any other Thing at any other Place than what is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates or any Part of them, he shall forfeit and pay any Sum not exceeding Five Pounds for every Ton of such Goods and other Things, and in proportion for any less Quantity than a Ton, which shall be in any such Waggon or other Carriage, or otherwise respectively, of which such Account shall be so refused to be given or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates directed to be paid for the same by virtue hereof.

In case of any Difference about the Weight of the Goods, Collectors may stop and weigh the same.

LXXIV. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Owner or Person having Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any Collector to stop and detain such Waggon or other Carriage or other Things, and to weigh, measure, or gauge and ascertain, or caused to be weighed, measured, gauged, or ascertained, such Waggon or other Carriage, and all such Goods, Wares, and other Things as shall be therein contained or otherwise respectively; and in case the same shall upon such weighing, measuring, gauging, or ascertaining 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, gauging, and ascertaining; all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be levied and recovered by such Ways and Means and in such Manner as the said Rates are hereby appointed to be levied and recovered; but if such Goods, Wares, Merchandizes, or other Things shall appear to be of the same or less Weight or Quantity than the same shall

Masters of Waggons to give an Account in Writing of the Goods to the Collector of the Tolls.

by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, gauging, and ascertaining, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to the said Commissioners, on the Oath of any credible Witness, (all which Oaths the said Commissioners are 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 by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Railway to be free on Payment of Tolls.

LXXV. And be it further enacted, That all Persons whomsoever shall have free Liberty to pass upon and use the said Railway and other Works with Waggons and other Carriages properly constructed as herein mentioned, and to employ the said Wharfs 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, 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 by virtue of the Powers herein granted.

The Amount of clear Profits, how to be ascertained.

LXXVI. And be it further enacted, That in order to ascertain the Amount of the clear Profits of the said Undertaking the Clerk of the said Company of Proprietors shall cause to be entered in a Book or Books to be provided and kept for that Purpose a true and particular Account of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and of all Money already laid out and which shall hereafter from Time to Time be laid out and expended in or anywise relating to the making, completing, and maintaining of the said Railway and other Works hereby authorized to be made and carried on, and of all Costs, Charges, and Expences which shall from Time to Time be incurred on account or by means of the Undertaking and the several Works thereto belonging, until the same shall be fully made and completed; and that the said Clerk shall also, from and after the said Railway and other Works shall be fully completed, cause a true, exact, and particular Account to be kept and annually made up and balanced, to the Twenty-fourth Day of *June* yearly, of the Rates, Tolls, and Duties, and other Monies collected and received by virtue of this Act, and of the Costs, Charges, and Expences incidental to and attending the supporting, repairing, and using the said Railway and other Works; and the said first-mentioned Account, as well as every such annual Account as aforesaid, shall be laid before the Committee of the said Company of Proprietors at their First Meeting to be held next after the said Twenty-fourth Day of *June* in every Year, for the Purpose of enabling them to ascertain what Dividend (if any) may be justly made to the Proprietors, and to report the same for the Confirmation of the next Annual General Assembly appointed to be held on the First *Thursday* in *September*.

The Names of Owners of Waggons &c. to be painted on the Outside.

LXXVII. And for the better Regulation of the Owners of Waggons and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any thing by them done contrary to the Directions of this Act; be it further enacted, That every Owner of any Waggon or other Carriage passing along the said Railway shall cause his or her Name and Place of Abode, and the Number of his or her Waggon or other Carriage, to be entered with the Clerk to the said Company,

Company, and 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 of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged, measured, or examined, at the Expence of the said Company, whenever it shall be required by them or any Person or Persons appointed for that Purpose; and every Owner of every Waggon or other Carriage which shall pass on any Part of the said Railway without having such Names, Figures, and Index thereon as herein-before directed, and every Person who shall alter, erase, deface, or destroy the same or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXVIII. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway respectively shall be and is hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his or their Waggon or other Carriage or other Thing, and for all Fines incurred by any of the Waggoners or others belonging to or employed in or about the same respectively, unto the said Railway or other Works to be made by virtue of this Act, or by loading or unloading any Waggon or other Carriage, or otherwise, and for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property adjoining or lying near the same, or any of them, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage and other Things shall for every such Damage or Trespass, upon Conviction of such Person or Persons before any Justice of the Peace; either by Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses, (which Oath or Oaths any such Justice is hereby empowered and required to administer,) pay to the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds; and shall also, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Twenty 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 or other Things, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned, upon Demand, to the Owner or Owners of such Goods and Chattels; or if the said Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage or other Things shall and may be prosecuted for the same in any Court of Record at *Westminster*, and if found guilty, or 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: Provided always, that in case the Owner or Owners of any Waggon or other Carriage or other Things passing on the said Railway respectively shall be compelled to pay any Penalty, or to make Satisfaction for any Damages, by reason of the wilful Neglect or Default done or committed by his, her, or their

Owners of
Waggons,
&c. answer-
able for Da-
mages done
by Servants.

Owners of
Waggons,
&c. may re-
cover from
Servants what
shall be paid
for Damages
Servant,

done by
them.

