



ANNO PRIMO & SECUNDO

# GEORGII IV. REGIS.

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## Cap. lxiii.

An Act for making and maintaining a Railway or Tramroad from *Stratford-upon-Avon* in the County of *Warwick* to *Moreton-in-Marsh* in the County of *Glocester*, with a Branch to *Shipston-upon-Stour* in the County of *Worcester*. [28th May 1821.]

**W**HEREAS the making and maintaining of a Railway or Tramroad for the Passage of Waggon and other Carriages from the *Stratford-upon-Avon* Canal, within the Parish of *Old Stratford* or the Borough of *Stratford-upon-Avon* in the County of *Warwick*, to or through the several Parishes herein-after mentioned, to *Moreton-in-Marsh* in the County of *Glocester*, with a collateral Branch from such Railway or Tramroad at or near the Village of *Darlingscote* to *Shipston-upon-Stour* in the County of *Worcester*, would afford a cheaper Conveyance for Coal, Lime, Corn, and other Articles of Merchandize, would relieve the Turnpike and other Roads in the Neighbourhood from the Damage they sustain by the Conveyance of such Articles, and would tend to the Improvement of the Estates in the Vicinity of the said Railway or Tramroad and collateral Branch, and in other respects be of public Utility: And whereas the several Persons herein-after named are desirous, at their own Costs and Charges, to make and maintain such Railway or Tramroad and collateral Branch; but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that

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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 Viscount *Dudley and Ward*, the Right Honourable *John Freeman*, Lord *Redesdale*, *George Philips* M. P., *James Haughton Langston* M. P., *James Henry Leigh* M. P., the Honourable and Reverend *Edward Rice*, the Reverend *Samuel Wilson Warneford* Doctor in Divinity, the Reverend *John Lucy*, the Reverend *William Boughton*, the Reverend *John Dudley*, the Reverend *John Ellis*, the Reverend *Francis Ellis*, the Reverend *Egerton Leigh junior*, the Reverend *F E Witts*, the Reverend *Christopher Jeaffreson*, the Reverend *William Raine*, *Charles Pole*, *Abraham Pole*, *Francis Penystone*, *George Talbot*, *George Frederick Stratton*, *Arthur Jones*, *E J Chamberlayne*, *Francis Canning*, *William James*, *George Lloyd*, *Thomas Hunt*, *William Whately*, *William Oldaker*, *Timothy Smith*, *Charles Robert Henderson*, *John Griffith*, *John Benbow*, *John Higgins*, *John Greaves*, *Edward Banister*, *Thomas Baylis*, *John Kirshaw*, *Thomas Bellamy*, the Executors of *Mark Saunders* deceased, *Thomas Brewin*, *James Jones Dransfield*, *John Alexander Soellnor*, *William Furnival*, *Richard Taylor*, *Mary Phipps*, *Thomas Sanders*, *Robert Samuel Skey*, *William White*, *H G Busby*, *H G Busby junior*, *Ezekiel Wright*, *George Phipps*, *William Lardner junior*, *Messieurs Walker and Griffin*, *William Beresford Baker*, *Samuel Purser*, *Charles Pratt*, and *William Atkins junior*, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making, completing, and maintaining the said Railway or Tramroad and collateral Branch and other Works according to the Rules, Orders, and Directions hereinafter mentioned and expressed, and shall for that Purpose be One Body Corporate by the Name and Stile of "The *Stratford and Moreton Railway Company*," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and the said Company of Proprietors shall have Power and Authority from Time to Time to purchase and hold Lands and Hereditaments to them and their Successors and Assigns for the Use of the said Undertaking and Works, and also to sell and dispose of the said Lands and Hereditaments again without incurring any of the Penalties or Forfeitures of the Statute of Mortmain; and the said Company of Proprietors shall be and they are hereby authorized and empowered, by themselves and their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tramroad, to be called "The *Stratford and Moreton Railway*," passable for Waggon and other Carriages, to be constructed as herein-after mentioned and appointed, from the *Stratford-upon-Avon Canal* within the Parish of *Old Stratford* or the Borough of *Stratford-upon-Avon* in the County of *Warwick*, to or through the several Parishes, Hamlets, or Places of *Old Stratford*, the Borough of *Stratford-upon-Avon*, *Clifford Chambers*, *Preston-on-Stour*, *Atherstone*, *Whitchurch*, *Alderminster*, *Tredington*, *Talton*, *Newbold*, *Blackwell*, *Armscote*, *Darlingscote*, *Longdon*, *Illmington*, *Stretton-on-the-Fosse*, *Ditchford Friary*, *Blockley*, *Dorn*, *Toddenham*, *Lower Lemington*, *Batsford*, and *Moreton-in-Marsh*, in the several Counties of *Warwick*, *Worcester*, and *Glocester*, to or near to a certain Bridge, in the Town of *Moreton-in-Marsh* aforesaid, built over the Brook which separates the Parishes of *Moreton-in-Marsh* and *Batsford* aforesaid, and also to

to make, complete, and maintain a collateral Branch of Railway or Tramroad in a similar Form from that Part of the intended Railway or Tramroad which will be made through the Hamlet of *Darlingscote*, at or near the Village of *Darlingscote* aforesaid, across the open Fields there, to and through the Parishes, Hamlets, or Places of *Darlingscote*, *Tredington*, and *Shipston-upon-Stour* aforesaid, to or near to the Town of *Shipston-upon-Stour* aforesaid; and for the Purposes aforesaid the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorized and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, according to the Directions and Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tramroad and collateral Branch, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same; and for those Purposes to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in making the said Railway or Tramroad and collateral Branch or other Works out of the Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway or Tramroad and collateral Branch, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tramroad, collateral Branch, and other Works, or which may hinder, prevent, or obstruct the making, using, completing, altering, extending, or maintaining the same according to the Intent and Meaning of this Act, and also to make, build, erect, bank, excavate, or set up in, under, or upon the said Railway or Tramroad, collateral Branch, and other Works, or upon the Lands adjoining to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Boats, Posts, Ropes, and Chains for passing any Rivers, Brooks, Streams, or other Waters, and to stop the Course of or draw off such Waters for such Time as may be necessary for completing Bridges or Passages over the same, and such and so many Wharfs, Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works and Ways, Roads, and Conveniences where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend or discontinue the same, and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Railway or Tramroad, collateral Branch, and other Works on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, erected, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tramroad and collateral Branch; and also to make, set out, and appoint such Roads and Ways convenient for hauling or drawing of Waggon and other Carriages passing upon the said Railway or Tramroad and collateral Branch,  
with

with Men or Horses or otherwise, and proper Places for Waggon and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any Bridges, Tunnels, Piers, Arches, and other Works, in, upon, under, and across any Roads, Rivers, Canals, or Brooks, for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railway or Tramroad, collateral Branch, and other Works; and to construct, erect, make, and do all other Matters and Things which they shall think convenient or necessary for the making, effecting, altering, preserving, improving, completing, and using the said Railway or Tramroad, collateral Branch, and other Works to be made and constructed in pursuance and according to the true Intent and Meaning of this Act, they the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, doing as little Damage as may be in the Execution of the several Powers to them hereby granted, and making full Satisfaction, in manner herein-after mentioned, to the Owners or Proprietors of and all Persons interested in any Lands, Tenements, or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, or Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject nevertheless to such Provisoos and Restrictions as are herein-after mentioned and contained: Provided always, that where the said Railway or Tramroad or collateral Branch shall cross any Turnpike Road or public Highway, the Ledge, Flange, or Flanch of such Railway or Tramroad or collateral Branch, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Road.

Crossings.

Houses,  
Gardens, &c.  
not to be  
injured.

II. Provided also, and be it further enacted, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Railway or Tramroad, collateral Branch, or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-one, or any Land or Ground which was then set apart and used as or for a Garden, Orchard, Court, Yard, Park, Paddock, planted Walk or Avenue to a House without the Consent in Writing of the Owners and Occupiers thereof respectively.

Plans and  
Books of  
Reference to  
remain with  
the Clerks of  
the Peace for  
the Counties  
of Warwick,  
Worcester,  
and Gloucester.

III. And whereas a Survey has been taken of the Line of the said Railway or Tramroad and collateral Branch, and a Map or Plan, with a Book of Reference thereto, has been deposited with the respective Clerks of the Peace for the Counties of *Warwick, Worcester, and Gloucester*; be it further enacted, That the said Maps or Plans, and Books of Reference thereto, shall remain in the Custody of the respective Clerks of the Peace for the Counties of *Warwick, Worcester, and Gloucester*, to the end that all Persons shall have Liberty at all seasonable Times to resort to and examine or make Extracts from or Copies of the same as Occasion shall

shall require, paying to the said Clerks of the Peace the Sum of Two Shillings and Sixpence for every such Inspection, and for Copies or Extracts from the said Books of Reference at the Rate of One Shilling for every One hundred Words; and each of the said Maps or Plans, and Books of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the said Company of Proprietors in making the said intended Railway or Tramroad and collateral Branch shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Maps or Plans, and set forth in the said Books of Reference, except in making the said Railway or Tramroad and collateral Branch through the Lands of *John Clopton* Esquire at *Bridgetown* in the Parish of *Old Stratford* aforesaid, at the Northern Extremity thereof, numbered 4, 5, 6, and 7 on the said Plan, for the Length of Six hundred Yards or thereabouts, and through the Lands of *Thomas West*, numbered 42 on the said Plan, for the Length of One hundred and ten Yards, and of *John Wells*, numbered 43 on the said Plan, for the Length of One hundred and twenty-seven Yards over his other Lands in the same Parish of *Alderminster*, and of *James Roberts West* Esquire, numbered 44, 45, 46, and 47 on the said Plan, for the Length of Three hundred Yards over other his Lands in the same Parish of *Alderminster*, and of *John Potter*, numbered 86, 87, and 88 on the said Plan, for the Length of Six hundred Yards: Provided always, that such Deviations be not in any Part thereof at a greater Distance than One hundred and fifty Yards from the Line laid down on the said Plan, and be not made without the Consent in Writing of the said *John Clopton*, *Thomas West*, *John Wells*, *James Roberts West*, and *John Potter* respectively first had and obtained thereto: Provided also, that in case the said Company of Proprietors shall be required in Writing by the said *James Roberts West*, his Heirs or Assigns, to deviate from the Line laid down on the said Map or Plan through Number 25 to Number 40, and in the intervening Numbers or any of them, such Deviation not in any Part to exceed One hundred Yards in Breadth from the Plan or Line herein-before referred to, and such Deviation to be made through and upon the Lands and Grounds of the said *James Roberts West*, then and in such Case the said Company of Proprietors shall and they are hereby required to make such Deviation from the said Line through the said Number 25 to Number 40, and through the intervening Numbers, or so much thereof as shall be so required as aforesaid.

