



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 158.

An Act for making and maintaining a Railway or Tramroad from the Summit of the Hill above *Churchway Engine*, in the Forest of *Dean* in the County of *Gloucester*, to a certain Place in the said Forest called *Cinderford Bridge*.

[10th June 1809.]

WHEREAS the making and maintaining a Railway or Tramroad from the Summit of the Hill above *Churchway Engine*, in His Majesty's Forest of *Dean*, in the County of *Gloucester*, to a certain Place in the said Forest called *Cinderford Bridge*, with Collateral Branches therefrom, as herein-after mentioned, will open an easy and commodious Communication with the Collieries of the said Forest, whereby the Conveyance of Coal, Stone, and other Products of the said Forest will be greatly facilitated, and will also in other respects be of great public Utility: And whereas *Roynon Jones* the younger Esquire, *Margaret Roberts* Widow, *William Fendall* and *James Jelf* Esquires, are Joint Owners and Proprietors for the Remainder now to come of Two several Terms of Ninety-nine Years lately granted, and which commenced respectively on the Fourth and Fifth Days of *July* One thousand eight hundred and seven, of a certain Railway already formed and nearly completed, leading from the said Place called *Cinderford Bridge* towards and unto the River *Severn*,

[*Loc. & Per.*]

Proprietors
united into a
Company, &c.

at or near a Place called *Bullo Pill*, in the Parish of *Newnham* in the said County; which last mentioned Railway is, during the said Terms, their own private Property, and was made under the Authority of Parliament: And whereas they the said *Roynon Jones, Margaret Roberts, William Fendall, and James Jelf*, are desirous at their own Expence, to make and maintain the said first mentioned Railway or Tramroad, and other Works, but cannot effect the same without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said *Roynon Jones, Margaret Roberts, William Fendall, and James Jelf*, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and are hereby united into a Company for making, completing, and maintaining the said first mentioned Railway or Tramroad, Collateral Branches and other Works, according to the Rules, Orders, and Directions herein-after mentioned, and shall for that Purpose be one Body Corporate by the Name and Style of "*The Bullo Pill Railway Company*," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued; and the said Company shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain, and from Time to Time to alter a Railway or Tramroad, passable for Waggons or other Carriages, from the Summit of the Hill above *Churchway Engine*, in His Majesty's Forest of *Dean* in the County of *Gloucester*, to a certain Place in the said Forest called *Cinderford Bridge*; and also to make, complete, and maintain one Collateral Branch of Railway therefrom, to lead and extend from a certain Place in the said Forest called *The Dam*, to the Coalpits in the said Forest, called *The Upper and Lower Bilson Works*, and to make, complete, and maintain one other Collateral Branch of Railway, to lead and extend from the said Place called *The Dam* to a certain other Place in the said Forest called *Kelmsley Green*; and to make, complete, and maintain one other Collateral Branch of Railway or Tramroad from the said first mentioned Railway or Tramroad hereby authorized to be made, to lead and extend from a certain other Place in the said Forest called *Nofold Engine* to the Engines in the said Forest called *Nofold Green* and *The Old Engine*; and for the Purposes aforesaid, the said Company, their Deputies, Servants, Agents, Surveyors, and Workmen are hereby authorized and empowered to enter into and upon the Lands and Grounds of or belonging to the King's most Excellent Majesty, His Heirs or Successors, and to survey and take Levels of the same or any Part thereof, and to set out and appropriate for the Purposes herein-before, and herein-after mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tramroad and Collateral Branches hereby empowered to be made, and all such other Works, Matters, and Conveniencies as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same; and also to bore, dig, cut, trench, fough, get, remove, take, carry away, lay, use, and manufacture any Earth, Clay, Stone, Soil, Rubbish, Trees, (leaving such Trees for the Use of His Majesty), Roots of Trees, Beds of Gravel or Sand, or any other Matters or Things which may be dug or got in making the said Railway or Tramroad, Collateral Branches or other Works

Works hereby empowered to be made out of the Lands or Grounds of or belonging to the King's most Excellent Majesty, His Heirs or Successors, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tramroad, Collateral Branches and other Works hereby empowered to be made, or which may hinder, prevent, or obstruct the making, using, or completing, altering, extending, or maintaining the same respectively, according to the Intent and Meaning of this Act, and also to build, erect, and set up, in, under, over, or upon the said Railway or Tramroad, Collateral Branches and other Works hereby empowered to be made, or upon the Lands belonging to His said Majesty adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Floodgates, Weirs, Pens for Water, Wharfs, Houses, Warehouses, Tollhouses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines and other Works, Ways, Roads, and Conveniencies, as and where the said Company 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 to make, divert, alter, widen, enlarge, and extend any Ways, Roads, Passages or other Works, or Conveniencies, as well for carrying or conveying of Coals, Stones, Minerals, Goods, Wares, Merchandizes, and other Articles to and from the said Railway or Tramroad, Collateral Branches, and other Works hereby authorized to be made, or which may be useful for any of the Purposes thereof, as also to place, lay, work, or manufacture the said Materials, on the Lands or Grounds near to the Place or Places where the said Works or any of them shall be, or are intended to be made, erected, repaired, or done, and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tramroad or Collateral Branches, and to make, set out, and appoint such Roads and Ways convenient for haling or drawing of Waggon's or other Carriages passing upon the said Railway or Tramroad or Collateral Branches hereby authorized to be made, with Men, Horses, or otherwise, and proper Places for Waggon's and other Carriages to turn, lie, or pass each other, as they the said Company of Proprietors shall think convenient; and to construct, erect, and keep in Repair any Piers, Arches, and other Works, in upon and across any Rivers or Brooks for the making, effecting, preserving, improving, completing, using, maintaining, and repairing of the said Railway or Tramroad, Collateral Branches and other Works hereby authorized to be made, 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 of the said Railway or Tramroad, Collateral Branches and other Works to be made and constructed in pursuance of and according to the true Intent and Meaning of this Act, they the said Company, their Deputies, Agents, Servants, and Workmen doing as little Damage as may be in the Execution of the several Powers to them hereby granted, without making any Compensation for any such Damage to His Majesty for the same (except as herein-after is mentioned); and this Act shall be sufficient to indemnify the said Company or their Deputies, Servants, Agents, and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted, subject to such Proviso's and Restrictions as herein-after contained: Provided always, that where the said Railway or Tramroad hereby authorized to be made, shall cross any

Where Rail-
way crosses
Turnpike
Roads, &c.

