



ANNO TERTIO

# GEORGI IV. REGIS.

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## *Cap. liii.*

An Act for enabling the *Gloucester and Berkeley Canal Company* to raise a further Sum of Money to discharge their Debts, and to complete said Canal ; and for amending the several Acts passed for making the said Canal. [24th *May* 1822.]

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

[*Local.*] 19 N said

said Company were authorized and empowered to raise and contribute amongst themselves, in such Proportions as to them should seem meet and convenient, or by the Admission of new Subscribers, a competent Sum of Money for making and completing the said Canal and other Works, not exceeding the Sum of One hundred and forty thousand Pounds; which said Sum of One hundred and forty thousand Pounds, or so much thereof as should be so raised, should be divided into Shares, at a Price not exceeding One hundred Pounds *per* Share, as therein is mentioned; and in case the said Sum of One hundred and forty thousand Pounds should be found insufficient for making, completing, and maintaining the said Canal, and other the Works by the said Act authorized to be made, and also the necessary Charges and Expences relating thereto, then the said Company were thereby authorized to raise any further Sum of Money for the Purposes of the said Undertaking, not exceeding the Sum of Sixty thousand Pounds, either by Contributions amongst themselves, or by Mortgage of the said Undertaking, as to them should seem meet: And whereas another Act was passed in the Thirty-

37 G. 3. c. 54. *seventh Year of the Reign of His said late Majesty, intituled An Act for authorizing the Company of Proprietors of the Gloucester and Berkeley Canal Navigation to vary the Line of a certain Part of the said Canal, so as to render the Execution thereof more easy, expeditious, and less expensive; and for altering and amending the Act passed in the Thirty-third Year of the Reign of His present Majesty for making the said Canal, whereby the said Company were authorized and empowered to deviate from the original Line of the said Canal, and to make the said Canal according to the Line described in another Map or Plan and Book of Reference in the said last-mentioned Act described and referred to: And whereas another Act*

45 G. 3. c. 104. *was passed in the Forty-fifth Year of the Reign of His said late Majesty, intituled An Act to enable the Company of Proprietors of the Gloucester and Berkeley Canal to vary and alter the Line of a certain Part of the said Canal, and to enable the said Company to raise a farther Sum of Money for carrying into Execution the several Acts for making the said Canal, whereby the said Company were authorized and empowered to deviate from the Line described and set forth in the Maps or Plans referred to in the herein-before recited Acts, and to carry the Line of the said Canal in the Direction therein particularly described; and the said Company were thereby also authorized and empowered, in order to enable them to make and complete the said Canal, to raise any Sum or Sums of Money not exceeding Eighty thousand Pounds, over and besides the Sums which they were by the said recited Act authorized and empowered to raise, by creating additional Shares in the said Undertaking, and disposing of the same in the Manner in the said Act particularly mentioned: And whereas*

58 G. 3. c. 17. *another Act was passed in the Fifty-eighth Year of the Reign of His said late Majesty, intituled An Act to enable the Gloucester and Berkeley Canal Company to vary and alter the Line of their Canal, and for altering and enlarging the Powers of several Acts passed for making and maintaining the said Canal, whereby so much of the said recited Acts as authorized the said Company to make the said Canal from an Inclosure near Branwood unto Berkeley Pill aforesaid, and unto the said Town of Berkeley, was repealed, and in lieu thereof the said Company was thereby authorized and empowered to make the said Canal to communicate with the Channel*