Not to deviate from the Line laid down in Plans more than 100 Yards, except &c.

IV. Provided also, and be it further enacted, That the said Company of Proprietors may make the said intended Railway or Tramroad and collateral Branch and other Works into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said Counties of *Warwick*, *Worcester*, and *Glocester*, within their respective Jurisdictions, and to be by them certified under their Hands, to be by Mistake omitted in the said Books of Reference, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Landowners omitted in Books of Reference not to obstruct making the Railway or Tramroad.

Breadth of the Land to be taken for the Railway or Tramroad.

V. And be it further enacted, That the Lands and Grounds to be taken or used for the making and using of the said Railway or Tramroad and collateral Branch shall not exceed Fifteen Yards in Breadth, (except in such Cases where it shall be adjudged necessary for Waggons or other Carriages to turn, lie, or pass each other, or for raising Embankments for crossing the Vallies, or in deep Cuttings, or where any Warehouses, Cranes, or Weighbeams may be erected, or where any Wharfs or other Places may be set out or appropriated for the Reception or Delivery of any Iron, Coal, Lime, Limestone, Minerals, Timber, or other Goods, Wares, or Merchandize, which shall be conveyed on the said Railway or Tramroad and collateral Branch, and except the Ground occupied by the Fences on the Sides thereof,) and not above Seventy Yards in Breadth in any Place, without the Consent in Writing of the Owners of the Lands or Hereditaments adjoining the said Railway or Tramroad and collateral Branch: Provided also, that where the said Railway or Tramroad or collateral Branch, or any Part thereof, shall be made parallel with or along the Side of any Turnpike Road there shall be left a Space of Thirty-five Feet at the least between the Inside Flanch of the said Railway or Tramroad or collateral Branch and the Fence on the opposite Side of the said Turnpike Road, except in such Part of the said Railway or Tramroad as may pass through the said Village of *Alderminster*.

Width of Railway when passing by the Side of Turnpike Roads.

Company may contract for the Works.

VI. And be it further enacted, That the said Company of Proprietors or such Person or Persons as they shall for that Purpose appoint is and are hereby authorized to contract and agree with any Person or Persons for making the said Railway or Tramroad and collateral Branch, or any Part or Parts thereof, or any other of the Works hereby authorized to be made or done by the said Company, in such Manner and for such Sum and Sums of Money, and under such Regulations and Restrictions as the said Company shall think proper; and all Contracts in Writing for any of the Purposes aforesaid shall be binding upon the said Company and all other the Parties thereto, and their respective Successors, Heirs, Executors, or Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered against the said Company, or either of the Parties failing in the Execution thereof.

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

VII. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall be set out and ascertained for making the said Railway or Tramroad and collateral Branch, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences, and for doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbards, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and all other Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and

and to and for all and every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Grounds, or Hereditaments which shall be so set out or ascertained for the Purposes aforesaid, to contract for, sell, and convey the same and every Part thereof unto the said Company of Proprietors; and all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever so conveying as aforesaid, are hereby indemnified for what they shall respectively do in relation to any such Sale which he, she, or they, or any of them, shall make by virtue and in pursuance of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form, or as near thereto as Circumstances will admit; *videlicet*,

Contracts and Sales to be made at the Expence of the said Company.

I of the Sum of of in consideration to me paid by do hereby, by virtue of the Powers contained in an Act of Parliament, intituled (*here set forth the Title of this Act*), grant and release to the said Company of Proprietors (*describing the Premises to be conveyed*) and all my Right, Title, and Interest to and in the same and every Part thereof: To hold to the said Company of Proprietors and their Successors for ever, by virtue and according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, this Day of in the Year of our Lord

Form of Conveyance to the Company.

And all such Conveyances shall be kept by the Clerk or Clerks of the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same and shall have and receive the Sum of One Shilling for every One hundred Words of each attested Copy, exclusive of Stamps, and so in proportion for any less Number of Words; and every such Conveyance to be made by virtue of this Act, in the Form and Manner aforesaid, shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Statute, Usage, or Custom to the contrary thereof in anywise notwithstanding.

VIII. And be it further enacted, That if in making the said Railway or Tramroad and collateral Branch, or any of the said Works, any Pieces or Parcels of Land or Ground shall be cut through and divided, so that what shall be left on each or either Side of the Railway or Tramroad and collateral Branch shall be less than Three Quarters of an Acre in Quantity, or less than Twenty Yards in average Breadth throughout the whole Length thereof, and if the Owner or Owners of any such Pieces or Parcels of Land or Ground shall not have any other Land or Ground adjoining or contiguous to what shall be so left on each or either Side of the said Railway or Tramroad and collateral Branch, then and in every such Case the said Company of Proprietors shall become the Purchasers of the said Land so left, being less than Three Quarters of an Acre in Quantity, or less than Twenty Yards in average Breadth throughout the whole Length thereof as aforesaid, and pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto which shall be taken and used for making the said Railway

Company compellable to purchase small Slips of Land left by Sides of the Railway.

Railway or Tramroad and collateral Branch, provided the Owner or Owners, or Person or Persons entitled to the Possession or to the Rents and Profits of such small Pieces or Parcels of Land or Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

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

IX. And be it further enacted, That in all Cases where in making the said Railway or Tramroad or collateral Branch, or other Works hereby authorized, there shall be Occasion to cut through, take, or use any Part of any Commons or Wastes, the Conveyance of such Part of such Commons or Wastes by the Lord or Lords, Lady or Ladies for the Time being of the Manor or Manors on which the same are situated to the said Company of Proprietors, shall be a good and sufficient Conveyance (without the Commoners or other Persons interested therein joining in such Conveyance); and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively are hereby authorized and required to make and execute such Conveyances accordingly, Compensations for such Part of the said Commons or Wastes as shall be required to be taken for making the said Railway or Tramroad and collateral Branch being first made or tendered to the Surveyors of the Highways within the respective Parishes or Townships wherein such Commons or Wastes shall lie; and the Money which shall be paid to such Surveyors respectively for such Compensation shall be by them laid out and applied towards the Repairs of the Highways within their respective Parishes or Townships, and in no other Manner.

Satisfaction to be made for Lands taken for the Railway or Tramroad.

X. And be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons herein-before enabled to sell or convey Lands or other Hereditaments, and any other Owner or Owners, and the Occupier or Occupiers of any Lands or other Hereditaments, through, in, or upon which the said Railway or Tramroad, collateral Branch, or other Works hereby authorized shall be made, may accept and receive Satisfaction for the Value of such Lands and Hereditaments, and for the Damages to be sustained by making or completing the said Works herein-before directed in gross Sums; and in case the said Company of Proprietors and the said Parties interested in such Lands or other Hereditaments cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury, if required, as is herein-after directed.

Differences respecting Price of Land or Damages to be settled by Jury.

XI. And be it further enacted, That in case of any Difference of Opinion between the said Company of Proprietors or their Agents and any Body or Bodies Politic, Corporate, or Collegiate, Trustees, or other Person or Persons interested in or entitled to any Lands, Tenements, or Hereditaments relative to the Price or Value, Damages or Recompence, to be given for the same, to be taken or used for the Purposes of this Act, and in case such Price or Value, Damages or Recompence cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents and such Proprietors or Persons interested in the Lands, Tenements, or Hereditaments as aforesaid, or if any such Body or Bodies Politic, Corporate or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to



to receive upon due Tender thereof made, such Purchase Money or Recompence as shall be offered to be paid by the said Company of Proprietors, or shall for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer of any such Body or Bodies Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments for the Purposes of this Act, neglect or refuse to treat, or if any Person or Persons shall, by Absence or otherwise, be prevented from treating, shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which he, she, or they is or are or shall be in possession of and to the Interest which they claim therein, then and in every such Case the said Company of Proprietors shall and they are hereby empowered and required to issue a Warrant under their Common Seal to the Sheriff of the County in which the Lands or Hereditaments in question shall be situated; and in case such Sheriff or his Under Sheriff shall be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matters in Question, then to some one of the Coroners of such County who shall not be so interested as aforesaid, commanding such Sheriff or Coroner to impanel, summon, and return a Jury; and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of at least Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the Justices of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in Question or Dispute shall arise, at some Court of General or Quarter Sessions of the Peace to be holden for the same County or at some Adjournment thereof, as in such Warrant or Warrants shall be appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff or Coroner shall return other honest and indifferent Men of the Standersby, or that can speedily be procured to attend that Service (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for the County in which such Lands or Hereditaments shall lie, or the Matter in Question or Dispute shall arise, or his Deputy, is hereby empowered and required to summon or call before the said Justices all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in Question, and may order and authorize the said Jury or any Six or more of them to view the Place or Places or Matter or Matters in controversy, and such 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 Justices are hereby empowered to administer) shall inquire of, assess, and ascertain the Sum or Sums of Money to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damage which shall or may be sustained as aforesaid, and shall assess separate Damages for the same, and the said Justices shall accordingly give Judgment for such Purchase Money or Recompence so to be assessed by such Jury; which

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said Verdict, and the Judgment thereupon to be pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever.

Fine on Sheriff making default, and for Persons refusing to appear, &c.

XII. And be it further enacted, That if such Sheriff or his Deputy or other Person so directed to summon and return a Jury as aforesaid shall make default in the Premises, he shall for every such Offence forfeit the Sum of Fifty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear without sufficient Excuse, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent of this Act, or if any Person so to be summoned to give Evidence shall not appear without sufficient Excuse, after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, or appearing shall refuse to be sworn, examined, or to give Evidence, then and in every such Case every Person so offending shall forfeit and pay for the Benefit of the Party for whom or on whose Account such Jury or Witnesses shall be summoned any Sum not exceeding Ten Pounds, to be levied by virtue of any Warrant under the Hand and Seal of any One of the said Justices by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to him, her, or them the Overplus after such Penalty and the Charges and Expences of such Distress and Sale shall be deducted.

