



ANNO QUADRAGESIMO NONO

GEORGII III. REGIS.

Cap. 23.

An Act for making and maintaining a Railway or Tramroad from the River *Severn*, at the Quay, in the City of *Gloucester*, to or near to a certain Gate in or near the Town of *Cheltenham*, in the County of *Gloucester*, called *The Knapp Toll Gate*, with a Collateral Branch, to the Top of *Leckhampton Hill*, in the Parish of *Leckhampton*, in the said County.

[28th April 1809.]

WHEREAS the Town of *Cheltenham* in the County of *Gloucester* is become a Place of great public Resort, and the Number of Houses and Buildings in the said Town and Neighbourhood have of late Years greatly increased and are rapidly increasing: And whereas the Turnpike Roads in the Neighbourhood of the said Town have been greatly injured and destroyed by Carriages travelling thereon, laden with Corn and Coals, and with Stone, and other heavy Materials for Building, and the Turnpike Roads between the City of *Gloucester* and the said Town of *Cheltenham*, owing to the constant Draught of such heavy Materials thereon, are now in a very dilapidated and ruinous State, and if a Railway or Tramroad was properly formed and made from the River *Severn*, at the Quay in the City of *Gloucester*, through the several

[*Loc. & Per.*]

4 Z

Town.

Townships, Parishes, Hamlets, Tythings and Places herein-after mentioned, to a certain Place called *The Knapp Toll Gate*, in the Town of *Cheltenham*, the said last-mentioned Turnpike Roads would be greatly relieved from the Damage they sustain by the Carriage and Conveyance of Corn, Coal, Stone, and other heavy Articles of Merchandize thereon, and the Carriage and Conveyance of such Merchandize would be much facilitated and cheapened, Materials for the Roads more readily procured, and the Trade and Communication between the adjacent Country would be considerably improved; and many of the aforesaid Purposes would be further aided by continuing the said Railway or Tramroad by a Collateral Branch from that Part thereof which runs through a certain Field in the Tything of *Alstone*, in the said Parish of *Cheltenham*, called *The Nine Acres*, to the Top of a certain Hill called *Leckhampton Hill*, in the Parish of *Leckhampton*, in the said County of *Gloucester*, near to a Tramroad or Railway there already laid down: 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 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,

Proprietors.

That the Right Honourable *James Lord Sberborne*, the Right Honourable *John Howard Earl of Suffolk and Berkshire*, *Sir William Hicks Baronet*, *Joseph Pitt Esquire*, *James Agg Esquire*, *William Nettlebipp Esquire*, *William Fendall Esquire*, *John Turner Esquire*, *Richard Collins Esquire*, the Reverend *Packington George Tomkyns Doctor of Laws*, *William Capel Esquire*, the Reverend *Thomas Welles Doctor of Divinity*, *John Neale Clerk*, *Joseph Newmarch*, *Thomas Hullett Esquire*, *Thomas Gitton Esquire*, *Thomas Smith*, *Richard Bosoden Esquire*, *Henry Wetherell Clerk*, *Richard Wetherell Clerk*, *Thomas Gray Esquire*, *Peter Radley Jackson Esquire*, *Edward Smith*, *Thomas Minster Esquire*, *Peter Ryder Minster Esquire*, and *John Villar*, 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 herein-after mentioned and expressed, and shall for that Purpose be one Body Corporate by the Name and Stile of "*The Gloucester and Cheltenham 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 that the said Company of Proprietors shall have Power and Authority, from and after the passing of this Act, and at all Times thereafter, to purchase and hold Lands and Hereditaments to them and their Successors and Assigns for the Use of the said Undertaking and Works, and also to sell or dispose of the said Lands and Hereditaments again without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; and the said Company of Proprietors shall be and are hereby authorized and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tramroad, to be called "*The Gloucester and Cheltenham Railway*," on which Waggon and other Carriages, to be constructed as herein-after is mentioned, may pass from the River *Severn*, at the Quay, in the City of *Gloucester*, to or near to a certain Gate, called

The Knapp Toll Gate, in or near to the Town of *Cheltenham*, in the County of *Gloucester*, through the Parishes of *Saint Nicholas* and *Saint Owen*, in the said City of *Gloucester*, and through or into the several Townships, Parishes, Hamlets, Tythings, and Places of the *North Hamlet*, *South Hamlet*, *Littleworth*, *Barton Saint Mary*, *Barton Saint Michael*, Vill of *Wotton*, *Wotton Saint Mary*, *Wotton Saint Catherine*, *Barnwood Longford Saint Mary*, *Hucclecote*, *Churchdown*, *Staverton*, *Boddington*, *Arle*, *Alstone*, and *Cheltenham*, all in the said County of *Gloucester*; and also to make, complete, and maintain a Collateral Branch of Railway, in a similar Form from that Part of the intended Railway or Tramroad which will be made through a certain Field situate in the said Tything of *Alstone* called *The Nine Acres*, to the Top of a certain Hill called *Leckhampton Hill*, in the Parish of *Leckhampton*, in the said County of *Gloucester*, near to a Railway or Tramroad there already laid down, through or into the Tythings of *Alstone*, *Westal*, *Naunton*, and *Sandford*, in the said Parish of *Cheltenham*, and through or into the said Parish of *Leckhampton*; 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, Bodies Politic, Corporate, or Collegiate whatsoever, 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 Conveniencies 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, fough, 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 Persons, Bodies Politic, Corporate, or Collegiate, adjoining, or being convenient 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 and 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, and set up, in, under, or upon the said Railway or Tramroad, Collateral Branch and other Works, or upon the Lands adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Sluices, Weirs, Pens for Water, Wharfs, Houses, Warehouses, Tollhouses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works and Ways, Roads and Conveniencies, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking (save and except as herein-after mentioned); 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 near to the Place or Places where the said Works or any of them shall be

Their Powers.

or

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 Waggons and other Carriages passing upon the said Railway or Tramroad and Collateral Branch, with Men or Horses, or otherwise, and proper Places for Waggons 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 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 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 or 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 or other Hereditaments which shall be taken, used, removed, diverted or injured, either immediately or consequentially, 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 and Workmen, and all other Persons whomsoever, for what they or any of them shall do by virtue of the Powers hereby granted; subject nevertheless to such Provisoes and Restrictions as are herein-after mentioned and contained.