Turnpike Road or public Highway, the Ledge or Flanch of the Railway for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of the Road.

Plan and Map
to be deposited
with Clerk of
the Peace.

II. And whereas a Survey has been taken to ascertain the Practicability of making the said Railway or Tramroad, Collateral Branches and other Works hereby authorized to be made, and a Map or Plan thereof hath been drawn; be it therefore enacted, That there shall be Two Parts of the said Map or Plan severally deposited, one with the Clerk of the Peace for the said County of Gloucester, and the other with the Clerk to the said Railway Company; to either of which Maps or Plans all Persons shall have liberty to resort, and to search for and examine the same as Occasion shall require, paying to the said respective Clerks for every such Search or Examination the Sum of One Shilling; and a Copy of such Map or Plan shall also be deposited in the Office of His Majesty's Surveyor General of Woods and Forests.

Enabling the
Company to
deviate from
the Line laid
down in the
Plan.

III. And be it further enacted, That the said Company of Proprietors in making the said Railway or Tramroad or Collateral Branches hereby authorized to be made, shall not deviate more than shall be necessary for that Purpose, and not more than One hundred Yards from the Course or Direction delineated in the said Map or Plan, nor cut, carry, or convey the same Railway or Tramroad or Collateral Branches into, through, across, under, or over any Part or Parts of the Land or Ground belonging to His said Majesty, other than such Part or Parts thereof as are described in the said Map or Plan, without the Approbation and Consent in Writing of the Surveyor General of His Majesty's Woods and Forests for the Time being, on previous Application in Writing made to him for that Purpose, signed by some Person duly authorized on behalf of the said Company of Proprietors; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the Course or Direction of the said Railway or Tramroad or Collateral Works hereby authorized to be made, or Alteration of the same, in case the said Surveyor General shall consent thereto.

Breadth of the
Land to be
taken for the
Railway.

IV. And be it further enacted, That the Land and Ground to be used for the Purposes of this Act, shall not exceed Seven Yards in Breadth, except in such Places where it shall be judged necessary for Waggon or other Carriages to turn, lie, or pass each other, or for raising Embankments, or for crossing the Valleys, or in deep Cuttings, and in those Places only such Breadth of Land as shall be absolutely necessary, or where any Warehouses, Cranes or Weighing Beams may be erected, or where any Places may be set out or appropriated for the Reception or Delivery of Goods, Wares, and Merchandize which shall be conveyed on the said Railway, and not above Sixty Yards in any Place, without the Consent of the said Surveyor General in Writing for that Purpose first had and obtained.

Land to be
vested in the
Proprietors.

V. And be it further enacted, That immediately upon or after any Lands, Grounds, or Hereditaments of or belonging to His said Majesty, His Heirs or Successors, shall be set out and ascertained for making the said Railway or Tramroad and Collateral Branches or other Works hereby authorized to be made, or any Part or Parts thereof, such Lands, Grounds,

or

or Hereditaments so set out and ascertained, and the Fee Simple and Inheritance thereof in Possession, shall by force of this Act vest in the said Company of Proprietors and their Successors for ever, on Payment to His Majesty, His Heirs and Successors, of the yearly Sum herein-after mentioned.

VI. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act in Execution, shall be held at the *King's Head Inn* in the City of *Gloucester*, on the Third Monday next after the passing of this Act, at the Hour of Eleven in the Forenoon, and the Second and every other General Assembly, at such Times and Places as shall at such First or any subsequent Assembly of the said Proprietors or the major Part of them be appointed; and the said Company of Proprietors at such respective Assemblies or the major Part of them then present, shall have Power and Authority to make Rules, Bye Laws, and Orders for the good Government of the said Company of Proprietors, their Agents and Workmen, for making, maintaining, and using the said Railway or Tramroad, Collateral Branches, and other Works hereby authorized to be made, and all other Conveniences, Matters, and Things relating thereto, and for and concerning all such Goods 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 Branches and other Works hereby authorized to be made, and from Time to Time to alter and repeal and again to renew the said Bye Laws, Orders, and Regulations, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the major Part of the said Company of Proprietors at such Meetings 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 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 for Money received, laid out and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them in and about the said Railway or Tramroad hereby authorized to be made, Collateral Branches and other Works thereto 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.

Appointing
the first and
other General
Assemblies of
the Company.

VII. And be it further enacted, That it shall be lawful for the said Company of Proprietors at any General Meeting assembled by virtue of this Act, and they are hereby required from Time to Time to nominate and appoint a Treasurer or Treasurers and Clerk, and such other Officers

Officers to the
Company to be
appointed.

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as they shall think proper, and to take sufficient Security from every such Treasurer or Treasurers, Clerk and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of his Office, as the said Company of Proprietors shall think proper; and from Time to Time to remove and again to replace any such Treasurer or Treasurers, Clerk or other Officer or any of them; and such Clerk shall attend the General Meetings and Assemblies of the said Company of Proprietors, and shall in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors, by virtue and under the Authority of this Act; and that every Proprietor of the said Undertaking, shall and may at all convenient Times have Recourse to and peruse and inspect the same, and may demand and have Copies thereof or of any Part thereof, paying Eight-pence for every One hundred Words so to be copied; and if any such Clerk shall refuse to permit any of the said Proprietors to inspect or peruse any such Books at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time at the Rate aforesaid, he shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, for the Benefit of the said Undertaking; and whenever any such Treasurer or Clerk shall die or be removed from or quit the Service of the said Company of Proprietors, it shall be lawful for the said Company of Proprietors for the Time being or the Majority of them, to appoint some other fit Person or Persons to be Treasurer or Clerk in the Place of him or them so dying, being removed, or quitting the said Service.

Books of Account to be kept.

VIII. And be it further enacted, That proper Books of Account and other Matters relating to the said Undertaking shall be kept, and that all such Books shall be deposited and kept under the Direction of the said Company of Proprietors for the Time being, at such Place or Places as the said Company of Proprietors shall from Time to Time direct; and every Proprietor or Proprietors at all reasonable Times shall have free Access to the same for his, her, or their Inspection, without Fee or Reward.

Power to take Rates, &c.

IX. And, in Consideration of the great Charge and Expence which the said Company of Proprietors will sustain in making and maintaining the said Railway or Tramroad, Collateral Branches and other the Works hereby authorized to be made; be it further enacted, That it shall and may be lawful to and 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 their own Use and Benefit, for the Tonnage of all Goods, Wares, Merchandizes and other Things which shall be carried or conveyed upon the same Railway or Tramroad and Collateral Branches, or upon any Part or Parcel thereof the Rates and Duties herein-after mentioned; that is to say,

Tonnage Rates.