Respecting Juries and Witnesses.

XIII. And be it further enacted, That every such Jury and Juryman as aforesaid shall also be liable and subject to the same Regulations, Pains, and Penalties as if such Jury and Juryman had been returned for the Trial of an Issue joined in any of His Majesty's Courts of Record at *Westminster*, and all and every Person and Persons who in any Examination to be taken by virtue of this Act upon their Oath shall wilfully and corruptly give false Evidence before any Justice of the Peace acting as such in the Execution of this Act shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to the same Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable.

Expences of Jury how to be paid.

XIV. And be it further enacted, That in every Case where the Verdict of the Jury shall be given for more Money to be paid as a Recompence or Satisfaction as aforesaid than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors, or if no such Recompence or Satisfaction shall have been tendered by them or on their Behalf to the Person or Persons competent to accept and take the same, all the Expences of giving Bond, summoning such Jury, taking such Inquest, and summoning and Attendance of Witnesses, shall be defrayed by the said Company of Proprietors; but if the Verdict of the Jury shall be given for the same Sum or for a less Sum than shall have been previously offered or tendered by or on behalf of the said Company of Proprietors then such Expences shall be defrayed by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute; and all such Expences as aforesaid shall be settled by the said Justices; and the Expences which are herein-before directed to be paid by the Person or Persons with whom the said Company of Proprietors shall have had any  
Dispute

Dispute or Controversy shall and may be deducted out of the Money to be determined or adjudged to be paid to such Person or Persons as aforesaid as so much Money advanced to or for his, her, or their Use, and the Payment or Tender of the Remainder of the Money, so to be determined or adjudged, shall be deemed and taken to all Intents and Purposes whatsoever to be a good Payment or Tender in Satisfaction of the whole thereof: Provided always, that in all Cases where by reason of Absence in Foreign Parts or otherwise any Person or Persons shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges shall be borne and paid by the said Company of Proprietors.

XV. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid shall, before the said Company of Proprietors shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond with Two sufficient Sureties to the Treasurer of the said Company of Proprietors in a Penalty of One hundred Pounds to prosecute his, her, or their Complaint, and to bear and pay all the Costs and Expences of summoning and returning such Jury, and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Persons requesting Juries to enter into Bonds to prosecute.

XVI. Provided always, That the said Company of Proprietors 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 or them sustained or supposed to be sustained by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto, by or on behalf of such Person or Persons to the said Company of Proprietors, 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.

Complaints for Damages to be made within Six Calendar Months.

XVII. And be it further enacted, That the said Juries shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give concerning the Value of Lands and other Hereditaments separately and distinctly from any Damages sustained or to be sustained as aforesaid, and shall distinguish the Value set upon the Lands and other Hereditaments, and the Money assessed or adjudged for such Damages as aforesaid, separately and apart from each other.

Value of Lands and Damages to be ascertained separately.

XVIII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered to settle what Shares and Proportions of the Purchase Money or Compensation for Damages, which shall be agreed, determined, and adjusted, or assessed in manner as aforesaid, shall be allowed to any Tenant or other Person or Persons having a particular Estate, Term, or Interest in the Premises for such his, her, or their Interest or respective Interests therein.

Compensation Money to be apportioned.

XIX. And

Verdicts to  
be recorded.

XIX. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen among the Records of the Quarter Sessions for such County, 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 such Inspection the Sum of Two Shillings and Sixpence and no more, and also to take or make Copies thereof, paying for each Copy after the Rate of One Shilling for every One hundred Words.

Mortgagees  
to convey.

XX. And be it further enacted, That all and every Person or Persons who shall have any Mortgage or Mortgages on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, not being in Possession thereof by virtue of such Mortgage or Mortgages, shall on the Tender of the Principal Money and Interest due thereon, together with the Amount of Three Calendar Months Interest on the said Principal Money by the said Company of Proprietors, or by such Person or Persons as they shall appoint, immediately convey, assign, and transfer such Mortgage or Mortgages to the said Company of Proprietors, or in case such Mortgagee or Mortgagees shall have Notice in Writing from the said Company of Proprietors or their Clerk, that they will pay off and discharge the Principal Money and Interest which shall be due on the said Mortgage or Mortgages at the End or Expiration of Two Calendar Months, to be computed from the Day of such Notice, that then at the End of the said Two Calendar Months, on Payment of the Principal and Interest so due, such Mortgagee or Mortgagees shall convey, assign, and transfer his, her, and their Interest or Interests in the Premises to the said Company of Proprietors, for the Uses and Purposes of this Act; and in case such Mortgagee or Mortgagees shall refuse to convey and assign as aforesaid on such Tender or Payment, that then all Interest on every such Mortgage shall from thenceforth cease and determine: Provided always, that in case the Sum due upon any such Mortgage or Mortgages, with all Interest due thereon, shall amount to more than the real Value of the Premises to be ascertained as directed by this Act, then the said Company of Proprietors shall not be liable to pay the Mortgagee or Mortgagees more than the real Value of such Premises so ascertained as aforesaid: Provided also, that in case any such Mortgagee shall neglect or refuse to convey or assign as aforesaid, then upon Payment of the Principal Money and Interest due on any Mortgage as aforesaid into the Bank of *England*, at the End of Two Calendar Months from the Day of giving such Notice as aforesaid, for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give a Receipt or Receipts for the said Money in like Manner as is herein-after directed in Cases of other Payments into the Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all and every Person and Persons in Trust for him, her, or them, shall vest in the said Company of Proprietors for the Uses and Purposes of this Act, and the said Company of Proprietors shall be deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever: Provided also, that  
if

if such Mortgage or Mortgages shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so purchased or taken, such Mortgagee or Mortgagees shall, upon Payment or Tender of the Sum so ascertained as the Value of the said Lands, Tenements, and Hereditaments as aforesaid, forthwith convey, assign, and transfer his, her, or their Interest in such Lands, Tenements, or Hereditaments so purchased as aforesaid to the said Company of Proprietors for the Uses and Purposes of this Act, and in default of their doing so, and on Payment of such Monies into the Bank of *England* for the Use of the Mortgagee or Mortgagees, the Cashier or Cashiers of the Bank shall give such Receipt or Receipts as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of the said Mortgagee or Mortgagees, and of all Person and Persons in Trust for them in the said Lands, Tenements, or Hereditaments, the Value whereof shall have been so ascertained and paid into the Bank as aforesaid, shall vest in the Trustees of the said Undertaking for the Uses and Purposes of this Act, and the said Company of Proprietors shall be deemed to be in the actual Possession of the said Premises to all Intents and Purposes whatsoever, and such Sums of Money shall be deducted from the Amount of the Principal and Interest due to such Mortgagee or Mortgagees by virtue of such Mortgage or Mortgages.

XXI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body or Bodies Politic, Corporate, or Collegiate, Infant, Lunatic, Feme Covert, Tenant for Life or in Tail, or Person or Persons under any Disability or Incapacity as hereinbefore mentioned, 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 there *ex parte* the Company of Proprietors of the *Stratford and Moreton* Railway, to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase of the Land Tax, or in the Discharge of any Debt or Debts, or such other Incumbrances or Parts thereof as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, 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, Tenements, 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, Tenements, 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 or capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court, upon

The Monies belonging to any Bodies Politic, &c. how to be applied if 200*l.* or above.

[*Local.*]

22 Q

Application

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, Tenements, and Hereditaments to be purchased by virtue of this Act in case such Purchase or Settlement were made.

If less than  
200*l.* and ex-  
ceeding 20*l.*

XXII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General, 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 the said Company of Proprietors, 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 therefrom may be applied in manner herein-before directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

If not ex-  
ceeding 20*l.*

XXIII. Provided also, and be it further enacted, That where such Money so agreed, ordered, or awarded to be paid as next before mentioned shall not exceed Twenty Pounds, then and in every such Case 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, Tenements, or Hereditaments so purchased, taken, or used for any of the Purposes of this Act in such Manner as the said Company of Proprietors 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 a  
good Title,  
&c.

XXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Company of Proprietors, or in case such Person or Persons to whom 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, Tenements, or Here-  
ditaments

ditaments be not known or discovered, then in every such Case it shall and may be lawful to and for the said Company of Proprietors to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the said Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments (describing them), subject to the Order, Control, 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 the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

XXV. And be it further enacted, That when 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 said Court of Chancery in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of this Act, or to any Bank Annuities to be purchased with any such Money, or to the Dividends and Interest of any such Bank Annuities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person and Persons, shall be deemed and taken to have been lawfully entitled to such Lands, Tenements, or Hereditaments according to such Possession, until the contrary shall be shown 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 Possession, and that some other Person or Persons was or were lawfully entitled to such Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

Purchase Money paid into Chancery on account of defective Title, how to be disposed of.

XXVI. 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, Tenements, 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, Tenements, or Hereditaments to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of

The Court may order reasonable Expences of investing Money in the Purchase of other Land to be paid by the Company. all

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 Expences of obtaining such Order, to be paid by the said Company of Proprietors, who shall from Time to Time pay such Sum of Money accordingly for such Purposes as the said Court shall direct.

Power to enter Lands on Payment or Tender of Purchase Money.

XXVII. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the said Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Lands or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein-before mentioned, to the Proprietor or Proprietors of any such Lands or Hereditaments, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall have been actually so agreed for, determined, or awarded, or if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto, or cannot be found, or shall refuse to receive the same, or shall refuse to execute such Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then, upon Payment of such Sum or Sums of Money into the Bank of *England* in manner by this Act directed and required for the Use of such Person or Persons so interested or entitled as aforesaid, it shall be lawful for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately or at any Time to enter into and upon such Lands, Grounds, and other Hereditaments respectively, and then and thereupon such Lands, Grounds, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, or 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 or Payment 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 all other Estates in reversion or remainder, or his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before or until such Payment or legal Tender as aforesaid it shall not be lawful for the said Company of Proprietors or any Person acting under their Authority to dig or cut any Land or Ground, or to take down, remove, or alter any Messuage, Tenement, or Building, for the Purpose of making the said Railway or Tramroad and collateral Branch, without the Leave or Consent in Writing of the Proprietor or Proprietors thereof respectively entitled to such Payment; and in case any Person or Persons shall enter upon any such Land, Ground, or Premises, and commit any such Offence before or until such Payment or legal Tender shall have been made, each and every such Person so offending shall forfeit and pay the Sum of Ten Pounds for each and every Day he shall remain or be on such Land or Premises to the Proprietor or Proprietors thereof.