Crossings.

II. Provided always, That where the said Railway or Tramroad or Collateral Branch shall cross any Turnpike Road or Public Highway, the Ledge or Flanch of such Railway or Tramroad, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Road.

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

III. Provided always, That nothing herein contained shall authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure or damage, for the Purposes of the said Railway or Tramroad, Collateral Branch or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built at or before the Time of the passing of this Act, or any Land or Ground which was then set apart and used as or for a Garden adjoining any House, Yard, Park, Paddock, planted Walk or Avenue to a House, without the Consent of the Owners and Occupiers thereof, and Persons interested therein respectively; other than and except a certain Barn and Cottage Yard belonging to and occupied by *Joseph Burrows*, a certain Fold Yard belonging to *George Caesar Hopkinson* Esquire, a Cottage Yard belonging to *Anthony Ellis* Esquire, in the Occupation of *John Phelps*, and another Cottage Yard belonging to the said *Anthony Ellis*, in the Occupation of *Mary Reames*.

IV. And

IV. And whereas a Survey has been taken to ascertain the Practicability of making the said Railway or Tramroad and Collateral Branch, and a Map or Plan, with a Book of Reference thereto, has been made; be it therefore enacted, That there shall be Two Parts of the said Map or Plan, and a Book of Reference thereto, which shall be certified by the Right Honourable The Speaker of the House of Commons, and severally deposited, one with the Clerk of the Peace for the said County of Gloucester, and the other with the Clerk of the said Railway Company, to either of which Maps, Plans, and Books of Reference, all Persons shall have liberty to resort, and to examine or make Extracts from or Copies of the same as Occasion shall require, paying to the said respective Clerks for Copies of or Extracts from the said Books of Reference after the Rate of Sixpence for every One Hundred Words; and either of the said Maps or Plans and Books of Reference so certified, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the Clerk for the Time being to the said Company of Proprietors, upon Six Days Notice to him given for that Purpose, shall and he is hereby required from Time to Time to produce the Map or Plan, and Book of Reference to be so deposited with him as aforesaid, before the Commissioners herein-after mentioned, or any Jury or Juries to be impannelled by virtue of this Act, at the Time and Place to be mentioned in such Notice, in order that the same may be then and there given in Evidence, such Clerk having a reasonable Sum of Money allowed for his travelling Expences, Absence from Home, and Attendance on such Occasions.

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

V. And be it further enacted, That the said Company of Proprietors, in making the said Railway or Tramroad and Collateral Branch, shall not deviate more than One Hundred Yards from the Course or Direction delineated in the said Plan, and set forth in the said Book of Reference, without the Consent in Writing of the Person or Persons, Bodies Politic, Corporate, or Collegiate, to whom such Lands and Grounds which would be affected by such Deviation do or shall respectively belong; but nothing herein contained shall extend to restrain or prevent the said Company of Proprietors from making any Deviation from the Course or Direction of the said Railway or Tramroad and Collateral Branch, or Alteration of the same, in case all the Persons, Bodies Politic, Corporate, or Collegiate, to whom the Lands or Grounds to be cut through or made use of for the Purposes of such Deviation or Alteration shall belong, shall consent thereto, such Consent in the case of Individuals, to be given by Writing under their Hands, and in the case of Bodies Politic, to be given under their Common Seal; provided nevertheless that from the Entrance into the Land of Sir Thomas Crawley Boevey Baronet at Littleworth, in or near the said City of Gloucester, to Ellbridge Brooke, in the County of Gloucester, the said Company of Proprietors, in making the said Railway or Tramroad, shall not deviate from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, without the Consent in Writing of the Owner or Owners of the Lands or Grounds which would be affected by such Deviation, such Consent to be testified as aforesaid.

Deviation from the Line laid down in Plan.

VI. Provided also, and be it further enacted, That from the said Ellbridge Brooke to a certain Messuage called the *The Carpenter's Shop* near
[Loc. & Per.] 5 A Staverton

Only Fifty Yards from Ellbridge Brooke to the

Carpenter's Shop at Staverton Bridge.

Staverton Bridge, in the said Parish of *Staverton*, the said Company of Proprietors shall not deviate more than Fifty Yards from the Course or Direction delineated in the said Map or Plan, and set forth in the said Book of Reference, without such Consent as last aforesaid.

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

VII. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tramroad and Collateral Branch, and other Works, into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Bodies Politic, Corporate or Collegiate, whose Name or Names shall appear to the Satisfaction of the Commissioners hereby appointed, and be by them certified under their Hands to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of such other Person or Persons, 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.

Breadth of the Land to be taken for the Railway.

VIII. And be it further enacted, That the Lands and Grounds, to be taken or used for making and using the said Railway or Tramroad and Collateral Branch, shall not exceed Eight Yards in Breadth; except in those Places where it shall be judged necessary for Waggon or other Carriages to turn, lie, or pass each other, or for raising Embankments for crossing the Valleys, or in deep Cuttings, or where any Warehouses, Cranes or Weigh 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, Tramroad or Collateral Branch; and not above Fifty Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tramroad and Collateral Branch; provided that through the Lands of *John Mills* Esquire, and *Richard Naylor* Esquire, and of *Anthony Ellis* Esquire, opposite *Pound Lane*, the said Railway or Tramroad shall not exceed Five Yards in Breadth, exclusive of Fences, and that through the Fold Yard of *George Caesar Hopkinson* Esquire, in the said *Pound Lane*, the same shall not exceed Two Yards in Breadth, without the Consent in Writing of the Owner of the Land or Ground through which the said Railway or Tramroad may be required to be of greater Breadth.