For all Coal, Coke, Culm, Stone, Coal-Cinders, Chalk, Marle, Sand, Lime, Clay, Ashes, Peat, Lime-stone, Iron-stone, Iron, or other Ore, and

and other Minerals and Bricks, the Produce of the said Forest, which shall be hauled or carried on the said Railway or Tramroad hereby authorized to be made, from any Place or Places whatsoever within the said Forest, to or near to the said Place called *Cinderford Bridge*, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding One Shilling and Sixpence *per Ton* for such entire Distance:

For all Coal, Coke, Culm, Stone, Coal Cinders, Chalk, Marle, Sand, Lime, Clay, Ashes, Peat, Lime-stone, Iron-stone, Iron, or other Ore, and other Minerals and Bricks the Produce of the said Forest, which shall be carried or borne upon the said Railway or Tramroad hereby authorized to be made, from one Place to another within the said Forest, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding Sixpence *per Ton per Mile*:

And for all Timber, Goods, Commodities, Wares, and Merchandizes whatsoever, to be hauled or carried on the said Railway or Tramroad hereby authorized to be made, whether the Produce of the said Forest or not, and for Payment for the Carriage of which Provision is not hereinbefore made, such Sum or Sums as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding Sixpence *per Ton per Mile*.

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

Declaring
what shall be
Fraction of a
a Ton and a
Fraction of a
Mile, &c.

X. And be it further enacted, That the Rates 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 hereby authorized to be made, in such Manner and under such Regulations as the said Company of Proprietors at some General or Special Assembly or Assemblies shall direct or appoint; and in case of Denial or Neglect of Payment of any such Rates or any Part thereof on Demand, to the Person or Persons appointed to receive the same as aforesaid, the said Company may sue for the same by Action of Debt or upon the Case in any of His Majesty's Courts of Record, or the Person or Persons to whom such Rates ought to have been paid, may and he or they is and are hereby authorized to seize the Goods or other Things for or in respect whereof any such Rates ought to have been paid, or any Part thereof, and the Waggon or other Carriage laden therewith, and detain the same until such Payment shall be

Manner of
recovering
Rates.

be made, and also until Payment made of all Arrears of any Rates which may be due from the Owner or Owners of such Waggon or other Carriage, as the Case may be, to the said Company, together with the reasonable Charges for such Seizure and Detention; and if such Goods shall not be redeemed within Five Days next after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent; and the said Company of Proprietors or the major Part of them, 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 Rates before mentioned, as often as shall be deemed necessary for the Interest of the said Undertaking.

Company empowered to
lease the Rates.

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

Owners of
Waggons, &c.
to give an Account in Writing
of Lading.

XII. And, for the better ascertaining and more easily collecting the said Rates; be it further enacted, That the Owner or Owners, or Person or Persons having the Care of any Waggon or other Carriage passing upon the said Railway or Tramroad or any Part thereof, shall give an exact and true Account in Writing, signed by him or them, to the Collectors of the said Rates, at the Place or Places where they shall attend for that Purpose, of what Quantity of Goods or other Things as aforesaid, shall be in such Waggon or other Carriage respectively, and with respect to such Waggon or other Carriage, from whence brought, and where the same are intended to be unloaded or left; and in case any Person shall neglect or refuse to give such Account to any such Collector demanding the same, or shall wilfully give a false Account, or shall deliver any Part of his Goods at any other Place than what is or are mentioned in such Account, with Intent to avoid the Payment of the said Rates or any Part of them, he shall forfeit and pay any Sum not exceeding Twenty Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in any such Waggon or other Carriage respectively, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, (as the Case shall happen to be), over and above the respective Rates directed to be paid for the same by virtue hereof,

XIII. And,

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

Weight of
Tonnage
ascertained.

XIV. 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 to weigh, measure, or gauge, or cause to be weighed, measured, or gauged such Waggon or other Carriage, and all such Goods and other Things as shall be therein contained respectively; and in case the same shall upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof as aforesaid, then the Owner or Person giving in such Account, shall pay the Costs and Charges of such weighing, measuring, and gauging, all which said Costs and Charges upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied by such Ways and Means and in such Manner as the said Rates are hereby appointed to be recovered and levied; but if such Goods or other Things shall appear to be of the same or less Weight or Quantity than the Account given thereof by the said Owner or other Person, then the said Collector shall pay the Costs and Charges of such weighing, measuring, and gauging, and shall also pay to such Owner or Person, or to the Owner or Owners of such Goods or other Things, such Damages as shall appear on the Oath of any credible Witness (which Oath any One of His Majesty's Justices of the Peace of and for the said County, is hereby empowered to administer) to have arisen from such Detention, and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

If any Difference concerning Weight, Collectors may weigh or measure Waggon.

XV. And be it further enacted, That all Persons whomsoever, except as herein-after is excepted, shall have free Liberty to use with Horses, Cattle, and Carriages, the Roads, Ways, and Passages to be made by virtue of this Act, for the Purpose of conveying any Goods, Wares, Merchandize, and other Things, to or from the said Railway or Tramroad hereby authorized to be made and every Part thereof, without paying any Thing for the Use of such Roads, Ways, and Passages, and also to pass upon and use the said Railway or Tramroad hereby authorized to be made, with Waggon or other Carriages properly constructed respectively as herein-after mentioned, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein-before for that Purpose mentioned, and subject to the Rules and Regulations which shall be from Time to Time made by the said Company by virtue of the Powers herein granted.

Railway hereby authorized to be free on Payment of Rates.