of the River *Severn* at or near to a Place called *Sharpness Point*, according to the Line set forth and described in the Map or Plan and Book of Reference in the said Act described and referred to; and it was and is in the said last-mentioned Act provided, that in case the said intended Variation should not be completed within the Space of Five Years from the passing of the said Act, then and in such Case the Powers given by the said Act should cease and determine (except only as in the said Act is excepted): And whereas the several Estimates on which the Calculations of the probable Expence of the said Undertaking were founded, were formed under the Idea that the Depth of the said Canal should not exceed Fifteen Feet, and the Powers for raising Money under the Provisions of the said several herein-before recited Acts were limited to such Sums as were deemed sufficient for the Completion of the said Undertaking on that Scale; but in the Progress of the Works it hath been deemed expedient, in order to extend the Benefits of the said Undertaking, to increase the Depth of the said Canal from Fifteen Feet to Eighteen Feet; and it hath been found indispensably necessary, in order to facilitate the Entrance of Vessels into the said Canal at *Sharpness Point* aforesaid, to cause a Breakwater of considerable Extent to be erected at or near the Outer Harbour of the said Canal, which said additional Works have been attended with very heavy Expence, and it is now estimated that an Expenditure of a large Sum of Money beyond the Sums already authorized to be raised will be necessary for the Completion of the said Undertaking, and some further Time beyond the Period specified in the said last-recited Act may be required for the finishing of the said Works: And whereas the said Canal Company have proceeded in the making and completing a very considerable Portion of the said Canal and Works on the said enlarged Scale; and in the Progress thereof have not only expended nearly the Whole of the said Sums of One hundred and forty thousand Pounds, Sixty thousand Pounds, and Eighty thousand Pounds, by the said recited Acts authorized to be raised, but have also incurred Debts to a very considerable Amount, which they are at present unable to discharge: And whereas, in order to enable the the said Company to pay off their Debts and complete the said Undertaking, it is expedient that they be empowered to raise a further Sum of Money, and that certain of the Powers in the said recited Acts contained be altered, amended, and enlarged, in order the more effectually to carry the Purposes thereby intended into Execution: 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 for the said Company of Proprietors, and they are hereby authorized and empowered to raise a further Sum of Money, not exceeding the Sum of One hundred and fifty thousand Pounds, either by the Creation of new Shares in the said Undertaking, upon the Terms herein-after particularly mentioned, or by any or either of the Ways or Means in the said recited Acts or either of them specified or prescribed, or by all or any of such Ways and Means; which said Sum so to be raised shall and is hereby directed to be laid out and applied, in the first Place, in the Payment of all Costs, Charges, and Expences attending the applying for, obtaining, and passing of this Act, and the necessary Expences preparatory thereto;

Authorizing  
the Company  
to raise  
150,000*l.*  
more.

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in the next Place, in purchasing Land, and in completing and maintaining the said Canal, and other the Works by the said recited Acts authorized to be made; and the Residue thereof in paying and discharging the several Debts, Interest, and Charges due and to become due from the said Company.

Power to  
create new  
Shares.

II. And be it further enacted, That it shall and may be lawful for the said Company to grant under their Common Seal, to any Person or Persons who shall agree to advance Money towards the Sum hereby authorized to be raised, One new Share in the said Undertaking for each Sum of One hundred Pounds which every such Person shall from Time to Time advance; and the Person or Persons to whom such new Share or Shares shall be granted, and his, her, or their Executors, Administrators, and Assigns, shall from and after the granting of such new Share or Shares have and be entitled to the same Right of voting at the General and Special Assemblies of the said Company, and other Rights and Powers in the Regulations of the Affairs of the said Company, and be subject to the same Regulations, Penalties, and Forfeitures, as the Proprietors of the old Shares in the said Undertaking are by the said recited Acts entitled or subjected to.

Proprietors of  
new Shares  
to have a pre-  
ferable  
Claim.

III. And be it further enacted, That all and every the Person or Persons to whom any such new Share or Shares shall be granted by virtue of the Powers of this Act, or who shall become Proprietor or Proprietors of such new Share or Shares, shall, from the Twenty-fifth Day of *March* which will be in the Year of our Lord One thousand eight hundred and twenty-five, be entitled to and shall have and receive from the said Treasurer or Treasurers of the said Canal Company, in respect of all and every or any such new Share or Shares so to be granted as aforesaid, the Annual Sum or Dividend of Ten Pounds, to be paid by Two equal Half-yearly Payments on the Twenty-fifth Day of *March*, and the Twenty-ninth Day of *September* in each and every Year, before any other of the Proprietors of any other Shares in the said Canal, and before any Creditor or Creditors of the said Canal Company shall be entitled to receive any Dividend, Interest, or Payment in respect of such other Shares, or in respect of any Mortgage, Bond, Note, Debenture, Annuity, or any other Security or Securities whatsoever, or any or either of them, it being the true Intent and Meaning of this Act, that the Payment of the Dividends upon the said new Shares of One hundred Pounds each to be created under the Powers of this Act, shall have Priority over and shall precede the Payment of all other Dividends, Interest, Annuities, or Payments upon any other Shares, Mortgages, Bonds, Notes, Debentures, Annuities, or any other Security or Securities whatsoever, save and except the Payment of the Annual Interest and the Annual Payments or Instalments of Principal now due, or hereafter from Time to Time to become due to the Commissioners under Two Acts of the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, for the Issue of Exchequer Bills and the Advance of Money for the carrying on of Public Works, upon any Loan or Loans, Sum or Sums of Money already advanced to the said Canal Company, or hereafter to be advanced by the said Commissioners upon any Security or Securities; and