Waterway to be made.

IX. And be it further enacted, That in making the said Railway or Tramroad to pass a certain Brook lying between a Common Field in the said Parish of *Churchdown* called *Elm Field*, and a Common Field in the same Parish called *Wood Field* otherwise *Lamperhill Field*, the said Company of Proprietors shall and they are hereby required, by means of One or more Arch or Arches, to cause to be made and kept in Repair a free and unobstructed Waterway, not less than Fourteen Yards wide in the Clear, such Arch or Arches to be not less than Six Feet high in the Centre, from the Surface of the present Ground on the Sides of the said Brook.

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

X. And be it further enacted, That after any Lands, Grounds or Hereditaments shall have been set out and ascertained for making the said Railway or Tramroad and Collateral Branch and other Works, or any

any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences herein-before authorized to be made, 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, Husbands, Guardians, Trustees and Feoffees in Trust for charitable and other Purposes, Committees, Executors, 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, Femmes Covert, or other Person or Persons, and to and for all Femmes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and to and for all and every other Person or Persons whomsoever, who is, are, or shall be seised, possessed of or interested in any such Lands, Grounds, or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell and convey the same and every Part thereof unto the said Company; and if it shall happen that by making the said Railway or Tramroad, Collateral Branch or other Works, the Property of any Land Owner or Land Owners shall be separated into small Parcels, or so affected as to render the Occupation thereof inconvenient, it shall be lawful for such Bodies Politic, Corporate, and Collegiate, and all and every such other Person and Persons so entitled or interested as aforesaid, by and with the Consent of the Commissioners hereby appointed, or any Five or more of them, to be testified by Writing under their Hands, although they may not be assembled at any Meeting of the said Commissioners to be held by virtue of this Act, to contract for, sell and dispose of, or to convey in exchange all or any Part of such Lands or Hereditaments so separated or affected as aforesaid, to any Person or Persons whomsoever, for such Price or Consideration in Money or other Equivalent as to the said Commissioners shall seem reasonable; and that all such Contracts, Agreements, Sales, Exchanges, Conveyances, and Assurances, shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Statute, Usage or Custom to the contrary in anywise notwithstanding; and all Bodies Politic, Corporate or Collegiate, and all other Persons, so conveying or exchanging as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, Exchanges, and Assurances, (other than those which concern any Purchase or Exchange between any such respective Land Owners so to be made as last aforesaid), 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:

I A. B. of _____ in Consideration of the Sum _____
 of _____ 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, all [*describing the Premises to be conveyed*] and all my Right, Title, and Interest in and to
 the same, and every Part thereof, to hold to the said Company of Proprietors and their Successors for ever, by virtue and according to the
 true Intent and Meaning of an Act, passed in the Forty-ninth Year of
 His

Form of the
Conveyance
to the Com-
pany

Feet from the Centre of such Turnpike Road to the Centre of the Land which shall be taken by the said Company of Proprietors for the Purposes of this Act; and all the Land which shall lie between the Turnpike Road and the said Railway or Tramroad and Collateral Branch shall be purchased by the said Company of Proprietors, who shall pay for the same after the same Rate and in the same Manner as they shall pay for the Land or Ground which shall be taken and used for making the said Railway or Tramroad and Collateral Branch; and where the same shall not exceed Twenty Feet in Width, the same shall be laid open to the said Turnpike Road, and for ever after remain Part thereof.

tween the Railway and any Turnpike Road, the Company to pay the Value of it, and if not Twenty Feet wide to be open to the Road.

XIII. And be it further enacted, That in all Cases, where in making the said Railway or Tramroad and 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 in which the same are situate, to the said Company of Proprietors, shall be a good and sufficient Conveyance thereof (without the Commoners or other Persons interested therein joining in such Conveyance); and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, are hereby authorized and required to make and execute such Conveyances accordingly, Compensations for such Part of the said Commons and Wastes as shall be required to be taken for making the said Railway or Tramroad or 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 said respective Parishes or Townships, and in no other Manner.

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

XIV. 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 and completing the same, either in gross Sums or by annual Rents; 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 Commissioners hereby appointed, in such Manner, and subject to such Verdict of a Jury, if required, as is herein-after directed.

Satisfaction to be made either in gross Sums or by annual Rents.

XV. And whereas Differences may arise between the said Company of Proprietors and the several Persons, Owners of and Persons interested in the Lands and Hereditaments which shall or may be used, taken, affected, or prejudiced by the Execution of the Powers hereby granted, touching the Purchase Money to be paid or Recompence to be made to them respectively; be it therefore enacted, That the Right Honourable

Commissioners for settling Differences.