Proprietors empowered to re-sell Lands not wanted.

XXVIII. And be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of, either together or



or in Parcels, such Part or Parts of the Lands or Buildings which shall be so purchased by or conveyed to them as aforesaid as shall not be wanted for the Purposes of this Act, and such Conveyances from the said Company shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof notwithstanding: Provided always, that the said Company of Proprietors, before they shall sell and dispose of any such Lands or Buildings, shall first offer to re-sell the same to the Person or Persons from whom the same shall have been purchased, or who would have been then entitled thereto, in case such Lands or Buildings had not been purchased by the said Company of Proprietors, the Price at which the same shall be re-sold being adjusted and settled by a Jury in like Manner as the Price for any Lands or Buildings to be taken in pursuance of this Act is hereinbefore directed to be settled in case of Difference or Dispute as to the Value thereof; and if such Person or Persons shall not agree, or shall refuse to re-purchase the same, it shall be lawful to and for any Person or Persons not interested in the Premises to make an Affidavit, to be sworn before a Master or Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County in which such Lands or Buildings shall be situate, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Person or Persons did not agree or did refuse to purchase such Lands or Buildings (as the Case may be), and such Affidavit shall in all Courts be sufficient Evidence and Proof that such Offer was made and not agreed to or was refused; and the Money to arise by the Sale or Sales which may be made by the said Company of Proprietors of such Lands or Buildings as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Nonapplication of such Money.

XXIX. And be it further enacted, That it shall be lawful for the said Company of Proprietors to raise and contribute among themselves, in such Proportions as they shall think proper, a competent Sum of Money for making and completing the said Railway or Tramroad and collateral Branch, and the Ways, Quays, Wharfs, Tunnels, Bridges, and other Works and Conveniences belonging or requisite thereto, not exceeding in the whole the Sum of Thirty-three thousand five hundred Pounds, except as herein-after mentioned; and the same shall be divided into Shares of Fifty Pounds each, and 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 the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, Successors, and Assigns, to their and every of their proper Use and Benefit proportionably to the Sums they shall severally raise and contribute; and all Bodies Politic, Corporate, and Collegiate, and all Persons, their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or subscribe such Sum or Sums as shall be demanded in lieu thereof towards carrying on and completing the said Undertaking and other the Purposes of the said Subscription, shall be entitled to and receive, after the said Undertaking shall be completed, at such Time and Times as the Company of Proprietors or their Committee shall, at a General or Special Meeting to

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



‘ of the said Company, and that the said his [or her]  
 ‘ Executors, Administrators, [or Successors,] and Assigns is and are en-  
 ‘ titled 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 .’

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

Subscribers  
to have a Vote  
for every  
Share.

‘ I or we and Guardians  
 ‘ of One of the Proprietors of the *Stratford*  
 ‘ and *Moreton* Railway, do hereby nominate, constitute, and appoint  
 ‘ to be my [or his or her] Proxy in my [or his or her]  
 ‘ Absence to vote and give my [or his or her] Assent or Dissent to any  
 ‘ Business, Matter, or Thing relating to the said Undertaking which shall  
 ‘ be mentioned or proposed at any Meeting of the Company of Proprietors  
 ‘ of the said Railway or Tramroad and collateral Branch, or any of them,  
 ‘ in such Manner as the said shall think proper, according  
 ‘ to his Opinion and Judgment, for the Benefit of the said Undertaking,  
 ‘ or any thing appertaining thereto. In witness whereof, I [or, we] have  
 ‘ hereunto set my Hand [or our Hands] the Day of  
 ‘ in the Year of our Lord .’

Form of Ap-  
pointment of  
Proxy.

And every Election of Committees and Officers, and every Question,  
 Matter, and Thing whatsoever which shall be proposed, discussed, or  
 considered in any General or Special Assembly of the said Company  
 of Proprietors to be held by virtue of this Act shall be finally deter-  
 mined by the Majority of Votes and Proxies then present, computing  
 One Vote to every Share as aforesaid; and at every such Assembly One  
 of the Proprietors then present shall be appointed Chairman, who shall  
 not only have such Vote or Votes as a Proprietor as aforesaid, but shall  
 also, in case of an equal Division, have the decisive or casting Vote.

All Questions  
to be decided  
by the Ma-  
jority of  
Votes.

XXXII. And be it further enacted, That in case the said Sum of  
 Thirty-three thousand five hundred Pounds herein-before authorized to  
 be raised shall be found insufficient for making, completing, and main-  
 taining the said Railway or Tramroad and collateral Branch, and other  
 Works hereby authorized to be made, and for defraying all necessary  
 Charges

Proprietors  
may raise an  
additional  
Sum if neces-  
sary.

Power to  
raise Money  
by Mortgage.

Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company of Proprietors to raise and contribute amongst themselves in Manner and Form aforesaid, and in such Shares and Proportions as to them shall seem meet, or by the Admission of new Subscribers, any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Seven thousand Pounds; and every Subscriber towards raising such further or other Sum of Money shall be a Proprietor in the said Undertaking, and shall have a like Vote by himself or herself, or his or her Proxy, in respect of every Share in the said additional Sum so to be raised, and shall also be liable to such Forfeitures and stand interested in all the Profits and Powers of the said Undertaking, in proportion to the Sum he, she, or they shall or may subscribe thereunto, as generally and extensively to all Intents and Purposes as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Thirty-three thousand five hundred Pounds, any thing herein contained to the contrary thereof in anywise notwithstanding: Provided always, that in case the said Company of Proprietors shall be desirous of raising the said Sum of Seven thousand Pounds herein-before authorized to be raised, or any Part thereof, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of any General Assembly of the said Company of Proprietors, to borrow and take up at Interest all or any Part of the said Sum of Seven thousand Pounds, on the Credit of the said Undertaking, in such Sum and Sums as to them shall seem meet and convenient; and the said Company of Proprietors, or their Committee, after an Order of any General Assembly, are hereby authorized and empowered to assign the Property of the said Undertaking, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates,) as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his, her, or their Trustee or Trustees, who shall advance the same; all which said Mortgages or Assignments shall be made under the Common Seal of the said Company of Proprietors in the Words or to the Effect following; (*videlicet,*)

Form of  
Mortgage.

‘ Number

‘ **BY** virtue of an Act made in the Second Year of the Reign of King  
 ‘ *George* the Fourth, intituled [*here set forth the Title of this Act*] we  
 ‘ the *Stratford* and *Moreton* Railway Company, incorporated by and under  
 ‘ the said Act, in consideration of the Sum of  
 ‘ to us in hand paid by \_\_\_\_\_ of  
 ‘ do assign unto the said \_\_\_\_\_ his (or her)  
 ‘ Executors, Administrators, and Assigns, the said Undertaking, and all  
 ‘ and singular the Rates arising by virtue of this Act, and all the  
 ‘ Estate, Right, Title, and Interest of, in, and to the same, to hold unto  
 ‘ the said \_\_\_\_\_ his (or her) Executors,  
 ‘ Administrators, and Assigns, until the said Sum of  
 ‘ \_\_\_\_\_ together with Interest for the same after the Rate of Five  
 ‘ Pounds for every Hundred Pounds for a Year shall be fully paid and  
 ‘ satisfied. Given under our Common Seal this  
 ‘ Day of \_\_\_\_\_ in the Year of our Lord \_\_\_\_\_

And

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 to the respective Sums in such Mortgages or Assignments mentioned to have been advanced, without any Preference by reason of Priority of any such Securities, or on any other Account whatsoever; and a Memorial of every such Mortgage or Assignment, containing the Date and Name or Names of the Person or Persons to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk or Clerks of the said Company of Proprietors, which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person and 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, *videlicet*,

I Form of Transfer.  
 [or we] of in Con- sideration of the Sum of paid by  
 of do hereby transfer a certain Mortgage, No.  
 made by the *Stratford and Moreton* Railway Company, to  
 bearing Date the Day of for securing the Sum of  
 and Interest, and all my [or our] Right and Property  
 therein to the said his [or her] Executors, Administrators,  
 and Assigns. Dated this Day of in the Year of our  
 Lord

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk or Clerks to the said Company of Proprietors, who shall cause a Memorial to be made thereof in like Manner as the original Mortgages or Assignments, for which the said Clerk or Clerks shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding Two Shillings and Sixpence; and after such Entry made every Transfer shall entitle such Assignee or Assignees, his, her, and their Executors, Administrators, and Assigns to the full Benefit thereof and Payment thereon, and it shall not be in the Power of any Person or Persons who shall have made such Transfer to make void, release, or discharge the same, or any Sum or Sums of Money thereon due or thereby secured, or any Part thereof.

XXXIII. 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 Dividends due and payable by virtue of this Act to the said Company of Proprietors or any of them, and shall from Time to Time be fully paid and discharged or provided for before the yearly or other Dividends due to the said Proprietors or any of them shall be paid, made, or divided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Thirty Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, then it shall be lawful for any Creditor or Creditors, whose Interest shall be so in arrear, by  
Interest of Money borrowed to be paid in Preference to the Dividends to the Proprietors, or may be sued for at Law.

[Local.]

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an Order under his, her, or their Hand or Hands, to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person or Persons is hereby declared to be so much Money received by or to the Use of such Person or Persons to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the Rates, shall be fully paid and satisfied, and after such Interests and Costs shall be fully satisfied and paid the Power and Authority of such Receiver and Receivers for the Purposes aforesaid shall cease and determine, or otherwise the said Interest so due or unpaid as aforesaid shall be sued for and recovered, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*: Provided always, that no Person to whom any such Mortgage or Assignment shall be made or transferred shall be deemed a Proprietor of any Share, or be capable of acting or voting as such, either by Principal or by Proxy, at any Meeting of the said Company of Proprietors for or on account of his or her having lent or advanced any Sum or Sums of Money on the Credit of such Assignment.

General  
Assemblies.