XVI. And, in Consideration of the Powers and Privileges hereby granted to the said Company of Proprietors; be it further enacted, That the Miners of the said Forest, (except as herein-after is excepted) shall

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have

Railway from Cinderford Bridge to the Severn, to be free for certain Rates, etc.

have Liberty during the Continuance of the said present or any future Terms and Interest of them the said Company of Proprietors therein, to use the said private Railway or Tramroad leading from *Cinderford Bridge* aforesaid, to the River *Severn* at or near *Bullo Pill* aforesaid, as well for the hauling and carrying their Coals thereon, as also for hauling and conveying thereon Timber and Wood to be *bonâ fide* applied and employed by them for the Use of their said Coal-pits, Mines, and Quarries, and that all Timber, Wood and Bark to be felled and stripped in the said Forest under the Direction of the said Surveyor General, shall and may during the Continuance of such present and future Terms and Interest be hauled, carried, and conveyed upon and along the same Railway or Tramroad, upon Payment of such Rates as shall be demanded by the said Company of Proprietors, not exceeding the respective Sums herein-after in that behalf particularly mentioned, (that is to say); for all Bark to be stripped within the said Forest, and for all Coal of and belonging to the said Miners, and for all Timber and Wood to be by the said Miners *bonâ fide* applied and employed for the Use of their Coal-pits, Mines, and Quarries within the said Forest, which shall be hauled or carried upon the said private Railway leading from *Cinderford Bridge* aforesaid to the said River *Severn*, at or near to *Bullo Pill* aforesaid, at any Time during the present or any future Term and Terms, and Interest of them the said Company of Proprietors of and in the said private Railway, such Sum or Sums as they the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding Four Shillings and Sixpence *per* Ton for the entire Distance: and for all Timber and Wood to be felled in the said Forest, under the Direction of His Majesty's said Surveyor General, and which shall be carried or conveyed upon the said private Railway, at any Time during the Continuance of the said present or any future Term and Terms and Interest of them the said Company of Proprietors of and in such private Railway, such Sum or Sums as they the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding Two-pence *per* Foot for the entire Distance.

Rates.

But such last mentioned Railway not to be a publick Way for any other Person.

XVII. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to make the said last-mentioned Railway or Tramroad or any Part thereof, a publick or common Railway or Tramroad, or to be used by any Person or Persons whomsoever, without the special Licence of them the said Company of Proprietors, other than and except such Miners as aforesaid, and only for the Purposes aforesaid, and other than and except for the Conveyance of Timber, Wood, and Bark to be felled and stripped within the said Forest, under the Direction of the said Surveyor General as aforesaid; but that on the contrary the same Railway or Tramroad, with all Roads, Ways, and Passages belonging thereto, shall be, remain, and continue (except so far and only so far as aforesaid) the private Property of them the said Company of Proprietors to all Intents and Purposes whatsoever, in such and the same Manner as if this Act had not been made; any Thing herein contained to the contrary notwithstanding.

Timber growing in His Majesty's

XVIII. And whereas it is expedient that all Timber growing in His Majesty's Forests, should be, as far as is possible, reserved for the Uses of the Navy; and also, that as much of the Lands of His Majesty's said Forests

Forests as is fit for the Growth of Timber applicable to such Uses, should be employed in the Production thereof, and the Timber growing or to be produced thereon protected from Injury and Depredation; be it further enacted, That no Coal, Stone, or Iron-Ore shall be carried upon or along the said Railway hereby empowered to be made, or any Part thereof, from any Pit, Mine, or Quarry, the Owner or Occupier of which, after the said Main Line shall be completed, for or in respect of the sinking, opening, or using such Pit, Mine, or Quarry, shall claim to be entitled to and shall receive any Timber or Wood of the said Forest growth; and that no Coal, Stone, or Iron-Ore shall be carried upon or along the said Main Line or Branches of Railway hereby empowered to be made, from any Pit, Mine, or Quarry to be hereafter sunk or opened at the Distance of more than One hundred Yards from the said Main Line or Branches of Railway, without the Consent in Writing of the said Surveyor General for the Time being, on a previous Application to him in Writing, and signed by the Miner or Miners desirous of opening such Pit, except in the case of any Pit, Mine, or Quarry to be hereafter sunk or opened in any of the Plains, or flat, wet, and marshy Parts of the said Forest, called and known by the Name of *Greens*, the Coal, Stone, or Iron-Ore dug and got from which last-mentioned Pits, Mines, or Quarries, so to be hereafter sunk or opened upon any of the said *Greens*, it shall be lawful to carry upon or along the said Railway hereby empowered to be made, or any Part thereof, although the same may be at a greater Distance than One hundred Yards from the said Main Line or Branches of Railway, and may have been sunk or opened without such previous Application to and Consent of the said Surveyor General as aforesaid; and every Owner or Occupier of every such Pit, Mine, or Quarry, offending herein, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Ton of Coal, Stone, or Iron-Ore which shall be so taken, carried, or conveyed as aforesaid, and so proportionably for any greater or less Quantity; and every Carrier (not being Owner thereof) knowingly carrying or conveying the same, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and all such Coal, Stone, or Iron-Ore shall be seized, taken, and forfeited, and the said several Penalties and Forfeitures hereby imposed in respect thereof shall be paid, applied, and disposed of to His Majesty's Use.

Forests, to be
for the Use
the Navy. &c.

XIX. Provided always, and be it further enacted, That nothing herein contained shall affect, alter, or restrict in any way, or be construed to affect, alter, or restrict any of His Majesty's lawful Rights to any Share of the Produce of any Mines opened or to be opened and worked in the said Forest or any Composition for the same, or otherwise, or any Powers, Jurisdiction, or Authority which by Law appertained to His Majesty with respect to the opening and working of such Mines, and to the Produce thereof, and which have lawfully been or may be exercised on behalf of His said Majesty, His Heirs and Successors, by His Officer of the said Forest, called and known by the Designation of the Keeper of His Majesty's Gawles, or the lawful and sufficient Deputy or Deputies of such Officer.

Not to affect
His Majesty's
Rights to any
Share of the
Produce of
Mines, &c.

XX. Provided always, and be it further declared and enacted, That nothing in this Act contained shall extend or be construed to extend to limit

This Act not
to abridge the
Rights of His

Majesty under
20 C. 2. and
48 G. 3. &c.