[*Loc. & Per.*]

s. B

Thomas

Thomas Howard commonly called Lord Viscount *Andover*, *John Acock*, *John Brown*, *Thomas Packer Butt*, *William Humphris Barrett*, *Joseph Bickham*, *Michael Hicks Beach* Member of Parliament, *Michael Hicks Beach Junior*, *William Hicks Beach*, *Christopher Codrington* Member of Parliament, *William Cother* (of *Wotton*), *Richard Critchett*, *William Capel*, *Samuel Colborne*, *Richard Chandler*, *Thomas Commeline*, the Honourable *John Dutton*, *Thomas Baghott Delabere*, *John Delabere Clerk*, *Anthony Ellis*, *Charles Evans*, *Henry Fowke*, *William Fendall*, *Thomas Fuljames*, *Henry Foulkes Clerk*, *Alexander Fothringham*, *Richard Forster*, *Thomas Gray*, *William Griffith*, *Theodore Gwinnett*, *Giles Greenaway*, *Sir William Guise* Baronet, *Sir William Hicks* Baronet, *George Cæsar Hopkinson*, *John Hodgkinson*, *William Herbert*, *Charles Hopkinson*, *Edmund Hopkinson*, *Robert Hughes*, *Charles Higgs*, *Roydon Jones*, *James Jelf*, *Baynham Jones*, *Gilbert Jones*, *Sir Edwin Jeynes* Knight, *John Jefferis*, *Samuel Jeynes*, *Thomas Kidman*, *Benjamin Kingstone*, *Roe King Clerk*, *Charles Shaw Lefevre*, *Joseph Little*, *William Lawrence*, *Richard Langbridge*, *Robert Morris* Member of Parliament, *John Mac Mahon* Member of Parliament, *Thomas Mutlow*, *Thomas Mee*, *John Mills*, *William Montague*, *Thomas Minster*, *Thomas Nash* Clerk Doctor of Divinity, *Richard Nayler*, *Thomas Nettlebipp*, *Charles Newmarch*, *Benjamin Newmarch*, *Thomas Newman*, *Thomas Okey*, *Samuel Pickering* Clerk, *William Phelps*, *Frederick Phelps*, *Richard Pruen*, *William Pearce* Clerk, *Joseph Pitt*, *William Price*, *Thomas Pruen*, *William Proffer*, *Thomas Palin*, *John Phillpotts*, *John Phillpotts Junior*, *Richard Rudder*, *John Riddell*, *Harry Rooke*, *William Russell*, *Samuel Ricketts*, *Abraham Saunders*, *Charles Smith*, *Charles Seagar*, *Merrott Stephens*, *James Sadler*, *John Merrott Stephens*, *David Arthur Saunders*, *Edmund Stock*, *Thomas Smith*, *John Stone*, *Miles Staveley*, *Charles Hanbury Tracy* Member of Parliament, *Charles Brandon Trye*, *Henry Thompson*, *John Turner*, *Thomas Turner*, *Sir Ralph Woodford* Baronet, *Samuel Whitcombe*, *Paul Watken*, *Robert Pleydell Wilton*, *Thomas Welles* Clerk Doctor of Divinity, *Francis Welles*, *Cornelius Woolley*, *John Gregory Weleb*, *Benjamin Wells*, *William Wood*, *John Boles Watson*, *Charles Wynne*, *Daniel Willey*, *Samuel Woodcock*, *Edward Weaver*, *Charles Weaver*, *David Walker*, *James Wood*, *Henry Wilton*, and *John Pleydell Wilton*, and their Successors to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Commissioners for settling, determining, and adjusting all Questions, Matters and Differences which shall or may arise between the said Company of Proprietors and the several Persons as aforesaid.

Election of
new Commis-
sioners.

XVI. And, for continuing a sufficient Number of Commissioners for putting this Act into Execution, be it further enacted, That when any of the Commissioners hereby appointed or to be elected in Manner herein mentioned shall die or refuse to act, the surviving or remaining Commissioners shall and they are hereby empowered, from Time to Time, at some Meeting to be held for that Purpose, by Writing under their Hands, to elect and appoint any Person in the place of every Commissioner dying or refusing to act; and all such Commissioners so to be appointed shall, from the Time of their respective Appointments, have the like Authority in all Things relating to the Execution of this Act, as if they had been expressly named Commissioners in and by the same.

XVII. Provided

XVII. Provided always, That in case it shall happen that the surviving or remaining Commissioners shall at any Time neglect or refuse, upon any Vacancy to appoint a new Commissioner, or that for want of a proper Number of Commissioners in the Neighbourhood, it shall become difficult to procure a Meeting or Meetings for executing the Powers of this Act, or in case the Commissioners hereby nominated or hereafter to be elected by virtue of this Act, shall be reduced to a less Number than Twenty, then and in any of the said Cases it shall be lawful for the said Company of Proprietors from Time to Time to make Complaint thereof to the Justices of the Peace assembled at any Quarter Sessions to be holden for the said County of *Gloucester*; and such Justices are hereby authorized to receive and hear the said Complaint, and as often as they find Occasion to nominate and appoint such fit and proper Persons as they in their Discretion shall think fit, to be Commissioners for the Purposes of this Act; and the said Commissioners by them nominated and appointed, shall from thenceforth have the like Powers and Authorities as if they had been named Commissioners in and by this Act.

Quarter Sessions to nominate Commissioners in certain Cases.

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

Commissioners may act as Justices of the Peace.

XIX. Provided always, and be it further enacted, That no Person shall act as a Commissioner in any Case in the Execution of this Act, during the Time of his holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or during the Time of his being a Proprietor in the said Undertaking, or concerned or interested in the Matter in question; nor unless he shall reside in the City of *Gloucester*, or in the County of *Gloucester*, and shall be seised in his own Right or in the Right of his Wife, and not as a Mortgagee at the Time of such his acting, of an Estate of Freehold or Copyhold of Inheritance, or both, in Lands, Tenements, or Hereditaments, of the yearly Value of Two Hundred Pounds over and above all Reprizes, except Property Tax; or unless he shall be possessed of or entitled unto a Personal Estate of the Amount or Value of Four Thousand Pounds, or unless he shall be the eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire; nor shall any Person (not being an Heir Apparent as aforesaid) act as a Commissioner in the Execution of this Act (otherwise than by giving Notice of the First Meeting of the Commissioners, and by administering an Oath or Affirmation in the Words following to the other Commissioners) until he shall have taken such Oath or Affirmation before any One or more of the said Commissioners, who is or are hereby authorized and empowered to administer the same; (that is to say)

Qualification of Commissioners.