Committee  
to be elected.

XXXIV. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act into execution shall be held at *Moreton-in-Marsh* aforesaid, within Two Calendar Months next after the passing of this Act, and the Second and every other General Assembly shall be held at such Times and Places as shall at such First or any subsequent General Assembly be appointed; and the said Company of Proprietors at such respective General Assemblies, together with such Proxies as shall be then present, shall choose and elect out of the said Proprietors a Committee to manage the Affairs of the said Company of Proprietors as herein directed, and to consist of Five or more Persons, Three of whom shall at all Meetings of the said Committee be competent to act; and the said Company of Proprietors shall have Power and Authority at any such General Assembly to remove and displace any Person or Persons who shall have been chosen a Member or Members of the said Committee, or any Officer or Officers, under them, and to choose and elect others in case of Death or other Vacancy, and to revoke, alter, amend, or change any of the Rules, Bye Laws, or Orders which may have been made by them by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling Special or General Assemblies and their Time and Place of meeting and voting and appointing Committees only excepted), and shall also have Power and Authority to make such Rules, Bye Laws, and Orders for the good Government of the said Company of Proprietors, their Deputies, Agents, Servants, and Workmen, for making, maintaining, and using the said Railway or Tramroad and collateral Branch or other Works, and all other Conveniences, Matters, and Things which shall be made for the same, and also for and concerning all such Goods, Wares, and Commodities as shall be conveyed thereon, and also for the Management of all Persons who shall be employed in the conveying of any Goods, Wares, and Merchandizes, and other Articles and Things upon any Part of the said Railway or Tramroad or collateral Branch or other Works, and from Time to Time to alter and repeal and again to renew the said Rules, Bye Laws, and Orders, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same as to the major Part of the  
Persons

Persons present at such General Assemblies shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered by such Ways and Means as herein-after mentioned; which said Rules, Bye Laws, and Orders being reduced into Writing under the Common Seal of the said Company of Proprietors, and printed and published, shall be hung up and affixed on the Front of the Toll Houses on the said Railway, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated, defaced, or destroyed; and such Rules, Bye Laws, and Orders shall be binding upon and observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same, provided they be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *England*, or any Directions in this Act contained; and every such General Assembly shall have Power to call for, audit, and settle all Accounts of Money received, laid out, and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them in and about the said Railway or Tramroad and collateral Branch, and the Works thereunto respectively belonging; and the said Company of Proprietors shall have Power to adjourn themselves from Time to Time to such Place or Places as at such General Assemblies shall be thought proper and convenient.

XXXV. Provided always, and be it further enacted, That every General Assembly shall consist of at least Ten Persons who shall possess in their own Right, or represent by Proxy, at least Two hundred Shares in the said Undertaking; but if at the Time and Place appointed for any such General Assembly there should not be Ten such Persons present, it shall be lawful for the Persons there present to appoint such other Time and Place for a General Assembly as they shall think proper.

General Assemblies for choosing Committees to consist of Two hundred Shares.

XXXVI. 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 of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors, who shall be possessed of or entitled unto One hundred Shares in the whole in the said Undertaking, to cause Fourteen Days Notice at the least to be given thereof, in some Newspaper circulated in the Counties of *Warwick*, *Worcester*, and *Glocester*, and on leaving with the Clerk or Clerks to the said Company of Proprietors for the Time being a Notice in Writing, signed by such Proprietors, of the Time and Place so appointed, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and the Place where the same shall be held.

Assemblies of Proprietors may be specially convened.

XXXVII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Assembly, and they are hereby required from Time to Time to nominate and appoint a Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors of the Rates of the said Company, and such other Officers as they shall think proper, and to take sufficient Security from every such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, and other Officer having the Care or

Officers to the Company to be appointed.

Cus.

Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company of Proprietors shall think proper, and from Time to Time to remove and again to replace any such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors, or other Officer, or any of them; and such Clerk or Clerks shall attend the General Meetings and Assemblies of the said Company of Proprietors and the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company of Proprietors, and of the said Committee, by virtue of and under the Authority of this Act; and every Proprietor of the said Undertaking shall and may at all convenient Times have recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks to the said Company of Proprietors *gratis*, and may demand and have Copies thereof or any Part thereof, paying One Shilling for every One hundred Words so to be copied; and if any Clerk or Clerks shall refuse to permit any of the said Proprietors to inspect or peruse any such Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time at the Rate aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings for the Benefit of the said Undertaking; and whenever any such Treasurer or Treasurers, Clerk or Clerks, Collector or Collectors or other Officer shall die, or be removed from or quit the Service of the said Company of Proprietors, it shall be lawful for the Committee of such Proprietors for the Time being, or the Majority of them, to appoint some other fit Person or Persons to execute such Office or Offices in the Place of him or them so dying, being removed, or quitting the said Service until the next General Assembly of the said Company of Proprietors, when such Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such General or Special Assembly shall think proper; and all such Acts of the said Committee shall be conclusive, unless revoked by the General Assembly holden next after such Acts as aforesaid.

Office of  
Clerk and  
Treasurer  
not to be  
held by the  
same Person.

XXXVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors or their Committee to appoint any Person who may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to appoint any Person who may be appointed Treasurer, or the Partner of any such Treasurer, a Clerk to the said Company of Proprietors or their Committee for executing this Act; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes aforesaid, or if any Person, being the Partner of any such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk, in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt



Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

XL. And be it further enacted, That the Committee for the Time being of the said Company of Proprietors shall have Power from Time to Time to make such Call or Calls for Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of and to carry on the same, as they shall from Time to Time find necessary for those Purposes, so that no such Call do exceed the Sum of Ten Pounds *per* Share upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Railway or Tramroad and collateral Branch, and so that no Calls be made but at the Distance of Two Calendar Months at the least from each other; and Twenty-eight Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some Newspaper circulated in the said Counties of *Warwick, Worcester, and Gloucester*, which Monies so called for shall be paid to such Person and Persons and in such Manner as the said Committee shall from Time to Time appoint and direct for the Use of the said Undertaking; and such Committee shall, until the next General Assembly to be holden in Manner aforesaid, meet at such Times and at such Places, and from Time to Time adjourn themselves to such other Time and Place as they shall think fit; and at all Meetings of the said Committee One of the Members shall be appointed Chairman, and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meeting shall be finally determined by the Majority of Votes then present, the whole Number present not being at any one Time less than Three; 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 Chairman, who, in case of an equal Division, shall always have a Second and the casting Vote; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for by the First Call to be made by virtue of this Act at the Time and Place appointed as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for after the First Call as aforesaid at the Time and Place so appointed as aforesaid, he, she, or they so neglecting or refusing shall forfeit Two Pounds *per Centum per* Month upon the Amount of such Call or Calls, until the same shall be paid, to be levied in manner aforesaid.

Powers of the Committee for making Calls.

XLI. And be it further enacted, That in any Action or Actions to be brought by the said Company of Proprietors against any Owner or Owners of any Share or Shares in the said Undertaking, to recover any Sum or Sums of Money due and payable to the said Company of Proprietors for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company of Proprietors to declare and allege that the Defendant or Defendants, being a Proprietor or Proprietors of such so

Directing the Proceedings in Actions for Calls.

so many Share or Shares in the said Undertaking, is or are indebted to the said Company of Proprietors in such Sum or Sums of Money as the Call or Calls in Arrear shall amount unto for such or so many Call or Calls, or 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 or Actions had accrued to the said Company of Proprietors by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action or Actions it shall only be necessary to prove that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls or any other Matter whatsoever; and the said Company of Proprietors shall be thereupon entitled to recover what shall be due.

Committee  
to be under  
Control of  
General As-  
semblies.

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

On the  
Death of  
Subscribers  
before Shares  
completed,  
Executors  
may com-  
plete the  
same.

XLIII. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Undertaking shall die before such Call or Calls shall have been made for the full Amount to be paid on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise how and in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls shall be paid to the said Company of Proprietors for the Purposes of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner or Owners 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 Estates and Effects of such deceased Owner or Owners, shall be indemnified against all and every such Infant or Infants, and against all and every Person or Persons whomsoever, for or on account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or the Executors, Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company of Proprietors shall be and they are hereby authorized and required to admit any other Person or Persons to be a Proprietor or Proprietors of the Share or Shares of such deceased Owner or Owners, on Condition that he, she, or they so admitted do and shall, on or before such Admissions, pay to the Executors or Administrators of such deceased Owner or Owners, or to the Trustee or Trustees, Committee or Committees, Guardian or Guardians, or any other Person or Persons who shall  
or

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

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

Shares may be sold.

‘ I of \_\_\_\_\_ of \_\_\_\_\_ in consideration of the Sum \_\_\_\_\_ of \_\_\_\_\_ paid to me by \_\_\_\_\_ of \_\_\_\_\_  
 ‘ do hereby grant, bargain, sell, assign, and transfer unto the  
 ‘ said \_\_\_\_\_ Share or Shares (*as the Case may be*) of and in the Under-  
 ‘ taking called *The Stratford and Moreton Railway Company*, to hold to the  
 ‘ said \_\_\_\_\_ his Executors, Administrators, and Assigns, sub-  
 ‘ ject to the same Rules, Orders, and Regulations, and on the same Condi-  
 ‘ tions, as I held the same immediately before the Execution hereof; and I  
 ‘ the said \_\_\_\_\_ do hereby agree to take and accept the said  
 ‘ Share or Shares, subject to the same Rules, Orders, Regulations, and  
 ‘ Conditions. As witness our Hands and Seals the \_\_\_\_\_ Day  
 ‘ of \_\_\_\_\_ ’

Form of Conveyance.

And on every such Sale the said Deed or Conveyance (being executed by the Seller or Sellers, and the Purchaser or Purchasers of such Share or Shares), shall be kept by the said Purchaser or Purchasers, for his, her, or their Security, after the Clerk or Clerks to the said Company of Proprietors shall have entered in a proper Book or Books to be kept for that Purpose a Memorial of such Transfer and Sale for the Use of the said Company of Proprietors, and have testified and indorsed the Entry of such Memorial on the said Deed of Sale or Transfer, for which no more than One Shilling shall be paid, and the said Clerk or Clerks is or are hereby required to make such Entry or Memorial accordingly; and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid to him, her, or them, nor any Vote or Votes in respect thereof, as a Proprietor or Proprietors of the said Undertaking.