limit or abridge the Right now vested in His Majesty, by an Act of the Twentieth Year of the Reign of His late Majesty King *Charles* the Second, intituled, *An Act for the Increase and Preservation of Timber in the Forest of Dean*; and an Act of the Forty-eighth Year of the Reign of His present Majesty, intituled, *An Act for the Increase and Preservation of Timber in Dean and New Forests*, to inclose, sever, and improve, plant, and hold in Severalty any Part of the Waste or Open Lands of the said Forest of *Dean*, for the Growth and Preservation of Timber, freed and discharged from all Rights, Titles, Privileges, and Claims whatsoever, as extensively and in such Manner as is authorized by the said two last-mentioned Acts or either of them; and that in case any Pit, Mine, or Stone Quarry for the digging and getting of Coals, Stone, or Iron-Ore therein and therefrom, shall have been or at any Time hereafter shall be opened within any Part of the said Waste, or open and uninclosed Lands which shall or may be deemed at any Time hereafter proper so to be inclosed as aforesaid, the Owner or Occupier, Owners or Occupiers, and the Miner or Miners concerned or in any way interested in such Pit, Mine, or Stone Quarry, on receiving Notice in Writing from the Surveyor General for the Time being, that such Lands are intended to be inclosed for the Purposes aforesaid, and by virtue of the said Acts, shall be and is and are hereby required, within Six Calendar Months from the Date of such Notice, to relinquish and abandon the Working of any such Pit, Mine, or Stone Quarry, or in Cases where the said Surveyor General shall signify in Writing his Consent thereto, to fence off the same from the rest of the said Lands, and the Road leading thereto on each Side, and in such Manner as shall be required by the said Surveyor General, and so as not to leave more than the Width of Seven Yards for such Road between the Fences on each Side thereof; in which Case, with such Consent, it shall be lawful to continue to work such Pit, Mine, or Stone Quarry, notwithstanding any such Inclosure of the Lands in which the same shall be situated.

Clerk to deliver to the Surveyor General, &c. Lists of Free Miners, &c. using the Rail-way.

XXI. And be it further enacted, that the Clerk to the said Company of Proprietors or Persons appointed to collect the Tolls, shall on *Monday* Morning in every Week deliver unto the said Surveyor General or his Deputy, or any Person to be employed by such Deputy to obtain the same, a List in Writing of the Name and Names of all and every Free Miner or Free Miners, whose Coals, Stone, or Iron Ore, shall have been carried through their respective Gates in the preceding Week, and of the Carrier and Carriers hauling and conveying the same.

Penalty on Proprietors and Collectors permitting such Miners to pass.

XXII. And be it further enacted, That the said Surveyor General or his Deputy shall from Time to Time make out and give to the Clerk of the said Company of Proprietors, a List of the Names of all and every the Free Miners who shall hereafter open any Pit at the Distance of more than One hundred Yards from the said Main Line or Branches of Railway hereby authorized to be made, without such Application to and Consent of the said Surveyor General or other Person duly authorized as aforesaid, and also of all and every the Free Miners who shall, after the Completion of the said Main Line of Railway hereby authorized to be made, claim and receive such Timber for sinking, opening, or working any Pit, Mine, or Quarry within the said Forest, and whose Names the said Clerk shall cause to be written on a Board under a Subscription denoting that such Persons claim and receive such Timber, and fix the same up to public

View at each Gate on the said Railway where the Tolls shall be collected; and if any Collector shall at any Time or Times permit or suffer any Coal, Stone, or Iron-Ore, knowing the same to be the Property of any Person or Persons named in the said Table, to pass such Gate or Gates, the said Company of Proprietors shall forfeit and pay any Sum not exceeding Ten Pounds, and the said Collector any Sum not exceeding Twenty Pounds, to the Use of His said Majesty, for each and every such Offence; and if the said Deputy Surveyor or any Person employed by him, or such Collector or Collectors, shall suspect any Coal, Stone, or Iron-Ore hauled or carried on the said Railway or Tramroad, to be the Property of any such Free Miner or Free Miners, or of any Person who shall have purchased the same from, or obtained the same under colour of the Name or Privilege of such Free Miner, although such Fact shall be denied by the Carrier, it shall be lawful for such Deputy Surveyor or his Assistants or such Collector to seize any such Coal, Stone, or Iron-Ore; and in case such Seizure shall be made by such Collector, he is hereby required forthwith to give Notice thereof to the said Deputy Surveyor, who is also hereby required to cause Information to be made of such Seizure before any One or more of His Majesty's Justices of the Peace for the said County of Gloucester, which Justice or Justices shall, after due Notice and Summons to the Party informed against, have Power to hear and determine the said Complaint, and to summon all and every other Person or Persons to appear before him or them, and to give Evidence upon Oath thereon; and upon such Hearing the Proof that such Coal, Stone, and Iron-Ore was not the Property of a Free Miner claiming or receiving Timber or Wood from the said Forest, or was not dug or raised in such Pit opened beyond the Distance of One hundred Yards from the said Main Line or Main Branches, without the Consent in Writing of the said Surveyor General as aforesaid (except as aforesaid), shall rest upon the Owner of such Coal, Stone, or Iron-Ore, or the Carrier thereof; and in case such Seizure shall appear to such Justice or Justices to have been irregular and illegal, or to have been made without a reasonable Ground of Suspicion, such Justice or Justices shall have Power and Authority to award such Satisfaction to the Party injured as he or they shall think fit.

XXIII. Provided also, and be it further enacted, That no Coals, Stone, Iron-Ore or other Articles, Goods, Wares, or Merchandizes whatsoever, to be carried on the said Railway hereby authorized to be made, shall be unladen or delivered within the said Forest, unless where it may be necessary to transfer the same from one Railway Cart to another, or to some other Carriage, by directly loading the One into the other to proceed immediately; and unless at such other Place or Places, where either of the principal Lines of Railway shall intersect or communicate with any King's Highway in the said Forest, which, on Application in Writing to the said Surveyor General, shall be consented to by him, at which last-mentioned Places of Deposit so to be consented to, no Inclosures, Buildings, or covered Warehouses shall be permitted to be erected or made; and that no Timber Wood or Bark of any Sort, other than such of His Majesty's Timber Wood and Bark as shall have been felled and stripped in the said Forest under the Authority and Direction of His said Majesty's Surveyor General, shall be loaded or carried on or along any Part of the said Railway hereby authorized to be made within the said Forest, under the Penalty of

No Goods to
be unladen in
the Forest
except, &c.

[Loc. & Per.]

35 R

any

any Sum not exceeding Five Pounds, if the Driver shall be the Owner of such Carriage, or of any Sum not exceeding Forty Shillings if she shall be the Driver only, for each and every such Offence, and also of the Forfeiture of such Timber, Wood and Bark, such Penalty and Forfeiture to be to the Use of His said Majesty, and to be recovered as aftermentioned, save and except that it shall be lawful for the said Miners of the said Forest, by themselves or their Agents, or by the said Carriers, to haul and bring into the said Forest such Timber and Wood as shall be necessary for the Use of the Coal-pits, Mines, and Quarries within the said Forest, and to be *bonâ fide* used in getting the Produce thereof; but in which case the Person or Persons for whom the same shall be brought, shall cause at the least Two Days previous Notice in Writing to be given to the Deputy Surveyor of the said Forest, of the Time of carrying the same, and of the Parts of the said Railway over which the same is intended to pass, by leaving such Notice at his Dwelling House or delivering it in Person; and for the Conveyance of which from the Entrance of the said Forest to the Pit, Mine, or Quarry where the same shall be unloaded or used, reasonable Time to be specified in Writing by the said Deputy Surveyor, not exceeding Six Hours, shall be given; and any Person offending against the Exception or Privilege aforesaid in any Manner, shall be considered a wrong Doer, *ab initio*, and be subject to the Penalty and Forfeiture hereinbefore imposed.

