



ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

Cap. 193.

An Act to enable the *Severn and Wye* Railway and Canal Company to raise a further Sum of Money for the Completion of their Works, and for levying a Tonnage Rate on certain Vessels and Goods now exempted, and further to extend the Powers granted to the said Company. [26th June 1811.]

WHEREAS by an Act made and passed in the Forty-ninth ^{49 G. 3.} Year of the Reign of His present Majesty, intituled, ^{c. 159} *An Act for making and maintaining a Railway from the River Wye, at or near to a Place called Lidbrook in the Parish of Ruardean in the County of Gloucester, to or near to a Place called the Lower Forge below Newern in the Parish of Lydney in the said County, and for making other Railways therein mentioned, in the Forest of Dean in the County of Gloucester, certain Persons therein named were united into One Body Corporate, by the Name and Style of The Lydney and Lidbrook Railway Company, and were thereby authorized and empowered to make such Railways or Tram Roads as in the said Act are mentioned, and were also authorized and empowered to raise and contribute among themselves, in such Proportions as they should think proper, for making and completing the Railways, and the Works thereby authorized to be made; the Sum of Thirty-five thousand Pounds, and also, if necessary, to raise and contribute among themselves, or by the Admission of new Subscribers, any further Sum of Money not exceeding the Sum of Twenty thousand Pounds, to be divided into Shares of Fifty Pounds*

[Loc. & Per.] 49 A each,

each, and Powers were thereby given to the said Company to raise the said Sum of Twenty thousand Pounds, in case they should think it expedient, by promissory Notes bearing Interest, either with or without an Option to the Holder of becoming a Proprietor in the said Undertaking, in lieu of the Principal Money secured to him, or to raise the same by Mortgage of the Rates arising by the said Undertaking: And whereas by an Act made and passed in the Fiftieth Year of the Reign of His present Majesty, intituled, *An Act to alter and amend the Lydney and Lidbrook Railway Act, and to vary certain Parts of the said Railway, and to extend the same from Lidbrook to Bishops Wood, and from the Lower Forge to the Cross Pill, and for making a Basin and Canal to communicate with the River Severn at Nais Point*, the Style of the said Company was changed to that of "The *Severn and Wye Railway and Canal Company*," and the said Company of Proprietors were authorized and empowered to alter and vary some Parts of the Line of the said Railway or Tram Road, and to make a Basin and Canal in Manner therein mentioned: And whereas the said Sum of Thirty-five thousand Pounds and the Sum of Fifteen thousand six hundred Pounds, Part of the said Sum of Twenty thousand Pounds, have been already raised in Shares, and which Sums have been nearly expended in the Prosecution of the Works authorized to be made by the said Acts, and considerable Progress has been made in effecting the Purposes of the said Acts: And whereas a greater Expence than was originally estimated will necessarily be incurred in the completing and maintaining the said Works, and it is expedient that the said Company of Proprietors should be authorized and empowered to raise (over and above the Sum of the Residue of the said Sum of Twenty thousand Pounds, which they were authorized to raise by the said first recited Act, and which still remains unpaid,) the further Sum of Thirty thousand Pounds in Manner hereinafter mentioned, in order to enable them to complete and fulfil the Purposes of the said recited Acts, and that the Powers and Provisions of the said Acts should be altered and enlarged in the respects hereinafter mentioned: 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 it shall and may be lawful to and for the said Company of Proprietors, and they are hereby authorized and empowered to raise for the Purposes of the said Acts, the said Sum of Four thousand four hundred Pounds, the Residue which remains unraised of the said Sum of Twenty thousand Pounds which they were authorized or empowered to raise as aforesaid, either by the Modes or any of the Modes, and in the Manner in the said first recited Act mentioned, for raising the said Sum of Twenty thousand Pounds, or by the Modes or any of the Modes, and in the Manner hereinafter mentioned and appointed, for raising the further Sum of Thirty thousand Pounds by this Act authorized to be raised.

Proprietors may raise the 4,400l. either by the Means prescribed by former Acts or by this Act.