and that the said Commissioners shall be at all Times hereafter entitled to receive such annual Payments of Interest and Principal before any Dividend shall be paid or payable upon the said new Shares created under the Powers of this Act, and also save and except the Payment of the simple Contract Debts now due from the said Company to the Treasurers and other Persons who hold no Security for the same; and that after Payment of such Annual Sums or Dividends to the Proprietors of such new Shares respectively, the clear Residue of the Profits and Proceeds of the said Undertaking shall be applied to the Payment of the Claims of the Annuitants, Holders of Debentures and Optional Notes, and after the Payment of such Claims shall be divided among the several Proprietors of Shares in the said Canal respectively, rateably and proportionably exclusive and wholly independent of the Proprietors of such new Shares hereby created, or any of them.

IV. Provided always, and be it enacted, That all and every the Person or Persons to whom any such new Share or Shares shall be granted by virtue of the Powers of this Act, or who shall become Proprietor or Proprietors of such new Share or Shares, shall be entitled to and shall have and receive a Sum after the Rate of Five Pounds *per Annum* from the said Treasurer or Treasurers of the said Canal Company, in respect of any and every such new Share or Shares so to be granted as aforesaid, and such Sum of Five Pounds *per Annum* shall be computed from the Day on which the Principal Sum or Amount of such new Share or Shares shall be advanced up to and upon the Twenty-fifth Day of *March* which will be in the Year of our Lord One thousand eight hundred and twenty-five, but the Amount of such Sum or any Part thereof shall not be actually paid until the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-five, after which Day the Payment of the said annual Sum of Five Pounds *per Share* shall cease and determine; and the said annual Sum of Five Pounds *per Share*, and the Amount thereof, up to the said Twenty-fifth Day of *March* One thousand eight hundred and twenty-five, shall have and is hereby declared to be entitled to have the same Priority of Payment over the Interest or Dividends of all other Shares, Mortgages, Bonds, Notes, Debentures, Annuities, or any other Security or Securities whatsoever, as is secured in regard to the future Payment of the annual Sum or Dividend of Ten Pounds herein-before mentioned upon every such new Share, save and except the like Priority of Payments of the annual Interest and Principal, from Time to Time, to the said Commissioners for the Issue of Exchequer Bills and Payment of the Simple Contract Debts now due from the said Company to the Treasurers and other Persons who hold no Security for the same.

Interest of  
new Shares,

V. And whereas the Commissioners acting in the Execution of an Act made and passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*: and another Act passed

Act not to  
affect the  
Securities  
given to the  
Exchequer  
Bill Com-  
missioners,  
57 G. 3, c. 34.

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57G.3.c.124. in the same Session, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor*; did, on or about the Twenty-fourth Day of July One thousand eight hundred and eighteen, consent to advance and lend the said Company of Proprietors a Loan of Sixty-five thousand Pounds in Exchequer Bills, by Four several Instalments of Sixteen thousand two hundred and fifty Pounds each: And whereas the said Instalments were respectively advanced to the said Company on the Twenty-fourth Day of July One thousand eight hundred and eighteen, the Second Day of August and the Seventh Day of December One thousand eight hundred and nineteen, and the Eleventh Day of August One thousand eight hundred and twenty, and were respectively secured to the said Commissioners by Four several Indentures of Mortgage under the Common Seal of the said Company, and bearing Date respectively the Twenty-fourth Day of July One thousand eight hundred and eighteen, the Second Day of August and Seventh Day of December One thousand eight hundred and nineteen, and the Eleventh Day of August One thousand eight hundred and twenty, whereby, for the Considerations therein respectively mentioned, the said Company of Proprietors assigned to *William Holden*, the Secretary of the said Commissioners for the Issue of Exchequer Bills, all and every the Rates, Tolls, and Receipts whatsoever accruing or arising, or which might at any Time thereafter accrue or arise, or which might at any Time thereafter be taken, collected, or received by the said Company of Proprietors, from or out or on account of the said Canal or otherwise, by virtue of the said hereinbefore recited Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of His said late Majesty, or any other Act or Acts of Parliament relating to the said Canal; and also the said Navigation and Undertaking, and all the Right, Title, and Interest of the said Company of Proprietors of, in, and unto the same, and all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, subject to Redemption upon Payment by the said Company of Proprietors, of the said several Sums of Money secured by the said Indentures respectively, with Interest thereon as therein mentioned, by such Instalments, and at such Times as in the said Indentures respectively is particularly set forth; be it enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said Four several Indentures, bearing Date respectively the Twenty-fourth Day of July One thousand eight hundred and eighteen, the Second Day of August and Seventh Day of December One thousand eight hundred and nineteen, and the Eleventh Day of August One thousand eight hundred and twenty, or any Proceedings which may have been or may be taken at any Time before the passing of this Act, or which shall or may be taken at any Time after the passing of this Act by the said Commissioners, with respect to the said several Indentures or any of them, or for the Recovery of the Money secured thereby or any Part thereof, and that the same shall have Priority over and shall precede any new Share or Shares to be granted by the said Company of Proprietors by virtue of this Act, or any Mortgage, Annuity Bond, Debenture, Optional Note,