Inspectors to be appointed who may search Carts, &c. and detain suspected Persons.

XXIV. And be it further enacted, That it shall be lawful for His Majesty's said Surveyor General for the Time being, from Time to Time to nominate and appoint such and so many Persons as he shall think necessary, for the Purpose of preventing Thefts and Frauds on the said Railway, Tramroad and other Works hereby authorized to be made, and also for inspecting, enquiring, and reporting to the said Surveyor General or his Deputy, whether the Conditions herein mentioned and directed, in Consideration of the Liberty and Privilege hereby given, have been by the said Company of Proprietors duly kept and performed; and each of such Persons so appointed shall and may from Time to Time, as often as they or either of them shall see Occasion, stop, detain, examine, and search any Waggon, Cart, or other Carriage, going or travelling on the said Railway or Tramroad, or other Works hereby authorized to be made, which there shall be Reason to suspect hath any Timber or Bark stolen or unlawfully procured from or out of the said Forest, and also to apprehend and detain or cause to be apprehended and detained any Person or Persons who may be reasonably suspected of having or conveying of the same, and such Person or Persons shall be (as soon as conveniently may be) conveyed before One or more Justice or Justices of the Peace for the said County of Gloucester; and if such Person or Persons shall not give such an Account and make Proof of the Manner of his, her, or their coming by such Timber or Bark, which shall upon Investigation be satisfactory to such Justice or Justices; or if such Person or Persons shall not, upon being required so to do, produce the Party or Parties from whom he, she, or they received the same; or if such Person or Persons shall produce the Party or Parties last aforesaid, and upon the Whole of the Evidence it shall appear to the Satisfaction of such Justice or Justices, that the Person or Persons so suspected did, at the Time of his, her, or their receiving such Timber into his, her, or their Possession, believe or had reasonable Cause to believe that the same

Same was unlawfully come by or obtained, such Person or Persons so apprehended shall be deemed and adjudged guilty of a Misdemeanour, and being the Driver and Owner of every such Waggon, Cart, or other Carriage, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, and not being such Owner any Sum not exceeding Five Pounds, such Forfeitures to be applied and disposed of to and for the Benefit of His said Majesty.

XXV. And be it further enacted, That the said Company of Proprietors shall on the First Day of *January* in every Year, pay or cause to be paid unto the said Surveyor General or his Deputy for the Time being, for the Use of His said Majesty, a Sum at and after the Rate of One Guinea *per* Week for and towards the Costs and Charges which will be incurred by His said Majesty, in appointing and keeping such Inspectors; and also the further Rent or Sum of One hundred Pounds yearly, for the Liberties and Privileges hereby given, such Payment for the said Inspectors to commence from and to continue only during such Time as such Officer shall be appointed and employed for that Purpose by the said Surveyor General, and the said yearly Rent from the Twenty-fifth Day of *December* in the Year of our Lord One thousand eight hundred and ten, or from any earlier Period at which the said Main Line of Railway hereby authorized to be made shall be completed.

Payment to Inspectors, for the Privileges hereby given.

XXVI. And be it further enacted, That the said Sum at and after the Rate of One Guinea *per* Week, and also the said further Rent or Sum of One hundred Pounds yearly, herein-before directed to be paid by the said Company of Proprietors unto the said Surveyor General or his Deputy for the Time being, for the Use of His said Majesty, shall be charged on the Tolls, Rates, or Duties herein-before granted; and in case either of such Sums shall be in Arrear and unpaid for the Space of Twenty-one Days next after the same shall become due and payable, it shall be lawful for the said Surveyor General or his Deputy to appoint one or more Person or Persons to receive the said Tolls, Rates, or Duties, and to be and continue in the Collection and Receipt thereof, until such Sum or Sums, and all Arrears thereof, with the Costs and Charges of receiving and recovering thereof, shall be fully paid and satisfied, or the same may be sued for and recovered from the said Company of Proprietors, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or it shall be lawful for the said Surveyor General or his Deputy, for and in the Name of His said Majesty, to seize and distrain any Waggons, Carriages, or other Goods and Effects of the said Company of Proprietors or their Successors, which shall be found on the said Railway or other Works hereby authorized to be made, and to detain the same until Payment of such Sum or Sums of Money, together with the reasonable Charges attending such Distress shall be fully made, and if such Distress shall not be redeemed within Five Days next after the same shall be taken, and Notice thereof given in Writing to the Clerk of the said Company of Proprietors, or left for him at his last or usual Place of Abode, then such Waggons, Carriages, or other Goods or Effects so distrained, shall and may be appraised and sold, in such Manner as the Law directs in Cases of Distress for Rent.

Declaring how the said Payments shall be recovered from the Company.

XXVII. And

Commissioners of His Majesty's Navy empowered to lay Collateral Lines of Railway.

XXVII. And be it further enacted, That nothing herein contained shall extend or be construed to extend so as to prevent or restrain the Commissioners of His Majesty's Navy, or the said Surveyor General for the Time being respectively, at their and his Discretion, to lay any Collateral Lines of Railway, at the Expence of their respective official Departments, to join and communicate with the Main and other Lines of Railway herein-before authorized to be made by the said Company of Proprietors, for the Carriage of Timber and Wood to be felled in the said Forest, under the Direction of the said Surveyor General, making a reasonable Satisfaction for any Injury which may be done to the Railway of the said Company of Proprietors, by the Weight or Size of Timber carried thereon.

Company not to interrupt Inclosures, but give their Support to them.