Company enabled to raise 30,000l. by erecting new Shares.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered to raise, for the Purposes of the said Acts, the further Sum of Thirty thousand Pounds, or so much thereof as shall be necessary for the making, completing, and maintaining the Works authorized to be made by the said Acts, by creating new or additional Shares of Fifty Pounds each, to be subscribed

scribed for in Manner hereinafter mentioned, at such Rate or Value *per* Share, as the said Company of Proprietors shall, from Time to Time, at any General or Special Meeting think proper to declare; which said new or additional Shares so to be created as aforesaid, shall be deemed personal Estate, and be transmissible as such, and not of the Nature of Real Property; and all Bodies Politic, Corporate and Collegiate, and all Persons their several and respective Successors, and Assigns, who shall severally subscribe for one or more such new Share or Shares, shall be, and they are hereby declared to be the Owners and Proprietors thereof, and shall be, and they are hereby united to and incorporated with the said Company; and such new Shares shall be numbered in like Manner as is directed by the said first recited Act, concerning the respective Shares of Fifty Pounds thereby authorised to be raised; and the Proprietor of any Share or Shares of the Money to be raised by virtue of this Act 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 the Share or Shares in the Sum so to be raised, and shall also be liable to such Forfeitures, and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she or they shall or may be entitled to, as generally and extensively to all Intents and Purposes as if such Sum hereby allowed to be raised had originally been Part of the said Sum of Thirty-five thousand Pounds by the said first recited Act authorised to be raised, any Thing therein contained to the contrary thereof in anywise notwithstanding.

III. Provided always, That all General or Special Meetings of the said Company, at which the raising any Sum or Sums of Money, as before mentioned, shall be determined upon, shall be convened and held in such Manner as General or Special Meetings of the said Company of Proprietors are by the said recited Acts directed to be convened and held.

Meetings for raising Money how to be held.

IV. Provided always, and be it further enacted, That when and so often as the raising of any Sum or Sums of Money shall be determined upon by any General or Special Meeting of the said Company, Notice of their Intention, and of the Sum at which the Shares are intended to be sold, shall be given in such Newspaper or Newspapers published or usually circulated in the said Counties of *Gloucester* and *Monmouth*, and also in such *London* Newspaper or Newspapers as the said Company of Proprietors, or their Committee of Management for the Time being, at any Special or General Meeting shall think proper; and it shall be lawful for any Person or Persons possessed of any Share or Shares in the Capital Stock of the said Company to accept and subscribe for any Number of such new Shares as they respectively shall think proper, at any Time within One Month next after such Notice; and in case more Shares shall be so subscribed for than are intended to be sold, then the Shares intended to be sold shall belong to and be taken by the subscribing Proprietors *pari passu*, and in proportion to the original Shares which they shall at the Time of subscribing respectively hold in the Funds of the said Company; yet so that no such Proprietor shall be compelled or compellable to take a greater Number of Shares than he or she shall have actually subscribed for as aforesaid; and in case all the Shares (Notice of the Sale of which shall be given as aforesaid) shall not be subscribed for by original Proprietors within the Time aforesaid, then after the Expiration of such

Giving Notice of Intention to sell Shares, and allowing a Preference.

Time it shall be lawful for the said Company of Proprietors or their Committee, to sell and dispose of the same to any Person or Persons whomsoever; and in case the Price originally fixed on such new Shares cannot be obtained for the same from the Proprietors or others, then the same shall or may be reduced from Time to Time by the said Company or their Committee, to such Sum as they shall think proper; but upon every Reduction in Price, such Notice as aforesaid shall be given of the intended Sale of Shares at the reduced Price fixed upon; and the original Proprietors shall, from Time to Time, have such Preference or Right of Pre-emption of such Shares as is hereinbefore mentioned.

Allowing the Company to borrow the Sum upon Notes.

V. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, in case they shall think it meet and expedient, and shall find it practicable to borrow the said Sum of Thirty thousand Pounds, or any Part or Parts thereof, upon Promissory Notes, under the Seal of the said Company, at Interest, either with or without such Option as in the said first recited Act is mentioned, or by Mortgage of the said Rates in the same Manner as the additional Sum of Twenty thousand Pounds was by the same Act authorised to be raised, or partly by Promissory Notes with or without such Option as aforesaid, and partly by Mortgage, as effectually as if the Powers in the said first mentioned Act contained, for raising the said Sum of Twenty thousand Pounds in Manner aforesaid were here repeated and re-enacted, applying the same to the Purposes of this present Act.