Note, or other Security whatsoever already granted or entered into by the said Company of Proprietors, or which shall or may hereafter be granted or entered into by the said Company, under or by virtue of the said several Acts first hereinbefore recited, or this Act or any of them, or any other Act or Acts of Parliament relating to the said Canal; and also shall have Priority over, and shall precede all Dividends and Division of Profit or Interest upon any Sum or Sums advanced or contributed, or which shall or may hereafter be advanced or contributed for the carrying on or completing the said Canal or otherwise howsoever, until the several Instalments of Principal Money and Interest secured to the said Commissioners or their Secretary for the Time being under the said several Indentures, or any other Security or Securities which shall or may hereafter be granted or entered into by the said Company to the said Commissioners or their Secretary for the Time being, for any further Loan or Loans which shall be advanced by the said Commissioners to the said Company, shall be fully paid and satisfied; and that all and every the Powers and Authorities, Rights, and Privileges, which at the Time of the passing of this Act shall be vested in the said Company for the Purpose of completing and carrying on the said Canal, and all additional Works and Premises which shall or may be obtained by the said Company, by means of the further Sum hereby authorized to be raised, shall form a Part of, and are hereby enacted and declared to form a Part of, and to be comprehended in the several Premises and Interests assigned by the said Company to the said *William Holden*, the Secretary of the said Commissioners, by the said several Indentures, bearing Date respectively the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and Seventh Day of *December* One thousand eight hundred and nineteen, and the Eleventh Day of *August* One thousand eight hundred and twenty, in like Manner in every respect as if such additional Works, Powers, and Authorities, Rights, and Privileges had been particularly named and inserted in, and had formed a Part of the several Premises assigned by the said Indentures respectively in the Manner and for the Considerations aforesaid; any thing contained in the Acts herein recited or referred to, or this Act or any of them, or in the said Indentures respectively, to the contrary thereof in anywise notwithstanding.

VI. And be it further enacted, That it shall be lawful for the said Commissioners acting in the Execution of the said recited Acts of the Fifty-seventh Year of the Reign of His said late Majesty, and of the First Year of the Reign of His present Majesty, or of any other Act or Acts which may hereafter be passed, to make any further Advance of Money not exceeding the Sum of Sixty thousand Pounds, as forming a Part of the said additional Sum of One hundred and fifty thousand Pounds herein-before authorized to be raised as aforesaid, unto the said Company of Proprietors of the *Gloucester* and *Berkeley* Canal, in aid of the additional Works herein-before mentioned and referred to, and upon a further Charge or Charges, on the several Premises and Interests mentioned and referred to, and herein-before enacted and declared to be assigned and comprehended in the said several herein-before mentioned Indentures of the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and Seventh Day

Commissioners of Exchequer Bills may advance 60,000*l.* in Addition to original Sum.

Day of *December* One thousand eight hundred and nineteen, and the Eleventh Day of *August* One thousand eight hundred and twenty; any thing in the said recited Acts, or any or either of them, or in the said Indentures or any or either of them contained to the contrary thereof in anywise notwithstanding; provided the said Commissioners shall be satisfied of the Expediency of the said Advance, and that a further Charge or Charges on the said Canal Works and Premises, shall be an adequate Security for the same.

Such Advance  
to have a  
Priority.