‘ I *A. B.* do swear [or, being one of the People called *Quakers*, do
 ‘ solemnly affirm] That I am truly and *bona fide* in the actual Possession
 ‘ and Enjoyment [or, Receipt] of the Rents and Profits of Lands, Tene-
 ‘ ments, or Hereditaments, of the clear yearly Value of Two Hundred
 ‘ Pounds above Reprizes, except for Property Tax [or, possessed of or
 ‘ entitled to a Personal Estate to the Amount or Value of Four Thousand
 ‘ Pounds]; and that I will, without Favour or Affection, truly and
 ‘ impartially,

Oath

‘ impartially, according to the best of my Skill and Judgement, execute
 ‘ and perform the Powers and Authorities vested in me as a Commissioner,
 ‘ by an Act made in the Forty-ninth Year of the Reign of King George
 ‘ the Third, intituled, [*set forth the title of this Act*]. So help me GOD.’

An an Entry or Memorandum of such Oath being taken by the Commif-
 sioner, shall be made by and certified under the Hand of such Clerk,
 which Certificate shall be deemed sufficient Evidence of such Oath having
 been taken, in all Courts whatsoever; and if any Person not qualified to
 act as a Commissioner, shall nevertheless presume to act as such in the
 Execution of this Act, every such Person shall for every such Offence
 forfeit the Sum of Fifty Pounds to any Person who shall sue for the same,
 to be recovered, with full Costs of Suit, by Action at Law, in any of His
 Majesty’s Courts of Record at *Westminster*, in which Action no Essoign,
 Protection, Privilege, Wager of Law, or more than one Imparlance, shall
 be allowed; and such Person so prosecuted shall prove that he is qualified
 as aforesaid, or otherwise shall pay the said Penalty without any other
 Proof or Evidence on the Part of the Prosecutor than that such Person
 hath acted as a Commissioner in the Execution of this Act.

Notice of
 Commission-
 ers Meetings
 to be given.

XX. And be it further enacted, That no Meeting whatsoever of the
 said Commissioners shall at any Time or Times be had, for putting in
 Execution any of the Powers or Authorities vested in them by this Act,
 unless previous Notice of the Time and Place and Purpose of such Meet-
 ing shall be given and inserted in some Newspaper or Newspapers circulated
 in the said County of *Gloucester*, at least Seven Days before such Meeting;
 and that every Meeting of the said Commissioners to be held by virtue of
 this Act, shall be public, and that no Act, Order, or Proceeding of the
 said Commissioners or any of them in the Execution of this Act (except
 in such Cases as are hereby otherwise directed) shall be valid, unless the
 same shall be made or done at a Meeting to be held in pursuance of this
 Act; and that all Powers and Authorities of what Nature soever, by
 this Act given to or vested in the said Commissioners, shall and may from
 Time to Time be exercised by a Majority of the Commissioners present
 at every such Meeting, such Meeting on all Occasions not consisting of
 less than Five Commissioners.

On Applica-
 tion of the
 Proprietors
 or Land-
 owners,
 Commission-
 ers to meet.

XXI. And be it further enacted, That upon Application in Writing
 being made by the said Company of Proprietors, or any Five or more of
 them, or by the Owners or Occupiers of any Lands or Hereditaments to
 be taken for or affected by the said Railway or Tramroad, Collateral
 Branch or other Works, or any of the Works necessary or relating thereto,
 or any of them, requesting or desiring that a General Meeting of the said
 Commissioners may be holden, the Commissioners so applied to shall and
 they are hereby respectively authorized and required, within Seven Days
 after such Request or Application, to give Notice in Manner aforesaid, of
 a General Meeting to be held at such Time and Place as shall be specified
 in such Notice, such Time not being less than Ten Days nor more than
 Fourteen Days from the Day on which such Request shall be made to
 them as aforesaid; and the said Commissioners are hereby authorized,
 empowered, and required to assemble at the Time and Place so to be
 appointed, in order to put this Act and the Powers and Authorities hereby
 given to and vested in them in Execution, and shall then adjourn them-
 selves,

elves, and afterwards meet at such Time and Place as the said Commissioners there assembled shall think proper or convenient; and if it shall happen that there shall not appear at any Meeting which shall be appointed to be had or held by the said Commissioners, a sufficient Number of Commissioners to act at such Meeting, and to adjourn to any other Time, then and from Time to Time, as often as the Case shall happen, the Clerk or Clerks to the said Commissioners shall and may by Notice to be given in Manner aforesaid, appoint the Commissioners to meet at the Place where the last Meeting of the said Commissioners was appointed to be held, on that Day Fortnight after the Day on which the last Meeting of the said Commissioners was appointed to be held.

XXII. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Five or more of them, and they are hereby empowered, although they shall not be assembled at any Meeting to be held by virtue of this Act, from Time to Time and all Times, upon such Request made as aforesaid, by Notice in Writing signed by them and published in Manner aforesaid, to summon a Meeting of the said Commissioners at such Time and Place as shall be mentioned in such Notice for the settling and ascertaining such Damages as are herein directed to be settled and ascertained, and for other Purposes, notwithstanding any Adjournment or Non-adjournment of the said Commissioners.

Power to hold occasional Meetings.