XLV. And

Regulation  
as to Acqui-  
sition of  
Shares.

By Marriage.

By Will, or  
in Course of  
Administra-  
tion.

By any other  
Means.

XLV. And whereas by the Marriage or Death of Proprietors of Shares in the said Railway, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part of the Profits of the said Railway in right of Marriage shall be entitled to receive the same, or be entitled to vote in respect of any Shares, an Affidavit or solemn Affirmation by any Person of the Society of Quakers, in Writing, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, shall be made and sworn to or solemnly affirmed by some credible Person before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company of Proprietors, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk for the Entry of Transfers of Sales of Shares in the said Railway; and that before any Person or Persons who shall claim any Part of the Profits of the said Railway by virtue of any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Shares, the said Will or the Probate thereof, or the Letters of Administration, shall be produced and shown to the said Clerk, or a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Intestate shall be made and sworn to or solemnly affirmed to by the Executor or Executors of the said Will or the Administrator or Administrators of the Intestate, before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and that in all Cases other than herein-before mentioned, when the Right and Property of any Share or Shares in the said Railway shall pass from the original Proprietor or Proprietors thereof to any other Person or Persons by any other legal Means than by a Transfer and Conveyance thereof as herein directed, an Affidavit or solemn Affirmation in Writing shall be made and sworn to or solemnly affirmed to by One or more credible Person or Persons before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share or Shares hath or have passed to such other Person or Persons; and such Affidavit or solemn Affirmation shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name or Names of every such new Proprietor or Proprietors in the Register Book or List of Proprietors of the said Railway: Provided always, that such and similar Entries shall be made in the Register Books of the said Company of Proprietors of all Transfers or Acquisitions or Devolutions of Mortgages, Assignments, or Securities on the said Tolls, Rates, and Duties (if any), by Sale or Assignment, Marriage, Will, Intestacy, or by any other Means as aforesaid, in order to ascertain the Parties who shall from Time to Time be Creditors on the said Railway, and entitled to receive the Interest of or Dividends in respect of such Mortgages, Assignments, or Securities as aforesaid, as are herein-before directed with respect to Shares in the Joint Stock of the said Company of Proprietors *mutatis mutandis*, and that the Clerk of the said Company shall be entitled to receive for each and every of such Entries

Entries as is herein-before directed, the Sum of Two Shillings and Sixpence and no more.

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

After a Call no Share to be sold until such Call shall be paid.

XLVII. And in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tramroad, collateral Branch, and other Works hereby authorized to be made and maintained, be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time and at all Times hereafter to ask, demand, take, recover, and receive, to and for the Use and Benefit of the said Company, the several Rates herein-after mentioned for the Tonnage of all Coal, Lime, Limestone, Timber, Merchandize, and other Goods, Matters, and Things whatsoever, which shall be carried or conveyed upon any Part of the said Railway or Tramroad or collateral Branch ; (that is to say,)

Power to take Tonnage.

For all Coal, Coke, Culm, Stone, Cinders, Chalk, Marl, Sand, Lime, Clay, Ashes, Peat, Limestone, Ironstone, Building Stone, Pitching and Paving Stone, Bricks, Tiles, Slates, Timber, Lead in Pigs or Sheets, Bar Iron, Waggon Tire, and all gross and unmanufactured Articles and Building Materials, such Sum as the Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Three-pence *per* Ton *per* Mile :

Rates.

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

Which said respective Rates, to be fixed as aforesaid, shall be the same along the whole Line of the said Railway or Tramroad and collateral Branch ; and in all Cases where there shall be the Fraction of a Ton, a Proportion of the same Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction ; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be demanded and considered as the whole Quarter of a Ton ; and in all Cases where there shall be a Fraction of a Mile in the Distance which any Waggon, Cart, or other Carriage shall pass upon the said Railway or Tramroad, and collateral Branch, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have

[*Local.*]

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passed ;

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

Payment of Rates, and Recovery thereof.

XLVIII. And be it further enacted, That the Rate of Tonnage herein authorized to be demanded and taken shall be paid to such Person or Persons, at such Place or Places, at or near the said Railway or Tramroad, or collateral Branch, in such Manner and under such Regulations as the said Company of Proprietors at their General Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates, or any Part thereof, on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company of Proprietors may sue and recover the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rate of Tonnage ought to have been paid may, and he, she, or they is and are hereby empowered to seize the Goods or other Things for or in respect whereof any such Rate of Tonnage ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and to detain the same until such Payment shall be made, together with reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Ten Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors shall have full Power from Time to Time at any General Assembly to lower or reduce all or any of the said Rates, and again to raise the same as they shall think proper, not exceeding the Rate of Tonnage herein-before mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

For settling Disputes concerning Rates.

XLIX. And be it further enacted, That if any Dispute shall happen concerning the Rates of Tonnage due, or the Charges occasioned by any Distress to be taken by virtue of this Act, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, till the Amount of the Rates of Tonnage due and the Charges of such Distress (as the Case may be) shall be ascertained by some Justice of the Peace for the County, Town, or Place where any such Dispute shall arise, who, on Application made to him for that Purpose, shall examine the Matter on the Oath of the Parties or of a Witness or Witnesses, and shall determine the Amount of the Rates of Tonnage due; and it shall be lawful for every such Justice to award such Costs  
and

and Charges to either Party as to him shall appear right and proper; all which Costs and Charges shall and may be levied and recovered, in case of Nonpayment thereof forthwith, by Distress and Sale of the Goods and Chattels of the Person or Persons directed to pay the same, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) on Demand, after Payment of such Costs and Charges, and the Costs and Charges of making such Distress and Sale, to the Person or Persons whose Goods and Chattels shall have been so distrained and sold.

L. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, at any of their General Assemblies, by Writing under their Common Seal, to let to farm the Rates of Tonnage hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway or Tramroad, or collateral Branch, unto any Person or Persons for any Term or Time, and every such Lease shall be valid and effectual to the Lessee or Lessees thereof; 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 such Lease be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors: Provided public Notice of the Intention to let the said Rates or any Part thereof be given in Writing by the said Committee, or any Three or more of them, or by the Clerk or Clerks of the said Company of Proprietors, by Advertisement published in some Newspaper usually circulated in the Counties of *Warwick*, *Worcester*, and *Glocester* at least Fourteen Days prior to any such General Assembly at which the said Rates, or any Part thereof, are proposed to be let as aforesaid.

Company empowered to lease the Tolls.

Notice of the Intention to let the same to be given.

LI. And for the better ascertaining and more easy collecting of the said Rates of Tonnage hereby directed to be paid to the said Company of Proprietors, be it further enacted, That the Owner or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway or Tramroad, or collateral Branch, or upon any Part or Parts thereof, shall give a just Account in Writing signed by him or them, to the Collector of the Rates or other Officer to be appointed at such Place or Places as they shall attend for such Purpose, of the Quantities and Weight of the Goods and other Things which shall be put in or upon each such Waggon or other Carriage, from whence brought, and where the same is intended to be unladen or left; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to the Payment of each of the said Rates; and in case he or they shall neglect or refuse to give and deliver such an Account, or shall refuse to produce his or their Bill of Lading to the Collector or Officer demanding the same, or shall, with an Intent to avoid the Payment of the said Rates or any Part of them, give a false Account, or shall deliver out any Part of such Goods at any other Place or Places than is or are mentioned in such Bill of Lading, and shall be

Owners of Waggons and other Carriages to give Account of their Loadings.

be thereof convicted before any Justice of the Peace for the County in which such Offence shall be committed, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Five Pounds, over and above the Rate to which such Articles or Things are liable.

Weight of  
Tonnage  
ascertained.

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

If any Dif-  
ferences con-  
cerning  
Weight, Col-  
lectors may  
weigh or  
measure  
Waggons.

LIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and the Owner or Person having the Charge of any Waggon or other Carriage or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall upon such weighing 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, all which said Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means, and in such Manner, as the said Rates are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or of less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, and also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear to any One or more Justices of the Peace for the County where the Offence shall be committed, on the Oath of any credible Witness or Witnesses (all which Oaths such Justice is hereby empowered to administer) to have arisen from such Detention, and on default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company of Proprietors, by Distress and Sale of the Goods and Chattels of such Company, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), after deducting such Costs and Damages, and the Expences of such Distress and Sale, upon Demand, to the said Company.

Railway or  
Tramroad to  
be free upon  
Payment of  
Rates under  
certain Re-  
strictions.

LIV. And be it further enacted, That all Persons whomsoever shall have free Liberty to use all Roads, Ways, and Passages, for the Purposes of conveying any Timber, Goods, Wares, Merchandize, and other Things to or from the said Railway or Tramroad, and collateral Branch, and every Part thereof, and also to pass upon and use the said Railway or Tramroad and collateral Branch, with Waggons and other Carriages properly constructed as herein-after mentioned, and to employ the Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company of Proprietors, by virtue of the Powers herein granted:



granted: Provided the said Waggon or other Carriages shall not without the Licence and Consent of the said Company of Proprietors, or their General Committee, pass upon the said Railway or Tramroad or collateral Branch at any other Times than between the Hours of Six in the Morning and Six in the Evening during the Months of *November, December, January,* and *February,* and between the Hours of Five in the Morning and Seven in the Evening during the Months of *March, April, September,* and *October,* and between the Hours of Three in the Morning and Nine in the Evening during the Months of *May, June, July,* and *August* in every Year.

Limiting the Hours for using the Railway or Tramroad.

LV. Provided also, and be it further enacted, That neither the said Company of Proprietors nor any Person or Persons whomsoever shall be subject or liable to pay to the Trustees of any Turnpike Road or Roads any Toll whatsoever for any Waggon, Carts, Teams, or Carriages when passing and repassing along and upon the said Railway or Tramroad or collateral Branch, or upon any Part thereof, or for the Horses, Mules, or Cattle when employed in drawing the same thereon, notwithstanding any such Waggon, Carts, Teams, or Carriages, Horses, Mules, or Cattle, shall or may pass or repass across or along the Side of any such Turnpike Road or Roads; any Law or Statute to the contrary notwithstanding.

Waggon and Horses not subject to Turnpike Tolls for passing on Railway.