Servant, such Servant shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Nonpayment thereof, upon Demand, 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, although demanded, (such Oath to be made before One Justice of the Peace,) the same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale; and the said Penalty and Satisfaction when recovered shall be paid to such Owner or Owners in discharge of such Penalty and Satisfaction so by him or them paid for the wilful Act or Default of such Servant as aforesaid; and in case no sufficient Distress can be had such Justice of the Peace shall and is hereby required to commit the Servant to the Common Gaol or House of Correction for the said County, there to remain without Bail or Main-prize for any Time not exceeding Three Calendar Months.

No Waggon,
&c. to pass
unless con-
structed as
directed by
the Com-
pany.

LXXIX. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway with any Waggon or other Carriage whatsoever unless the same shall be constructed agreeably to the Orders and Regulations of the said Company, which Orders and Regulations shall be stuck upon a conspicuous Part of every Toll House erected on such Railway for the collecting of the Rates imposed by this Act (except in directly crossing the same for the convenient Occupation of the adjacent Grounds, or the passing from or to any public or private Carriage Road which may happen to cross the said Railway); and that if any Person or Persons whomsoever shall pass upon any Part of the said Railway with any Waggons or other Carriages not constructed in the Manner herein-before 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, over and above all Damages, to the said Company.

Lords of
Manors may
erect Wharfs
on their own
Lands.

LXXX. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies of any Manor or Manors (upon the Wastes only), and the Owner or Owners of any Lands or Grounds through, or by which the said Railway shall be made, to erect and use any Wharfs, Cranes, Weighbeams, or Warehouses in or upon his, her, or their respective own proper Lands, Grounds, or Wastes adjoining or near to the said Railway, and may land any Goods or other Things upon such Wharfs, and may make and use proper and convenient Places for Waggons or other Carriages to turn in and pass each other, so that the making or using thereof respectively do not obstruct or prejudice the using of the said Railway; and that all Rates or Tolls which shall be paid for the Use and Benefit of such Wharfs, Cranes, Weighbeams, and Warehouses respectively shall be subject to the same Rates of Wharfage in every respect as those charged from Time to Time and at the same Time by the said Company of Proprietors, and shall be varied and regulated accordingly, so as at all Times to conform therewith; or in case the said Company should not at that Time have any Wharf in their own Occupation upon which they charge Wharfage, then to be subject to the Powers herein contained for the said Commissioners to limit, ascertain, and make Regulations of and concerning such Rates of Wharfage; and the same are hereby accordingly vested in such Lord or Lords, Lady or Ladies of such Manor or Manors, or the Owner or Owners of such Lands, Grounds, or Wastes,
who

who shall make and erect the same as aforesaid, and his, her, and their Representatives, so that the Rates and Powers herein granted to the said Company of Proprietors shall not be thereby reduced, prejudiced, altered, or infringed.

LXXXI. And be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not, within the Space of Two Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her, or their usual Place or Places of Abode, by or on behalf of the said Company, that any Part of such Lands, Grounds, or Wastes is necessary or proper to be used for the Purpose of erecting and making Wharfs, Warehouses, and Buildings for the Use of the said Undertaking, or for making or laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Railway, agree and provide with all reasonable Dispatch to make, erect, and lay out, and from Time to Time maintain and keep in good and sufficient Repair, such proper and sufficient Wharfs, Warehouses, Buildings, and Roads for the Use of the said Railway as the said Company shall think necessary, on the respective Part or Parts of the Lands and Grounds described in such Notice, then and in such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of any such Lands, Grounds, or Wastes (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Border, or an Avenue to any House, or any Part of the Lands or Premises of *Hugh Powell* Esquire, as before excepted,) for erecting and building proper and convenient Wharfs, Warehouses, and Buildings, and making and laying out necessary and convenient Roads to and from the said Railway, agreeably to such Notice to be delivered as aforesaid, they the said Company of Proprietors first making Satisfaction for the same in such Manner as is herein-before directed with respect to other Lands or Grounds which shall be taken or used by the said Company for the Purposes of this Act.

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

LXXXII. And be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Cranes, 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 to the said Railway, or other Works aforesaid, for his, her, or their own private Use only, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners respectively.

Remedy for Damages not before provided for.

LXXXIII. 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 as aforesaid, or 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, Iron-

For limiting the Duties to be taken at Wharfs and Warehouses.

stone, Lead Ore or any other Ores, Timber, Stone, Bricks, 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 Weight, 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 or 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.

Remedy for Damages not before provided for.

LXXXIV. 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 Damages 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.

Lands or Buildings taken and not used by the Company to be reconveyed to the original Owners, in case they think proper to become the Purchasers thereof.