XXIII. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered in a Book or Books to be kept for that Purpose, such Book or Books to be open at all seasonable Times for the Inspection of any Person or Persons interested in the said Proceedings, or his, her, or their Agent or Solicitor, and desirous of seeing and examining the same, without Fee or Reward, and such Entries being signed by such Number of the said Commissioners respectively, as are empowered by this Act to make such Orders or carry on such Proceedings, shall be deemed Originals; and the same or true Copies thereof shall be admitted as Evidence in all Courts whatsoever; and the said Commissioners may and are hereby required, at their First Meeting, to appoint One out of Three Persons to be named by the said Company of Proprietors, to be their Clerk, and from Time to Time may remove any such Person, and on such Removal, or in case any such Clerk shall die or quit the said Employment, the said Company of Proprietors or their Committee for the Time being, shall, within the Space of Twenty-one Days after Notice in Writing for that Purpose shall have been given by the said Commissioners, nominate Three other Persons, and give Notice thereof unto the said Commissioners from whom such Notice in Writing was received, and the said Commissioners shall and may appoint such One of the said Three last-named Persons as they shall think proper, to be their Clerk, and in like Manner a Clerk to the said Commissioners, shall be from Time to Time nominated and appointed as Occasion shall require, and such Clerk shall be paid for his Care, Expences, and Trouble in the Execution of his Office by the said Company of Proprietors; and any Clerk who shall be removed, or die or quit the Service as aforesaid, his Executors or Administrators, shall within Two Calendar Months after such Notice in Writing to him or them respectively given by the said Commissioners produce and deliver up to such Commissioners all Books, Accounts, Papers, or Writings whatsoever relating to the Execution of

Proceedings to be entered in a Book;

and their Clerk to be appointed.

[Loc. & Per.]

5 C

his

his Office, which shall be in his or their Custody or Power; and every such Person neglecting or refusing to produce and deliver up such Books, Accounts, Papers or Writings, after such Notice as aforesaid, shall for every such Neglect or Refusal respectively forfeit the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, in which no Essoign, Protection, Privilege, or Wager of Law, nor more than one Imparlance shall be allowed.

Commissioners to settle Differences.

XXIV. And be it further enacted, That the said Commissioners acting in any Question, Matter or Difference which shall or may arise, are hereby authorized and empowered, by Writing under their Hands, with the Consent of the Parties concerned, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company of Proprietors to the Bodies Politic, Corporate or Collegiate, Person or Persons respectively, who shall be so entitled or interested as aforesaid, for the absolute Purchase of the Lands or Hereditaments which shall be let out and appropriated for making the said Railway or Tramroad, and other Works and Conveniencies, or any Part thereof, and other the Purposes of this Act; and also to determine and adjust what other distinct Sum or Sums of Money shall be paid by the said Company of Proprietors, as a Recompence for any Damages which may or shall at any Time or Times whatsoever be sustained by such Bodies Politic, Corporate or Collegiate, or other Person or Persons respectively, being Owners of and interested in any Lands or Hereditaments, by reason or means of the Execution of any of the Powers herein contained, by the said Company of Proprietors, or by their Agents, Workmen or Servants, or for any other Matter or Thing whatsoever, for which a Recompence or Satisfaction is by this Act directed to be made, in case such Price or Value, Damages and Recompence respectively, cannot be settled, adjusted, and agreed for by and between the said Company of Proprietors or their Agents, and such Proprietors of and Persons interested in the said Lands or Hereditaments as aforesaid; and if the said Company of Proprietors, for and on the Part and Behalf of themselves, or if any such Bodies Politic, Corporate or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, for and on his, her, or their Part or Parts, shall refuse to submit any such Matter to the Determination of the said Commissioners, or shall be dissatisfied with any Determination which shall be by them made as aforesaid, or if any such Bodies Politic, Corporate or Collegiate, Trustee or Trustees, or any other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money or such Recompence as shall be determined to be paid, or shall upon Notice in Writing given to the principal Officer or Officers of such Bodies Politic, Corporate or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of such Lands or Hereditaments, for the Space of Twenty-one Days next after such Notice, neglect or refuse to treat, or shall not agree with the said Company, or by reason of Absence shall be prevented from treating, or through Disability cannot treat for themselves, or make such Agreement as shall be convenient for promoting the said Undertaking, or shall not produce and evince a clear Title to the Premises which they are or shall be in Possession of, or to the

the Interest which they shall claim therein, then and in every such Case the said Commissioners shall and they are hereby empowered and required, from Time to Time to issue a Warrant or Warrants under their Hands and Seals, to the Sheriff of the said County of *Gloucester*; and in case the said Sheriff or his Under Sheriff shall happen to be one of the said Company of Proprietors, or enjoy any Office of Trust or Profit under them, or shall be otherwise interested in the Matters in Question, then to some one of the Coroners of the said County, not interested as aforesaid, commanding such Sheriff or Coroner respectively to impanel, summon, and return a Jury, and such Sheriff or Coroner is accordingly hereby required to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm, to be returned for the Trials of Issues in His Majesty's Courts of Record at *Westminster*, to appear before the said Commissioners at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Fourteen Days, nor more than Twenty-one Days, after such Warrant or Warrants shall be served upon the said Sheriff or Coroner; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, the said Sheriff or Coroner, or their Deputies respectively, shall return other honest and indifferent Men of the Standers-by, or that can speedily be procured to attend that Service (being so qualified as aforesaid) to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the said Commissioners are hereby empowered to summon and call before them all and every Person and Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matters in Question, either by or before them the said Commissioners, or by or before any Jury or Juries as aforesaid, as the Case may be; and the said Commissioners may order and authorize the said Jury, or any Six or more of them, to view the Place or Places or Matters in Controversy, and such Jury upon their Oaths (which Oaths as well as the Oaths to any Person or Persons who may be called upon to give Evidence, any one of the said Commissioners is hereby empowered to administer) shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or Hereditaments, or the Recompence to be made for the Damages which may or shall be sustained as aforesaid, and the said Commissioners shall give Judgement for such Purchase Monies, or Recompence to be assessed by such Juries; which said Verdict, and the Judgement thereupon pronounced as aforesaid, shall be signed by the said Commissioners, and shall be binding and conclusive to all Intents and Purposes against all Bodies Politic, Corporate, or Collegiate, and all other Persons whomsoever; and if any such Sheriff or Coroner, or his or their Deputy or Agent, shall make Default in the Premises, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to give his Verdict, or in any other Manner wilfully neglect his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence shall not appear, or appearing shall refuse to be sworn and examined, or to give Evidence, every Person so offending, having no reasonable Excuse to be allowed by the said Commissioners, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds for the Benefit of the Party in whose Behalf such Person was so summoned.