XXVIII. And be it further enacted, That the said Company of Proprietors, their Servants or Agents, shall not in any Manner whatsoever impede, interrupt, or prevent the Surveyor General of the said Forest, or any Person to be employed by him in raising or making Inclosures for the Growth or Support of Timber or Wood in the said Forest, under and by virtue of the said Statutes passed in the Twentieth Year of the Reign of His said late Majesty King *Charles* the Second, and in the last Session of Parliament, but that the said Company of Proprietors, their Servants and Agents, shall and will at all Times give their Support and Countenance to the making and keeping up such Inclosures, according to the Spirit, true Intent and Meaning of the said Statutes.

Strangers not to travel along the Railway on Horseback.

XXIX. And be it further enacted, That if any Person or Persons (save and except the said Company of Proprietors, their Agents or Servants, or others in Company with them, or the said Surveyor General and his Deputy and Servants, or the Inspectors to be herein-after appointed) shall ride, lead, or drive, or cause to be rode, lead, or driven upon the Railway or Tramroad, or Collateral Branches hereby authorized to be made, or any Part thereof, any Horse, Mare, Gelding, Mule, or Ass, or shall lead or drive or cause to be led or driven thereon any Cow or other Beast, Cattle, Sheep, or Swine, or any other Beast, (except only in crossing the same at Places to be appointed for that Purpose), he, she, or they shall forfeit and pay to the said Company of Proprietors for every such Offence any Sum not exceeding Forty Shillings.

No Waggon to pass on Railway unless constructed as directed by the Company.

XXX. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway or Tramroad hereby authorized to be made, with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company of Proprietors, which Orders and Regulations shall be affixed on some conspicuous Part of every Tollhouse erected on such Railway or Tramroad, for the collecting of the Rates by this Act imposed, (except in crossing the same for the convenient Occupation of the adjacent Grounds, or in passing any publick or private Carriage Road which may happen to cross the said Railway); and that if any Person or Persons whomsoever shall pass upon any Part of such Railway or Tramroad with any Waggon or Carriage, not constructed in the Manner herein-before directed (except as before excepted), he, she, or they so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds to the said Company of Proprietors.

XXXI. And

XXXI. And, for the better Regulation of the Owners of Waggon and other Carriages, and others employed by or under them respectively, and for the more easy Detection of any Thing by them done contrary to the Directions of this Act; be it further enacted, That every Owner of any Waggon or other Carriage passing along the said Railway or Tramroad hereby authorized to be made, shall cause his or her Name and Place of Abode, and the Number of his or her Waggon or other Carriage, to be entered with the Clerk to the said Company, and shall also cause such Name and Number to be painted in large White Capital Letters and Figures on a Black Ground Three Inches high at the least, and of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged or measured at the Expence of the said Company, whenever it shall be required by them or any Person or Persons appointed for that Purpose; provided, that no such Waggon or other Carriage shall be gauged or measured more than Four Times in any one Year; and every Owner of any Waggon or other Carriage which shall pass on any Part of the said Railway or Tramroad without having such Name, Figure, and Index thereon as herein-before directed, and every Person who shall alter, erase, deface, or destroy the same, or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit any Sum not exceeding Five Pounds.

Owners to put
their Names
on Outside
their Wag-
gons.

XXXII. And be it further enacted, That the Owner or Owners of every Waggon or Carriage passing upon the said Railway or Tramroad hereby authorized to be made, shall be and is and are hereby made answerable for any Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or any of the Waggoners or other Persons belonging to or employed in or about the same respectively, unto the said Railway or Tramroad, or other Works to be made by virtue of this Act, or by loading or unloading any Waggon or other Carriage, or any other Trespas 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 Justice of the Peace, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer) pay to the said Company of Proprietors 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 Costs, Charges, and Expenses attending such Conviction, which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Waggon or other Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any) after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; or if such Damages shall exceed the Sum of Five Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage shall and may be prosecuted for the same in any Court of Record at *Westminster*; and if a Verdict shall pass against him or her, or Judgement be given against him or her upon Demurrer or by Default, the Plaintiff in such Case shall recover his Damages thereby sus-

Owners of
Waggons to
be account-
able for
Damages don
by their Men,
etc.

tained with full Costs of Suit: Provided always, that in case the Owner or Owners of any Waggon or other Carriage as aforesaid, shall be compelled to pay any Penalty or to make Satisfaction for any Damage by reason of any wilful Neglect or Default done or committed by his, her, or their Servant or Servants, such Servant or Servants shall be liable to repay such Penalty or Satisfaction to such Owner or Owners; and in case of Non-payment upon Demand thereof, and Oath made by such Owner or Owners of the Payment by him, her, or them of such Penalty or Satisfaction, and that the same hath not been repaid to him, her, or them by such Servant or Servants although demanded, (such Oath to be made before One Justice of the Peace), the same Penalty and Satisfaction shall be levied by Warrant under the Hand and Seal of such Justice, by Distress and Sale of the Goods and Chattels of such Servant 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 or them paid, for the wilful Act or Default of such Servant or Servants as aforesaid; and in case no sufficient Distress can be had, such Justice of the Peace shall and is hereby required to commit such Servant or Servants to the Common Gaol or House of Correction for the said County, there to remain without Bail or Mainprize for any Time not exceeding Three Calendar Months.

Company or
Committee
to regulate
the Passage on
the Railway.

XXXIII. And be it further enacted, That if any Waggon or other Carriage shall be placed or suffered to remain on any Part of the said Railway or Tramroad 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 Notice given, remove such Waggon or other Carriage, he shall forfeit for every such Offence any Sum not exceeding Five Shillings for every Hour such Obstruction shall continue after the making of such Request; and it shall be lawful for any Agent or Officer to the said Company 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; and if such Payment shall not be made within the Space of Five Days, then it shall be lawful for the said Company of Proprietors, to sell and dispose of such Waggon or other Carriage with the Loading thereof, in such Manner as the Law directs in Cases of Distress for Rent in Arrear, rendering to the former Owner of such Waggon or other Carriage the Overplus, after such Expences, and the Charges of such Sale shall be deducted.

Penalty on
Persons ob-
structing the
Passage on the
Railway, etc.

XXXIV. And be it further enacted, That if any Person shall suffer the Loading of any Waggon or other Carriage using the said Railway or Tramroad hereby authorized to be made, to lie over the Sides of such Waggon or other Carriage respectively, or shall overload any such Waggon or other Carriage so as to obstruct the passing of any other Waggon or other Carriage, and shall not immediately upon Notice to him given for that Purpose remove such Obstruction; or if any Person shall throw any Stones, Rubbish, or other Matter or Thing into or upon any Part of the said Railway or Tramroad, or other Works to be made by virtue of this Act, every Person so offending shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

XXXV. And

XXXV. And be it further enacted, That if any Person shall wilfully, maliciously, and to the Prejudice of the said Undertaking break, throw down, destroy, steal, or take away any Part of the said Railway or Tramroad, or other Works to be erected and made by virtue of this Act, every Person so offending and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Persons to be punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm, or in Mitigation of such Punishment such Courts may, if they shall think fit, award such Sentence as the Law directs in Cases of Petit Larceny.