LVI. And be it further enacted, That if any Person or Persons (save and except the said Proprietors, their Agents or Servants,) shall ride, lead, or drive, or cause to be rode, led, or driven, upon such Railway or Tramroad or collateral Branch, or any Part thereof, any Horse, Mule, or Ass, or shall lead or drive or cause to be lead or driven thereon any Cow or other Neat Cattle, Sheep, Swine, or any other Beast, except only in directly crossing the same at Places to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the said Railway or Tramroad or collateral Branch shall be laid, he, she, or they shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person or Persons having any Goods or Merchandise hauled along the said Railway or Tramroad or collateral Branch to any Penalty for passing along the same with any Horse, Mule, or Ass for the *bonâ fide* Purpose of superintending the Carriage and Delivery of such Goods.

Railway not to be used as a Passage for Horses, &c.

LVII. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad or collateral Branch with any Waggon or other Carriage whatsoever, unless the same be constructed agreeably to the Orders and Regulations of the said Company of Proprietors, which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on such Railway or Tramroad for collecting the Rates of Tonnage by this Act imposed (except in crossing the same for the convenient Occupation of the adjacent Grounds, or in passing any public or private Carriage Road which may happen to cross the said Railway or Tramroad or collateral Branch), nor shall cross the said Railway or Tramroad or collateral Branch with more than Two Waggon or other Carriages attached to each other; and if

No Waggon, &c. to pass, unless constructed as directed by the Company.

any Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad or collateral Branch with any Waggon or other Carriage not constructed in the Manner by this Act directed (except as aforesaid), or with more than Two Waggons or other Carriages attached to each other, he, she, or they so offending shall for every such Offence forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings.

Owners to  
put their  
Names on  
the Outside  
of their  
Waggons.

LVIII. 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 the Owner or Owners of every Waggon or other Carriage passing along the said Railway or Tramroad and collateral Branch shall cause his, her, or their Name or Names and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage, to be entered with the Clerk or Clerks of the said Company of Proprietors, and shall also cause such Name or Names and Number to be painted in large White Capital Letters and Figures on a Black Ground Two Inches high at the least, and of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, so as to be always open to view, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company of Proprietors whenever it shall be required by them, or any Person or Persons appointed for that Purpose; and every Owner or Owners or other Person having the Care of any Waggon or other Carriage or who shall convey the same upon the said Railway or Tramroad or collateral Branch without having such Names, Figures, and Indexes thereon respectively as herein-before directed, or who shall alter, erase, deface, or destroy such Names, Figures, and Index or either of them or any Part thereof, or shall fix thereon any false Name, Figure, or Index, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Owners of  
Waggons ac-  
countable for  
Damage done  
by their  
Servants.

LIX. And be it further enacted, That the Owner or Owners of every Waggon or other Carriage passing upon the said Railway or Tramroad or collateral Branch shall be, and he, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage or Horses, Mules, or Cattle drawing the same, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, unto the said Railway or Tramroad or collateral Branch, Bridges, Tunnels, Engines, and other Works and Conveniences made or to be made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever, or for any Trespass or Damage which shall be done to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, or other Property adjoining or lying near to the same, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of such Person or Persons before any One Justice of the Peace, either by the Confession of the  
Party

Party or Parties offending, or upon Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay to the Person or Persons injured the Damages, to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Five Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all the 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 Carriage, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalty, Damages, Costs, and Charges of such Distress and Sale have been deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued or prosecuted for the same in any of His Majesty's Courts of Record in *Westminster*, and if a Verdict or Judgment shall be given against him, either in Proof made or by Default or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained with full Costs of Suit.

LX. Provided always, and be it enacted, That in case the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Tramroad or collateral Branch shall be compelled to pay any Penalty, or to make any Satisfaction for any Damages by reason of any wilful Act, Neglect, or Default of his, her, or their Servant or Servants, or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Penalty or Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on 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 or Servants, although demanded (such Oath to be made before any Justice of the Peace for the County or Place in which such Penalty was incurred), the same Penalty and Satisfaction shall be levied, by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant or Servants, 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, her, or them paid for the wilful Neglect or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice shall and is hereby required to commit such Servant or Servants to the Common Gaol or House of Correction for the said County or Place, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Owners to recover back from their Servants any Sums paid for their Neglect, &c.

LXI. And be it further enacted, That if any Waggon or other Carriage shall be placed or suffered to remain in any Part of the said Railway or Tramroad, collateral Branch, or other Works, so as to obstruct the Passage thereof, and the Person having the Care of such Waggon or other Carriage shall not immediately, upon Request made, remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding

Company to regulate the Passage on the Railway.

ceeding Twenty Shillings for every Hour such Obstruction shall continue after the making such Request; and it shall be lawful for any Agent or Officer to the said Company of Proprietors to cause any such Waggon or other Carriage to be unloaded if necessary, and to be removed in such Manner as shall be proper for preventing such Obstruction, and detain such Waggon or other Carriage, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall be paid.

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

LXII. And be it further enacted, That if any Person or Persons shall wilfully, maliciously, and to the Prejudice of the said Undertaking, break, throw down, damage, destroy, steal or take away, any Part of the said Railway, Tramroad, collateral Branch, 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 Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, 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.

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

LXIII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, within Twelve Calendar Months next after any Part of the said Railway or Tramroad shall be laid out and formed, at their own Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railway or Tramroad and collateral Branch, and also all Arches, Culverts, Hedges, Ditches, Drains, and Passages, over and under or by the Side of the said Railway or Tramroad and collateral Branch, of such Dimensions and in such Manner as any Three Justices of the Peace for the said Counties within their respective Jurisdictions 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 Lands and Grounds through which such Railway or Tramroad shall be made, or for protecting the said Lands and Grounds from Trespass, or the Cattle or other Property of the Owners or Occupiers thereof, from straying or escaping thereout by reason of such Railway or Tramroad or collateral Branch, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Arches, Culverts, Hedges, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect to make, erect, or set up such Gates, Arches, Culverts, Hedges, Ditches, Drains, and Passages as herein-before directed, or to maintain and support the same, or any of them, when erected, set up, and made in manner aforesaid, for the Space of Twenty-one Days next after the Time to be appointed for those Purposes respectively by the said Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Arches, Culverts, Hedges, Ditches,  
Drains,

Drains, and Passages, as the said Justices 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, Hedges, Ditches, Drains, and Passages aforesaid the said Railway or Tramroad, and other Things hereby authorized to be made or erected by the said Company of Proprietors, shall not be obstructed or injured for any longer Space of Time or in any other Manner than shall be necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justices), shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired, or maintained such Gates, Arches, Culverts, Hedges, Ditches, Drains, and Passages as aforesaid by the said Company of Proprietors, within the Space of Twenty-one Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors for the Use of such Person or Persons as shall have recovered such Costs and Charges, rendering to the said Company of Proprietors the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them or any of them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

LXIV. Provided always, and be it further enacted, That if the Owners or Occupiers of any Lands or other Hereditaments through which the said Railway or Tramroad or collateral Branch shall be made do or shall at any Time or Times hereafter apprehend that the Gates, Arches, Culverts, Hedges, Ditches, Drains and Passages respectively, which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient either in Number or Situation for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tramroad or collateral Branch shall pass, then and so often and in any such Case it shall be lawful for any such Owners or Occupiers, with the Consent and Approbation of the said Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Arches, Culverts, Hedges, Ditches, Drains, or Passages of the same or like Construction or Form with those made and erected by the said Company of Proprietors in, upon, along, or near to the said Railway or Tramroad or collateral Branch, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments,

Land Owners may erect other Gates, &c. if those provided by the Company are insufficient.

ments, and to repair and support the same at their own Costs and Charges as Occasion shall require, so that the Passage through or along the said Railway or Tramroad or collateral Branch 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, Hedges, Ditches, Drains, and Passages had been made or erected by the said Company of Proprietors: Provided that it shall be lawful for the Owners and Occupiers of the said respective Lands or Grounds through which the said Railway or Tramroad or collateral Branch shall be made, and his and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass over, upon and across such Part of the said Railway or Tramroad or collateral Branch as shall be made in and upon the said Lands or Grounds respectively, not damaging or obstructing the same or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided they shall not pass along any other Part of the said Railway or Tramroad or collateral Branch.

Owners of adjoining Lands may lay collateral Branches.

LXV. 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 or near the said Railway or Tramroad or collateral Branch from laying down any collateral Branch or Branches in or upon their respective Lands or Grounds, to communicate with the said Railway or Tramroad or collateral Branch, nor from making at their own Expence such Openings in the Edges or Flanches of the said Railway or Tramroad or collateral Branch 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 Merchandize along such collateral Branch or Branches.

Railway to be fenced off.

LXVI. Provided always nevertheless, That the said Company of Proprietors shall and they are hereby empowered and required, at their own proper Charges, after any Land shall be taken for the Use of the said Railway or Tramroad or collateral Branch, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tramroad and collateral Branch, with good and sufficient Posts, Rails, Quickset Hedges, Ditches, Mounds, or other Fences, at their own Costs and Charges, and from Time to Time to maintain and support the said Posts, Rails, Hedges, Ditches, Mounds, and other Fences so to be made as aforesaid, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway or Tramroad or collateral Branch, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same instead of Gates being erected as aforesaid; and the said Company of Proprietors shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds; and that then and in every such Case the Powers, Provisoos, Directions, and Regulations herein-before contained with respect to the Gates and other Works as aforesaid shall extend and apply and be applicable to the making and maintaining of such Fences as fully and effectually to all  
Intentts

Intents and Purposes as if the said Powers, Provisoos, Directions, and Regulations were now repeated and re-enacted with respect to such Fences.

LXVII. And be it further enacted, That it shall be lawful for the Lord or Lords, Lady or Ladies, of any Manor or Manors, and the Owner or Owners of such Works, Lands, or Grounds near to, through, or by which the said Railway or Tramroad or collateral Branch, or any Part thereof shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weigh Beams, or Warehouses in or upon his, her, or their respective Waste Lands or Grounds adjoining or near to the said Railway or Tramroad or collateral Branch, and to land any Goods or other Things upon such Wharfs or Landing Places, or upon the Banks lying between the same and the said Railway or Tramroad or collateral Branch, or any Part thereof, and also to make and use proper and convenient Places for Waggons, Carts, and other Carriages to lie and turn in and pass each other, so that the making or using thereof do not obstruct or prejudice the Passage of the said Railway or Tramroad or collateral Branch; and that all Rates which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weigh Beams, and Warehouses respectively shall be and the same are hereby accordingly vested in the Lord or Lords, Lady or Ladies, of such Manors, or the Owner or Owners of such Lands or Grounds, who shall make and erect the same as aforesaid, and his, her, or their Representatives.