Jury to be summoned in certain Cases.

Commissioners may summon Witnesses and examine them on Oath.

XXV. And

Expences of
Commissioners
and Jury.

XXV. And be it further enacted, That in all Cases where a Verdict shall be given for more Monies as a Recompence or Satisfaction for any Lands or Hereditaments of any Person or Persons, or for any Damage to be done to any Lands or Hereditaments of any Person or Persons, than had been previously offered by or on Behalf of the said Company of Proprietors, or determined by the said Commissioners as aforesaid, then all the Expences of calling such Commissioners, summoning such Jury, and taking such Inquest, shall be settled by the said Commissioners, and be defrayed by the said Company of Proprietors; but if any Verdict shall be given or made for the same or a less Sum than had been previously offered by or on Behalf of the said Company of Proprietors, or than had been determined by the said Commissioners as aforesaid, or in case no Damage shall be given by the Verdict where the Dispute is for Damages only, then and in every such Case the Costs and Expences of calling a Meeting of such Commissioners, summoning such Jury, and taking such Inquest, shall be settled in like Manner by the said Commissioners, and be borne and paid by the Person or Persons with whom the said Company of Proprietors shall have such Controversy or Dispute, which said Costs and Expences having been so settled, shall and may be deducted out of the Money so assessed and adjudged, where the same shall exceed such Costs and Expences, as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Monies shall be deemed and taken to all Intents and Purposes, to be a Payment or Tender of the whole Sum or Sums so assessed or adjudged, or otherwise such Costs and Expences, in case the same be not paid on Demand after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, in and by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures: Provided always, that whenever any Person or Persons shall by reason of Absence or otherwise have been prevented from treating with the said Company of Proprietors, such Costs, Charges, and Expences shall be borne and defrayed by the said Company of Proprietors in Manner aforesaid.

Persons re-
questing a
Jury, to enter
into a Bond
to prosecute.

Notice of
Injury to be
given to the
Proprietors
before Com-
plaints to
the Commis-
sioners.

XXVI. And be it further enacted, That all and every Person and Persons making Complaint and requesting such Jury, shall, before the said Commissioners shall be obliged to issue out their Warrant or Warrants for the summoning such Jury, first enter into a Bond, with sufficient Sureties, to the Treasurer of the said Company of Proprietors for the Time being, in the Penalty of One hundred Pounds, or in such other Penalty as the said Commissioners shall appoint, not exceeding the Sum of one hundred and twenty Pounds, to prosecute such his, her, or their Complaint, and to bear and pay the Costs and Expences of summoning such Jury and taking such Inquest, in the Proportion and Manner herein-before mentioned: Provided always, that the said Commissioners, or any of them, shall not be obliged by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons for any Damages or Injury by him, her, or them sustained or supposed to be sustained, in consequence of the Execution of any of the Powers of this Act, unless Notice in Writing hath been or shall be given in relation thereto by or on Behalf of such Person or Persons, to the said Company of Proprietors or to their Clerk, within the Space of Two Calendar Months
next

next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

XXVII. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgements, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands or Hereditaments, separately and distinctly from the Consideration of any other Damages sustained by or to be sustained by any Person or Persons in consequence of the Execution of any of the Powers of this Act, 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.

Verdict of Value of Lands and Damages to be ascertained separately.

XXVIII. And be it further enacted, That every such Jury and Jurymen as aforesaid shall be under and subject to the same Regulations, Pains, and Penalties, as if such Jury or Jurymen had been returned for the Trial of any Issue joined in any of His Majesty's Courts of Record at *Westminster*, and that all and every Person and Persons who, in any Examination to be taken by virtue of this Act, shall wilfully give false Evidence before the said Commissioners or before any such Jury as aforesaid, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to such Punishments and Disqualifications as any Person or Persons can or may be subject to for wilful and corrupt Perjury by the Laws or Statutes of this Realm.

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

XXIX. And be it further enacted, That all Meetings of the said Commissioners shall be holden within Five Miles of some Part of the said Railway or Tramroad, or Collateral Branch.

Directing the Place for Commissioners Meetings.

XXX. And be it further enacted, That all Determinations of the said Commissioners, which shall be submitted to and acquiesced in by the Parties concerned, and also the Verdicts of the Juries, and the Judgements of the said Commissioners thereon as aforesaid, shall be transmitted to and be kept by the Clerk of the Peace for the said County of *Gloucester*, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for each Inspection the Sum of One Shilling and no more, and to take Copies thereof or Extracts therefrom, paying for every Copy or Extract after the Rate of Sixpence for every One hundred Words.

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

XXXI. And, in order that the said Company of Proprietors may not be impeded in the Prosecution of their said Undertaking, by means of any such Proceedings before the said Commissioners or Jury, be it further enacted, That either upon Payment or legal Tender of such Sum or Sums of Money by the said Company of Proprietors, or on their giving such Security as the said Commissioners shall approve, for Payment of any Sum of Money which shall have been agreed between the Parties, or adjusted and determined by the said Commissioners, or assessed by such Juries in manner respectively as aforesaid, as the Purchase Money for any such Lands, Tythes, or other Hereditaments, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages as

The Lands are to vest absolutely in the Company, upon Payment or Tender of the Money assessed or agreed upon.