VII. And be it further enacted, That such last-mentioned Security or Securities when given shall have Priority over, and shall precede any new Share or Shares to be granted by the said Company of Proprietors by virtue of this Act, and all other Securities, Dividends, Profits, or Interests of what Nature or Kind soever, in such and the like Manner, to all Intents and Purposes, as the said several herein-before recited Indentures are hereby enacted and declared to have Priority over, and to precede such Shares and other Securities respectively, and provided such last mentioned Security or Securities shall be given in such Manner and Form, and upon such Terms and Conditions, as the said Commissioners shall direct and appoint.

Company  
may borrow  
Money to  
repay Ex-  
chequer Bills.

VIII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall at any Time hereafter be desirous of discharging and paying off the Amount of Principal Money and the Interest thereon now due or hereafter to be due to the said Commissioners for the Issue of Exchequer Bills, or to their Secretary for the Time being, it shall and may be lawful to and for the said Company, and they are hereby empowered to borrow such Sum or Sums of Money as may be required for such Purpose, of any Person or Persons willing to advance the same on the Security of the said Canal, and of the Rates, Rents, Tolls, Dues, Duties, and Profits thereof, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*.

Mortgages  
may be  
granted.

IX. And be it further enacted, That the Repayment of the several Sums of Money so to be borrowed by the said Company for such Purpose, shall be secured by the said Company to the several Persons so lending or advancing the same respectively as aforesaid, by a Mortgage or Mortgages of the said Canal Navigation and Undertaking, and of all the Messuages, Lands, and Premises belonging thereto, or to the said Company of Proprietors, and of all and every Rates, Tolls, Rents, Dues, Duties, Receipts, and Profits whatsoever accruing or arising, or which may at any Time thereafter accrue or arise, or which may at any Time thereafter be taken, collected, or received by the said Company of Proprietors, from or out or on account of the said Canal or otherwise by virtue of the said recited Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of His said late Majesty, or any other Act or Acts of Parliament relating to the said Canal; and that such Mortgages, when taken, shall in every respect be entitled to and have Priority over and shall precede any new Share or Shares to be granted by the said Company of Proprietors by virtue of this Act, and all other Mortgages, Bonds, Notes, Debentures, Annuities, Dividends, Profits, Proceeds,



Proceeds, or Interests of what Nature or Kind soever, and such Mortgages shall be given and granted in the Words following, or Words to the like Effect; (that is to say),

BY virtue of an Act passed in the Third Year of the Reign of His Majesty King George the Fourth, intituled [*here set forth the Title of this Act*] we, the Gloucester and Berkeley Canal Company, in consideration of the Sum of \_\_\_\_\_ to the Treasurer of the said Company in hand paid by \_\_\_\_\_, do grant, bargain, sell, and demise unto the said \_\_\_\_\_ his Executors, Administrators, and Assigns, such Proportion of all and every the Rates, Tolls, Receipts and Payments whatsoever accruing or arising, or which may at any Time hereafter accrue or arise, or which may at any Time hereafter be taken, collected, or received by the said Company from or out or on account of the Gloucester and Berkeley Canal; and also such Proportion of the said Canal, Navigation, and Undertaking, and of all the Right, Title, and Interest of the said Company of, in, and unto the same, and of all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to, the said Company as the said Sum of \_\_\_\_\_ doth or shall bear to the whole Sum of \_\_\_\_\_ now about to be raised by the said Company for the Purpose of paying off and discharging the Amount of Principal and Interest now due from the said Company to the Commissioners for the Issue of certain Exchequer Bills, to hold to the said \_\_\_\_\_ his Executors, Administrators and Assigns, from the Day of the Date hereof, for and during the Term of Five hundred Years, unless the said Sum of \_\_\_\_\_ with Interest, at the Rate of \_\_\_\_\_ *per Centum per Annum*, shall be sooner repaid and satisfied. In witness whereof the said Gloucester and Berkeley Canal Company have hereunto affixed their Common Seal, the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand eight hundred and \_\_\_\_\_

And every such Grant or Mortgage shall be good and effectual in the Law, and Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Company; and which said Book or Books shall and may at all seasonable Times be perused and inspected without Fee or Reward by any Person or Persons entitled to any such Mortgage, or holding any Share or Security in, upon, or affecting the said Canal; and all Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, or Interest, in or to such Mortgage and the Principal Money and Interest thereby secured, to any Person or Persons whomsoever, by indorsing or annexing to such Mortgage Security, and in the Presence of One or more credible Witness or Witnesses, the following Words, or Words to the following Effect; (that is to say),

I the within-named *A. B.*, or *I. C. D.*, Assignor, Executor, or Administrator of the within-named *A. B.* (*as the Case may be*) do hereby transfer this Mortgage Security, and all my Right and Title  
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by a Jury, to be summoned and returned in manner by the said Act directed.