Lords of Manors may erect Wharfs on their own Lands;

LXVIII. Provided always, 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 Months next after Notice in Writing to him, her, or them given, or left at his, her, or their last or most usual Place or Places of Abode, by or on behalf of the said Company of Proprietors, signifying that any Part of such Wastes, Lands, or Grounds is necessary or proper to be used by them for the Purpose of erecting and making Wharfs, Landing Places, Warehouses, and Buildings for the Use of the said Railway or Tramroad or collateral Branch, make, erect, and lay out, and from Time to Time maintain and keep in good and substantial Repair, such proper and sufficient Wharfs and Landing Places, Warehouses, and Buildings, for the Use of the said Railway or Tramroad or collateral Branch, as any Three Justices for the County shall think necessary on the respective Part or Parts of the Wastes, Lands, and Grounds described in such Notice, then and in every or any such Case the said Company of Proprietors shall have full Power and Authority, without any Hindrance or Restraint whatsoever, to make use of such Wastes, Lands, or Grounds (not being the Ground whereon any House or other Building stands, or any Garden, Orchard, Yard, Park, planted Walk, or any Avenue to any House,) for erecting and building proper and sufficient Wharfs, Landing Places, Warehouses, and Buildings agreeably to such Notice to be delivered as aforesaid.

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

LXIX. And be it further enacted, That the said Company of Proprietors shall make Satisfaction for the Lands or Grounds taken and used by them for the Purpose of making any such Wharfs, Landing Places, Ware-

Compensation to be made for Lands taken for Warehouses.

Warehouses, and Buildings as aforesaid, in such Manner as is herein directed with respect to any other Lands or Grounds which shall be taken or used by the said Company of Proprietors for the Purposes of this Act.

Company  
not to use  
Wharfs, &c.  
made by  
Owners of  
Lands.

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

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

LXXI. And be it further enacted, That no more than the Sum of One Penny *per* Ton shall be demanded or taken by any such Lord or Lords, Lady or Ladies, Land Owner or Owners who shall make, erect, or build any such Wharfs or Quays in pursuance of the Notice to be given by or on behalf of the said Company of Proprietors to such Lord or Lords, Lady or Ladies, Owner or Owners, for that Purpose as aforesaid, or by the said Company of Proprietors themselves, under the Power herein for that Purpose contained (as the Case may be), for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Lead Ore, or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things, nor more than Three-pence for the warehousing of every Package not exceeding Fifty-six Pounds Weight, nor more than Sixpence for the warehousing of every Package above Fifty-six Pounds Weight and not exceeding Five hundred Pounds Weight, and not more than One Shilling *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 One Shilling *per* Ton for warehousing for the next Ten Days, and the further 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



said Ten Days: Provided also, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs or Quays shall refuse or neglect to make and erect the same for the Space of Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected neglect or refuse to keep the same in repair; any thing in this Act contained to the contrary thereof notwithstanding.

LXXII. 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 is herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned.

Damage to Land, &c. not before provided for; how to be settled.

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

Payment of Subscriptions.

LXXIV. And whereas the probable Expence of making the said Railway and other Works hereby authorized to be made will amount to the Sum of Thirty-three thousand five hundred Pounds, and the Sum of Twenty-eight thousand Pounds; being more than Four-fifth Parts thereof, has been already subscribed by several Persons, under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That the whole of the said Sum of Thirty-three thousand five hundred Pounds shall be subscribed in like Manner before any of the Powers given by this Act shall be put in force.

Whole of Expence to be subscribed before the Work is commenced.

LXXV. Provided always, and be it further enacted, That in case the said Company of Proprietors shall obtain a Loan of any Exchequer Bills

Loan of Exchequer Bills to be deemed

[Local.]

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under

equivalent to a Subscription for the Purposes of the Act  
57 G. 3. c. 34.

57 G. 3. c. 124.

1 G. 4. c. 60.

under the Provisions of an Act 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*; or under the Provisions of another Act passed 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*; or under the Provisions of an Act passed in the First Year of the Reign of His present Majesty, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of the Reign of His late Majesty King George the Third, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor*; and to extend the Powers of the Commissioners for executing the said Acts in Great Britain, such Loan shall be deemed equivalent to a Subscription, so as to enable the said Company of Proprietors to proceed in the Execution of the Powers and Authorities contained in this Act.

If Railways be not completed within the Space of Five Years, Powers of this Act to cease, except as to Parts certified to have been completed within the Time.

LXXVI. Provided always, and be it further enacted, That in case the said intended Railway or Tramroad, and collateral Branch, shall not have been completed and made (unless prevented by inevitable Accidents) within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway or Tramroad, collateral Branch, and Works as shall have been declared and certified to have been completed within the said Term, by the Justices of the Peace of the said Counties of *Warwick, Worcester, and Gloucester*, within their respective Jurisdictions, assembled at any Quarter Sessions of the Peace to be holden in and for the said County respectively, at any Time before the Expiration of the said Term of Five Years, or within One Year next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

Buildings, &c. of Company, how to be rated.

LXXVII. And be it further enacted, That all and every the Lands, Dwelling Houses, Wharfs, Warehouses, Toll Houses, and other Buildings to be purchased, taken, erected, made, or built by virtue of or under the Authority of this Act for the Purposes thereof, shall be rateable and chargeable to the Maintenance of the Poor, and to all other parochial Rates and Taxes in the several Parishes, Hamlets, or Places where they are respectively situated.

Directing what shall be allowed Service of Notice on the Company.

LXXVIII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties to serve upon any One of the said Company of Proprietors any Notice or Notices, or any Writ or Writs, or other legal Proceedings, the Service upon One of the Committee of Management to be appointed by virtue of this Act, or left at his last or usual Place of Abode, or upon any Treasurer or

Clerk of the said Company, or left at the Office or usual Place of Abode of such Treasurer or Clerk, shall be deemed good and sufficient Service of the same respectively upon the said Company.

LXXIX. And be it further enacted, That the said Company of Proprietors and all Persons employed by them, in erecting or setting up any Engine or Engines commonly called Steam Engines, shall use the Mode or Method now adopted, or some other equally efficacious, to consume and burn the Smoke arising therefrom, so as to prevent the same occasioning any Nuisance whatsoever; and if the said Company of Proprietors or any Person or Persons employed by them shall set up or use any such Steam Engine without burning or consuming the Smoke upon the Principle aforesaid, they shall forfeit and pay for every such Neglect or Default Fifty Pounds, to be recovered, together with full Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record at *Westminster*, and such Steam Engine shall and may be abated as a Nuisance.

Steam Engines to consume their own Smoke.

LXXX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise particularly directed), may, in case of Non-payment thereof be recovered in a summary Way by the Order and Adjudication of any One Justice of the Peace for the County, Town, or Place in which such Penalty shall be incurred, on Complaint to him for that Purpose exhibited, and afterwards be levied, as well as the Costs of such Proceedings, on Non-payment, by Distress and Sale of the Goods and Chattels of the Offender or Offenders or Person or Persons liable to pay the same, by Warrant under the Hand and Seal of such Justice, who is hereby authorized and required to summon before him any Witness or Witnesses, and to examine him, her, or them upon Oath of and concerning such Offences, Matters, and Things, and to hear and determine the same; and the Overplus (if any) of the Money so levied or recovered, after discharging the Penalty or Forfeiture for which such Warrant shall be issued, and the Costs and Expences of recovering and levying the same, shall be returned upon Demand to the Owner or Owners of the Goods or Chattels so seized or distrained; and in case such Penalties and Forfeitures shall not be forthwith paid upon Conviction, then it shall be lawful for such Justice to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can be conveniently made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice, for his or their Appearance before such Justice, on such Day or Days as shall be appointed for the Return of such Warrant of Distress; such Day or Days not being more than Five Days from the Time of taking any such Security, and which Security the said Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had thereupon, then it shall be lawful for such Justice or any other Justice of the Peace for such County as aforesaid, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Gaol of such County, there to remain without Bail or Mainprize for any Term not exceeding Three Calendar Months, unless such Penalties and

Recovery of Penalties.

and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied; and such Penalties and Forfeitures when so levied (the Application whereof is not otherwise directed) shall be paid to the Treasurer acting under this Act, and be wholly applied to the Purposes of this Act, and to or for no other Use or Purpose whatsoever.

Persons aggrieved by Irregularity in Distress to recover Damages.

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

For securing transient Offenders.

LXXXII. And be it further enacted, That it shall be lawful for any Collector, Surveyor, or other Officer of the said Company of Proprietors, and such Person or Persons as he shall call to his Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons, being unknown to such Collector, Surveyor, or other Officer, who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County, Town, or Place where the Offence or Offences shall be committed, and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act.

Form of Conviction.

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

‘ } BE it remembered, That on the Day of  
 ‘ to wit, } in the Year of our Lord is con-  
 ‘ victed before me One of His Majesty’s  
 ‘ Justices of the Peace for the County of [or Place,  
 ‘ as the Case may be, specifying the Offence, and Time and Place when and  
 ‘ where the same was committed]. Given under my Hand and Seal the Day  
 ‘ and Year aforesaid.’

Proceedings not to be quashed for Want of Form.

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

LXXXV. And

LXXXV. And be it further enacted, That any Person or Persons who may think himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Company of Proprietors, or by the Order or Determination of any Justice or Justices of the Peace, may, within Three Calendar Months next 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 Appeal shall happen to arise, first giving Ten Days Notice at least in Writing of such Intention to appeal, and of the Matter thereof, 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 Rule, Bye Law, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they in their Judgment shall think just and reasonable.

Persons aggrieved may appeal.

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

Limitation of Actions.

General Issue.

2026

1° & 2° GEORGII IV. *Cap.*lxiii.

Public Act.

LXXXVII. 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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