Punishing
Persons
destroying
Works, etc.

XXXVI. And be it further enacted, That the said Railway or Tramroad and Collateral Branches within the said Forest hereby empowered to be made, as also all and every other Collateral Branch to be made with such Consent as aforesaid by the said Company of Proprietors, by virtue of this Act, shall be by and at the Expence of them the said Company of Proprietors fenced and kept fenced on both Sides thereof from the Lands and Grounds adjoining or through which the same shall pass, when and in such Manner as the said Surveyor General or his Deputy, or any Inspector duly appointed, shall from Time to Time direct; and that immediately upon Notice by the said Surveyor General, his Deputy or Inspector, for that Purpose given to the Clerk of the said Company or Collector at the nearest Gate, the said Company shall repair the same under the Penalty of any Sum not exceeding Twenty Pounds; and in case such Defect or Fence shall be on a Collateral Branch leading from the said Main Line into any Inclosure for the Growth of Timber, the Gate set upon the Entrance into such Branch shall be kept locked by the said Surveyor General, his Deputy or Inspector, and no Carriage allowed to travel thereon until such Defect shall be repaired, under the Penalty of any Sum not exceeding Five Pounds, such last mentioned Penalties to be applied to His Majesty's Use; and if any Question shall arise as to the reasonable Time within which such Defect of Repairs shall be made good and completed, the same shall be determined by such Justice of the Peace before whom any Complaint herein shall be made.

Forest Fences
to be made at
the Expence of
the Company.

XXXVII. And be it further enacted, That the said Company of Proprietors shall, at their own proper Costs and Charges, within One Month next after Notice from the said Surveyor General to be to them for that Purpose given, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon such Part of the said Railway hereby authorized to be made, as may be necessary or requisite; and also all Bridges, Arches, Culverts, Ditches, Drains, and Passages over, under, or by the Side of the said Railway, of such Dimensions and in such Manner as shall be requisite or necessary; and all such Gates, Bridges, Arches, Culverts, Ditches, and Drains so to be made, shall from Time to Time and at all Times thereafter be supported, maintained, and kept in sufficient Repair and Condition by them the said Company of Proprietors; and in case the said Company of Proprietors shall refuse or neglect so to do, it shall be lawful for the said Surveyor General to make, erect, and set up all such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Rail-

Proprietors to
make and
erect Gates,
etc.

way

way and other Things hereby authorized to be made by the said Company of Proprietors, shall not be obstructed or hindered for any longer Space of Time, or in any other Manner than shall be necessary for the doing thereof; and if any Dispute shall arise about such Costs and Charges, the same shall be settled and allowed by any Two of His Majesty's Justices of the Peace of the said County, and shall be repaid to such Surveyor General within the Space of Two Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof by the said Surveyor General or his Deputy, to and from the said Company of Proprietors, by Delivery of such Account to the Treasurer or Clerk of the said Company of Proprietors for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, such Justices shall and they are hereby required, by Warrant under their Hands and Seals, to cause the same to be levied by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors for the Use of His said Majesty, rendering to the said Company of Proprietors the Overplus, after deducting the reasonable Charges of making such Distress and Sale as aforesaid; and the said Surveyor General, upon Refusal or Neglect of 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 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.

Gates to be
shut and fast-
ened after
Waggons
shall have
passed.

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

Recovery of
Forfeitures.

XXXIX. And be it further enacted, That all Penalties or Forfeitures for any Offence against this Act, or any Rule, Bye Law, or Order to be made by the said Company, (the Manner of levying and recovering whereof is not herein otherwise directed); shall upon Proof of the Offences respectively before any Justice of the Peace for the said County of Gloucester, or Place where the Offence shall be committed; either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice, which Warrant such Justice is hereby empowered and required to grant; and the Overplus (after any such Penalties or Forfeitures and the Charges of such Distress and Sale are recovered and deducted) shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Penalties or Forfeitures shall not be forthwith paid, it shall be lawful for such Justice, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or House of Correction for the County or Place wherein

the

the Offence shall be committed, there to remain without Bail or Mainprize for such Time as such Justice shall direct, not exceeding Two Calendar Months, unless such Penalties or Forfeitures, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company and be applied for the Purposes of this Act.

XL. 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 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.

Distress not to be deemed unlawful for Want of Form, etc.

XLI. 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 shall happen; (*videlicet*),

Towit. { **BE** it remembered, That on the _____ Day of _____ in the Year of our Lord _____ *A. B.* is convicted before me *C. D.* One of His Majesty's Justices of the Peace for the said County [*or, Place, as the Case may be*] _____ [*specifying the Offence, and Time and Place when and where the same was committed*] contrary to an Act passed in the Forty-ninth Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*]. Given under my Hand and Seal, the Day and Year aforesaid.

Form of Conviction.

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

Proceedings not to be quashed for Want of Form.

XLIII. And be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgement made or given in pursuance of any Rule, Bye Law, or Order of the said Company, or by the Order or Determination of any Justice or Justices of the Peace, may within Two Calendar Months after such Order or Determination shall have been made or given, appeal to the Justices of the Peace at any General Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen or arise, first giving Fourteen Days Notice at the least in Writing of such Intention to appeal, to the Parties interested in such Complaint; and the said Justices shall in a summary Way hear and determine the said Appeal at such Session, or if they think proper may adjourn the Hearing thereof to the next General Court of Quarter Session 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

Allowing an Appeal to the Quarter Sessions, &c.

[*Loc. & Per.*]

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any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and may also order any such further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing, as they in their Judgement shall think just and reasonable.

Limitation of
Actions.

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

Limiting the
Time for
completing
the Railway.

XLV. Provided always, and be it further enacted, That the Main Line of the said intended Railway or Tramroad by this Act authorized to be made, shall be made and completed fit for general Use, or shall be fenced off, before the Twenty-fifth Day of *December* One thousand eight hundred and twelve, and that if the same shall not be then made and completed or fenced as herein-before directed, this Act and all the Powers hereby given shall become void and of no Effect.

Publick Act.

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

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