XII. And be it further enacted, That so much of the said last recited Act as limits the Completion of the said Undertaking to the Term of Five Years from the Time of the passing of the said last-mentioned Act, shall be and the same is hereby repealed; but in case the said Canal shall not have been completed and made navigable, so that Boats and Barges may pass along the whole Line thereof (unless prevented by inevitable Accident) within the Space of Four Years from the passing of this Act, then from and immediately after the Expiration of the said Term of Four Years, all the Powers given by this Act and the said recited Acts, so far as the same relate to those Parts which may be then incomplete and not navigable, shall cease and determine, to all Intents and Purposes whatsoever.

Time extended for completing the Canal.

XIII. And whereas it is by the said first recited Act enacted, that the said Company of Proprietors, in making the said Canal, should have Power to deviate from the Line or Course laid down in the Map or Plan referred to in the said Act, with the Consent of the Owners of the Land over which such Deviation should be made: And whereas such Provision has been found inconvenient; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repeal of Provision for Deviation of Line.

XIV. And be it further enacted, That the said Company of Proprietors in completing the said Canal and Works shall not deviate from the Line or Course delineated on the Map or Plan, except so far as such Deviation may have been authorized by the said other recited Act.

Company not to deviate.

XV. And in order to protect and indemnify the Proprietors, Inhabitants, and Occupiers of Messuages, Lands, Tenements, and Hereditaments situate, lying, or being in all and every or any of the Parishes of *Berkeley*, *Slimbridge*, *Cam*, and *Cowley*, and the Tithings or Townships within the same Parishes respectively, through which the said Canal is or shall be cut, from and against all Charges and Burthens which may hereafter arise or be occasioned to them or any of them, by reason or in consequence of any of the Labourers, Workmen, or others who may hereafter be employed in working upon or forming the said Canal, or any of the Works belonging to or connected therewith (and not having gained Settlements in the said Parishes, Tithings, or Townships, or any of them) becoming burthensome to such Parishes, Tithings, or Townships as aforesaid or any of them; be it enacted, That previously to resuming or proceeding upon any of the Works, Matters or Things, by this present Act, or any of the former Acts herein recited, authorized to be done, they the said Canal Company, or the Committee to be chosen and appointed under this Act as aforesaid, shall, with or out of the first Monies to be received under or by virtue of this Act, invest the Sum of Two thousand Pounds in the Purchase of Exchequer Bills, and deposit the same in the Hands of such Banker or Bankers, or other Person or Persons as shall be mutually agreed upon by the said Canal Company, or the Committee thereof, and the Overseers of the Poor of the said Parish

Indemnifying certain Parishes in respect of Poor.

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of *Berkeley* for the Time being, as a Fund, to be from Time to Time applied under the Order and Direction of any Two or more of His Majesty's Justices of the Peace for the County of *Gloucester*, acting for the District or Districts in which any of the said Parishes, Tithings, or Townships do lie, in Payment to the Overseer or Overseers of the Parish, Tithing, or Township to which the same shall appear to them to be due; of all such Costs, Charges, Burthens and Expences as any of the said Parishes, Tithings or Townships herein-before mentioned, shall hereafter become subject or liable to pay; by reason or on account of any of such Labourers, Workmen, or others, or their Wives or Families being left chargeable upon, or in removing them from any of the said Parishes, Tithings or Townships as aforesaid, and the Amount of such Costs, Charges and Expences, when certified by such Two or more Magistrates as aforesaid; if not paid to such Overseer or Overseers within Five Days after Demand thereof, then and in such Case the same shall be recovered by Distress and Sale of the Goods and Chattels of the Person or Persons in whose Hands or Custody such Exchequer Bills or other Securities for the said Sum of Two thousand Pounds shall then be, by Warrant under the Hands and Seals of such Two or more Magistrates as aforesaid; rendering the Overplus (if any) of the Money so to be raised, to the Person or Persons whose Goods and Chattels shall be so distrained as aforesaid.