VI. Provided always, and be it further enacted, That in case the said Sums of Four thousand four hundred Pounds and Thirty thousand Pounds, or either of them, or any Part thereof respectively, shall be borrowed upon Promissory Notes as aforesaid, with such Option in the respective Holders thereof of becoming Proprietors of Shares in the said Undertaking in lieu of the Principal Money secured by such Promissory Notes as in the said first recited Act is mentioned, the Terms and Conditions of borrowing such Sum and Sums of Money upon such Promissory Note or Notes, shall (as directed by the said first recited Act) be inserted therein, and that the Sum and Sums of Money secured by such Note or Notes shall be payable at the End of Six Years from the Date thereof, with lawful Interest, Half-yearly, and that the Holder or Holders of such Note or Notes shall have Liberty to declare his, her and their Option to become a Proprietor or Proprietors of any Share or Shares in the said Undertaking, to the Amount of the Sum secured by such Note or Notes, on giving One Month's Notice in Writing to the Clerk of the said Company of Proprietors, at any Time before the End of the Third Year from the Date of the said Note or Notes, and on paying or allowing to the said Company of Proprietors the Sum of Five Pounds *per Centum per Annum*, to be computed from the Twenty-fourth of June One thousand eight hundred and ten, to the Time of declaring such Option for every Fifty-pound Share obtained in lieu of every Fifty Pounds in Money secured by such Promissory Note or Notes.

Provisions of former Acts extended to this.

VII. And be it further enacted, That all the Clauses, Powers, Provisions, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Forfeitures, Punishments, Remedies, Matters and Things in the said first recited Act contained, concerning

concerning the Sums thereby authorized to be raised, and the numbering and entering in a Book the Shares thereby to be raised, and delivering Tickets of such Shares to the Owners thereof respectively, and the Form and Expences of such Tickets, and the Calls for Money from the Proprietors of Shares, by the Committee for the Time being, of the said Company of Proprietors, and the enforcing of such Calls, and Payment of Subscriptions by bringing Actions for the same, or otherwise, and the Forms and Proceedings therein, and the Sale and Conveyance of the said Shares, and all other the Clauses, Powers, Provisions, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Forfeitures, Punishments, Remedies, Matters and Things in the said first recited Act contained, in or in relation to the Sums thereby authorized to be raised, shall, and the same are hereby extended to the Sum hereby authorized to be raised, and shall take effect, operate and be put in Execution, and be used, exercised, applied and enforced in the same Manner, and as fully and effectually to all Intents, Effects and Purposes as if the several Clauses, Provisions, Powers, Authorities, Orders, Rules, Regulations, Limitations, Restrictions, Prohibitions, Directions, Exemptions, Indemnities, Penalties, Forfeitures, Punishments, Remedies, Matters and Things contained in the said recited Act, in regard to the Sum thereby authorized to be raised are herein repeated and applied to this present Act, and as if the said Sum of Money hereby authorized to be raised had been part of the Sum thereby authorized to be raised.

VIII. And whereas by the first recited Act it is enacted, That nothing therein contained should authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure or damage for the Purposes of the said Railway or other Works, or for any other the Purposes thereof, any Land or Ground which was set apart at or before the passing of the said Act, and used as or for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent of the Owners and Occupiers thereof, and Persons interested therein respectively: And whereas in the Line of Extension of the said Railway, there is an Orchard or Paddock, or Piece of Land belonging to *William Vaughan* Esquire, and in the Occupation of *James Pearce*, numbered Fifteen in the Plan, in the said last recited Act mentioned; and there is also in the same Line a Garden, or Piece of Land belonging to the said *William Vaughan*, and in the Occupation of *Joseph Wintle*, as Under-tenant to the said *James Pearce*, being formerly Part of or adjoining to Number Seventeen on the said Plan, and Doubts have arisen whether the said Company of Proprietors have Power under the said Acts, to make the Railway through the said Pieces of Land, without the Consent of the Owners and Occupiers thereof: And whereas the said Works cannot be carried into Execution, unless Authority be given to the said Company of Proprietors to enter into, pass through, and over the said Orchard, or Paddock or Piece of Land, and the said Garden or Piece of Land: Be it therefore further enacted, That it shall and may be lawful to and for the said Company of Proprietors, their Deputies, Servants, Agents, Surveyors, and Workmen, to enter into and upon the said Orchard or Paddock or Piece of Land, numbered Fifteen in the said Plan; and the said Garden, or

Power to take certain Lands although the Parties should not choose to part with it under former Acts.

Piece of Land, formerly Part of or adjoining to Number Seventeen, in the said Plan, and to continue the said Railway, and other Works in, through, and over the same, in the same Manner, and with all the same Powers and Privileges in all respects as if the same had been comprized within the Lands into, in, through and over, and which they are by the said Acts, or either of them, authorized to enter, and to carry on and make the Railway and Works aforesaid; making such Satisfaction to the said Owners or Occupiers of the said Orchard and Garden, or Pieces of Land, and in such Manner as in other and similar Cases are directed to be made by the said Act.

Altering the Rates.