LXXXV. And be it further enacted, That if the said Company of Proprietors or their Successors shall be in possession of any Lands, Grounds, or Buildings which shall be purchased or taken by them in pursuance of this Act, for the Space of Ten Years from the Time of purchasing the same respectively, without making the said intended Railway or other Works hereby authorized to be made through or upon the same, or if the said Railway and other Works shall be made and completed, and afterwards discontinued or disused for the Space of Ten Years, then and in either of the said Cases, from and immediately after the Expiration of the said Ten Years without making, or of Ten Years after disusing, such Railway and other Works as aforesaid, the said Company of Proprietors shall convey all their Estate, Right, Property, and Interest

interest in and to such Lands or Grounds respectively, without erecting or suffering any Building to be in the meantime erected thereon, unto the several and respective Persons, Bodies Politic, Corporate, or Collegiate, who were the Owners or Proprietors thereof immediately before the said Company of Proprietors became seised of the same, or unto the respective Heirs, Successors, or Assigns of such Bodies Politic, Corporate, or Collegiate, in case they shall respectively think fit to become Purchasers thereof, and to pay such valuable Consideration for such Lands or Grounds to the said Company of Proprietors as the said Commissioners for the Time being, assembled at a Meeting to be held as aforesaid, or the major Part of them, shall judge reasonable, or in case any Difference shall arise in ascertaining the same by the said Commissioners, then as a Jury to be impannelled in the Manner herein-before directed shall ascertain or award to be paid for the same, so that such Consideration to be ascertained by such Commissioners, or to be awarded by such Jury, do not exceed the Sum or Sums first paid by the said Company of Proprietors for the Purchase of such Lands or Grounds; and that in case the said Company of Proprietors, upon Payment or Tender to them of such valuable Consideration as aforesaid for such Lands or Grounds, shall refuse or neglect to convey the same as aforesaid, then and in such Case such Lands or Grounds shall thereupon revert to and be from thenceforth vested in the said several and respective Persons, Bodies Politic, Corporate, or Collegiate, their Heirs, Successors, or Assigns; and in case an annual Rent shall have been paid for such Lands or Grounds by the said Company of Proprietors, then such Rent shall cease and determine, and such Sum or Sums of Money shall be paid for the Damage done to the same Lands or Grounds by the said Company of Proprietors to the Person or Persons, Bodies Politic, Corporate, or Collegiate, or their Heirs, Successors, or Assigns, to whom such Lands or Grounds shall be reconveyed or revert as aforesaid, as the said Commissioners or Jury shall ascertain or award, such Sum or Sums of Money, in default of Payment at the Time to be fixed by such Commissioners or Jury respectively, to be recovered in such Manner as any other Damages are to be recovered by virtue of this Act.

LXXXVI. And be it further enacted, That the said Company of Proprietors shall not at any Time or Times hereafter make, erect, or set up any House, Cottage, or other Building upon any Slip or Plot or small Parcel of Land or Ground which they may have taken or purchased for the Use of the said Railway and other Works, unless the same shall be actually and *bond fide* necessary for the Use thereof.

Company to not to erect Houses on Lands taken and not used for the Purpose of the Undertaking.

LXXXVII. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Order, or Bye Law to be made by the said Company or Committee as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of *Monmouth*, or Place where the Offence shall be committed, either by 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 any such

Recovery of Fines and Forfeitures.

such Penalties and 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 wherein the Offence shall be committed, there to remain, without Bail or Mainprize, for such Time as such Justice shall direct, not exceeding Six 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 mentioned, shall go and belong to the said Company, and be applied for the Purposes of this Act.

Form of
Conviction.

LXXXVIII. 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 any other Form of Words to the like Effect, as the Case shall happen :

‘ Monmouthshire } **BE** it remembered, That on the Day
‘ to wit. } in the Year of our Lord
‘ is convicted before me one
‘ of His Majesty’s Justices of the Peace for the County of *Monmouth*,
‘ of [*specifying the Offence, Time and Place when and where the same was*
‘ *committed*]. Given under my Hand and Seal the Day and Year
‘ aforesaid.’

Persons
taking a Dis-
tress irregu-
larly not to
be deemed
Trespassers
ab initio.

LXXXIX. 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 for Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings 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.

Proceedings
not to be
quashed for
Want of
Form.

XC. And be it further enacted, That no Proceedings to be had or 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.

Appeal given
to the Quar-
ter Sessions.

XCI. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made
or

or given in pursuance of any Rule, Bye Law, or Order of the said Company, or by the Order or Determination of any Justice or Justices of the Peace, may, within Four Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen or arise, first giving Fourteen Days Notice at the least in Writing of such Intention to appeal to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such 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 the said County or Place, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such 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 Judgment shall think just and reasonable.

XCII. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons for any thing done or to be done in pursuance of this Act, or in execution of any of the Powers and 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, 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 Damages, then within Three Calendar Months next after the doing or committing such Damage shall cease, and not afterwards, and shall be laid or brought in the County 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 at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall have been brought or commenced before or after the respective Times so limited for bringing or commencing the same, or shall be brought in any other County or Place than as aforesaid, then and in every such Case the Jury shall find for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall become Nonsuit, or suffer a Discontinuance of his, her, or their Action, Suit, or Information, after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if on a Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall (if the Judge before whom the Cause is tried shall certify the same to have been vexatious) have Treble Costs, and shall have such Remedy for the same as any Defendant hath for Costs of Suit in other Cases by Jury.

Limitation
of Actions.

May plead
the General
Issue.

Treble Costs.

2582

51° GEORGII III. *Cap.* 123.

Public Act.

XCIII. 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 other Persons whomsoever, without specially pleading the same.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1833.