Appeal with  
respect to  
Decision of  
Justices.

XVI. Provided also, and be it further enacted, That if the said Canal Company, or such Proprietors, Inhabitants, or Occupiers as aforesaid, or any other Person or Persons, shall think himself, herself, or themselves aggrieved, or not sufficiently compensated by any such Order and Direction so to be made as aforesaid, then and in such Case the said Canal Company, or such Banker or Bankers, or other Person or Persons, shall or may appeal to the Justices of the Peace at any General Quarter Sessions of the Peace to be holden for the said County of *Gloucester*, within Three Calendar Months next after such Order and Direction shall be made, and the Money thereby ordered and directed to be paid shall be demanded as aforesaid, unless such Complaint shall arise within Fourteen Days preceding such Sessions, in which Case such Appeal may be brought at the following Sessions after such Cause shall arise, such Appellant giving or causing to be given to the Justices so making such Order and Direction, Ten Days Notice at least in Writing of his, her, or their Intention to bring such Appeal, and of the Matter thereof, and within Five Days after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace acting in and for the said County of *Gloucester*, with Two sufficient Persons or Sureties, conditioned to try such Appeal, and abide the Order thereon, and to pay such Costs as shall be awarded by such Justices at such General Sessions; and such Justices, upon due Proof of Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of such Appeal in a summary Way, and shall or may reduce any Money so ordered or directed by such Magistrates to be paid, or may order any further Payment to be made, or may order any Money to be returned, which shall have been levied in manner herein-before mentioned, and may also order such further Satisfaction to be made to  
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the Party injured as the said Justices shall think proper, and the Determination of such Justices at their said General Sessions shall be binding and conclusive.

XVII. Provided always, and be it enacted, That when and so soon as all the Works of the said Canal shall be completed, and such Labourers, Workmen, and others, (not having gained Settlements as aforesaid), shall be removed from, or cease to be chargeable to any of such Parishes, Tithings, or Townships as aforesaid, the said Sum of Two thousand Pounds, or the Securities in which the same shall then be invested, and the Interest thereof, or so much thereof respectively as shall not have been applied for the Purpose aforesaid, shall be paid or delivered over by such Banker or Bankers, or other Person or Persons as aforesaid, to the Treasurer for the Time being of the said Canal Company for the general Purposes of this Act.

When Works are completed the 2,000*l.* to be repaid to Company.

XVIII. Provided also, and be it enacted, That the Banker or Bankers, or other Person or Persons with whom the said Sum of Two thousand Pounds in Exchequer Bills shall be deposited as aforesaid shall, and he and they is and are hereby authorized to pay over to the Treasurer of the said Company such Interest, or Accumulation of Interest, as may from Time to Time arise or be received, or have arisen and been received on the said Exchequer Bills, or on other Bills or Government Securities to be obtained in lieu thereof, to and for the Use of the said Company.

Repayment of Interest.

XIX. And be it further enacted, That all Writs, Notices, and other legal Proceedings against the said Company shall and may be served on the Clerk for the Time being to the said Company, and in case there shall not be any such Clerk then on some Agent or Servant of the said Company, or any Members of the Committee of Management, or left at their respective last or usual Places of Abode, and shall from Time to Time be kept, and shall be deemed and taken to be good and valid Service of such Notices, Writs, and other legal Proceedings on the said Company.

Notices on Company how to be served.

XX. And be it further enacted, That the Costs and Charges of obtaining and passing this Act, and all other Costs, Charges, and Expences in anywise incidental thereto or concerning the same, with lawful Interest, shall be borne, paid, and defrayed by the said Company of Proprietors, by and out of the first Money which shall be received by virtue of this Act.

Expences of obtaining this Act how to be paid.

XXI. And be it further enacted, That all the Clauses, Powers, Exemptions, Penalties, Forfeitures, Rules, Remedies, Directions, Payments, Provisions, Articles, Matters and Things whatsoever in the said recited Acts or any of them contained for enforcing the Payment of Subscriptions under the said recited Acts, and for authorizing and regulating the Proceedings of the said Company, their Agents and Officers, (except such Parts thereof as are varied, altered, and repealed by virtue of this Act), shall be as good, valid, and effectual for carrying this Act into Execution, in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated in the Body of this present Act.

Powers of former Acts extended to this Act.

1718

3<sup>o</sup> GEORGIIV. *Cap.* liii.

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

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