IX. And whereas by the said recited Act of the Fiftieth Year of the Reign of His present Majesty, certain Tolls and Rates of Tonnage are imposed on every Trow or Vessel passing or entering the outer Harbour therein mentioned, or going in or coming out of the said Canal, and bound to or from the River *Severn*, and on all Goods, Wares, Manufactures, and Commodities whatsoever, which shall be imported or exported into or from the said River in any Trow or other Vessel navigating the same; but it is thereby enacted, that nothing therein contained should extend, or be construed to extend to make subject or liable to the Payment of the Rates or Entries thereby authorized to be taken, any Coal or other Commodities whatsoever which should be exported from the said Basin, and which should have been carried or conveyed on the Railway or Tram Road by the said recited Acts authorized to be made, and in respect of which a gross Rate or Tonnage for the entire Distance (whatsoever it might be) is by the said first recited Act imposed, nor should any Trow or Vessel coming into the said Basin for the Purpose of exporting the Coal or other Commodities last aforesaid, be liable to any of the Duties aforesaid: And it was thereby further enacted, that where, by the said first recited Act, a certain Toll or Rate was authorized to be taken for the entire Distance which any Coals or other Things should be carried or conveyed on the said Railway or Tram Road, thereby authorized to be made, the same should or might be carried and conveyed on or over the whole Extent of Railway, Basin, and Canal, when extended and finished, according to the Powers of the said last recited Act, without any further or additional Toll or Rate being demandable or payable in respect of the same: And whereas by reason of the great Expence which will be occasioned in completing the said Works, it is expedient that the said Company of Proprietors should be authorized and empowered to levy the same Tolls and Tonnage in respect of the Trows, Vessels, Goods, Wares, Merchandizes and Commodities by the said last recited Act, exempted from Toll and Tonnage as aforesaid, as by the same Act are made payable or authorized to be raised in respect of the Trows, Vessels, Goods, Wares, Merchandizes and Commodities not exempted by the said Act or such Proportion as they shall think proper; Be it therefore further enacted, That from and immediately after the passing of this Act, so much of the said last recited Act, as relates to the said Exemptions from Toll and Tonnage on the said Canal or Basin, shall be, and the same is hereby repealed, and from and after such Time as the Canal and Basin by the said Act authorized to be made as aforesaid, shall be finished for the Purposes of Trade and Navigation, the said Company of Proprietors shall authorize to be taken, collected and received for their

their Use (upon giving Two Months' Notice of such their Intention by publick Advertisement in the Papers usually circulated in the Counties of Gloucester and Monmouth).

For and upon every Trow or other Vessel passing or entering the said outer Harbour of the said Canal, or going in or coming out of the said Canal and Basin, to or from the River *Severn*, and which by the said last recited Act was exempted from Toll, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, so as the same do not exceed the Sum of Seven Shillings and Sixpence, and also such further Sum as they shall appoint, not being more than Sixpence for every Tun, (to be estimated as in the said recited Act is mentioned,) of all Goods, Wares, Merchandize and Commodities which shall be imported or exported into or from the said Basin, in any such Trow or other Vessel, navigating the same, and which by the said last recited Act were exempted from Tonnage as aforesaid; and in all Cases where there shall be a Fraction of a Tun, such proportional Part of the said Rates shall be demanded or taken for such Fraction as is by the said last recited Act made payable of the Rates thereby imposed for a like Fraction.

X. Provided always, and be it further enacted, That nothing herein mentioned shall extend or be deemed or construed to extend to affect or impeach the Exemptions from Toll and Tonnage in the said last recited Act contained, in favour of *Thomas Pidcock, John Pidcock, and George Homfray*, and the future Occupiers of their Collieries and Iron Works, or any Part thereof, now occupied by them as Tenants of the Right Honorable *Charles Bathurst*.

Nothing in Act to extend to impeach the Exemption to the Collieries occupied by Messrs. Pidcock and Homfray.

XI. And be it further enacted, That all and every the Provisions and Clauses of this Act, shall, in the Execution of the said recited Acts or either of them be used, applied and construed in like Manner as if the same were specially enacted in the said Acts; and all and every the Provisions and Clauses of the said recited Acts, shall, in the Execution of this Act, (except where the same are hereby expressly varied) be used and applied, extended and construed in like Manner as if the same Provisions and Clauses (except as aforesaid) were specially enacted in this Act.

Provisions of this Act to be executed in the same Manner as if enacted in former Acts.

XII. And be it further enacted, That this Act shall be deemed and taken to be a Publick Act, and shall be judicially taken Notice of as such by all Judges, Justices and others, without being specially pleaded.

Publick Act.