[*Loc. & Per.*]

5 D

herein.

herein-before mentioned, to the Proprietor or Proprietors of such Lands and Premises, or to such other Person or Persons as shall be interested therein or entitled to receive such Money or Compensation respectively, at any Time after the same shall have been actually so agreed for, determined, or assessed, or upon the said Company of Proprietors previously giving such Security as the said Commissioners shall approve, for the future Payment of such Sum of Money as aforesaid; or if the Person or Persons interested in the said Lands or Hereditaments shall not be able to make a good Title thereto, to the Satisfaction of the said Company of Proprietors, or shall refuse to receive the Sum or Sums awarded to him, her, or them by the said Commissioners or Jury, or to execute a Conveyance; or in case the Person or Persons to whom such Sum or Sums shall be so awarded as aforesaid cannot be found, or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, upon Payment of the said Sum or Sums of Money into the Bank of *England*, in manner by this Act directed, or in case of an Annual Rent to be paid, upon the said Company of Proprietors giving previously such Security as the said Commissioners shall approve, for the future Payment of such Money as shall be fixed by the said Commissioners or Jury as aforesaid; then and in all or any of the said Cases, as often as the same shall happen, it shall be lawful for the said Company of Proprietors and their Agents, Workmen and Servants, immediately to enter upon the Lands, Tenements, and other Hereditaments respectively, or before such Payment or Security given, by leave of the Owners and Occupiers thereof; and immediately upon or after such Payment or Security shall be made or given as aforesaid, such Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property for ever of the said Company of Proprietors and their Successors, to and for the Purposes of this Act; and such Payment, or the giving of such Security for the same as aforesaid, shall not only bar all Right, Title, Claim, Interest and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that until such Payment or Security as aforesaid shall have been made, it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands or Grounds of the Person or Persons entitled to such Payment or Security, for the Purpose of making the said Railway or Tramroad, or Collateral Branch or other Works, without the Consent of such Person or Persons respectively.

Application of
Compensation
Money where
exceeding.
2091.

XXXII. 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 sold by virtue of the Powers and for the Purposes of this Act, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, or seized or possessed of only a particular or determinable Estate or Interest therein, 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 Privy of the Accountant General of the High Court

Court of Chancery, to be placed to his Account *ex parte The Gloucester and Cheltenham Railway Company*, together with the Name or Names of such Person or Persons as any Five of the said Commissioners shall by Writing under their Hands direct and appoint, pursuant to the Method prescribed by the Act of the Twelfth Year of King George the First, Chapter Thirty-two, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money may 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 or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands or Hereditaments which shall be so purchased, taken, or used as aforesaid, stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the mean Time, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery upon Application thereto, be vested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, or Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

XXXIII. Provided also, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall 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 or Hereditaments so taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands) be paid into the Bank, in the Name and with the Privity of the said Accountant General of the High Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in Manner hereinbefore 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 Five or more of the said Commissioners (such

Application where the Compensation is less than 200l. and exceeds 20l.

Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon, may be applied in any Manner herein-before directed, so far as the Case be applicable without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Application
where Money
less than 20l.

XXXIV. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands or Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners, or any Five or more of them, shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not
making out
Titles; or
where Persons
cannot be
found, &c.

XXXV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands or Hereditaments to be purchased by virtue of this Act, for the Purposes aforesaid, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Company; or in case the Person or Persons to whom any such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found; or if the Person or Persons entitled to such Lands or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company, or any Five or more of them, to order the 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 Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands or Hereditaments (describing them if they are known), and if they are not known, then generally to the Credit of the Parties interested in the said Lands or Hereditaments, without any Description of them; subject to the Order, 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 and 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 the Person or Persons who shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Respecting
disputed
Titles.

XXXVI. Provided always and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money

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

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

Court may order Expences of Purchases to be paid.

XXXVIII. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company of Proprietors for all Tythes, both Great and Small, which would have been issuing from or out of any of the Lands which shall be taken or made use of for the Purposes of this Act, to the several Persons who now are or at any Time hereafter might have been entitled to such Tythes according to their respective Interests therein, such Tythes to be estimated at the average Value of the last Four Years, commencing on the Twenty-ninth Day of *September* One thousand eight hundred and four, and ending on the Twenty-ninth Day of *September* One thousand eight hundred and eight, such Value to be ascertained (in case of any Difference concerning the same) in like manner as the Value of any Lands or other Hereditaments is herein-before directed to be ascertained: Provided always, that such Recompence and Satisfaction shall be made to Spiritual Persons by an annual Rent; but the Recompence and Satisfaction to be made to the Lessees of any Spiritual Persons for their Interest in any Tythes may notwithstanding be made by Sums in gross, and the annual Rents to be paid to such Spiritual Persons shall not commence until such Time as the Terms for which such Tythes shall be holden by such Lessees shall expire.

Compensation to be made in lieu of Tythes.

[*Loc. & Per.*]

5 E

XXXIX. And

For paying off
Mortgages on
Lands used by
the Company.

XXXIX. And be it further enacted, That in case any Lands or Hereditaments to be used for the Purposes of this Act, shall happen to be in Mortgage to any Person or Persons, it shall be lawful for the said Company of Proprietors, and they are hereby required upon Application being made to them by such Mortgagee or Mortgagees, his, her or their Executors or Administrators, to pay the Money or any Part thereof secured by such Mortgage or Mortgages out of or with such Sum or Sums of Money after the same shall have been so agreed for, and adjusted or assessed in Manner aforesaid, for such Lands in Mortgage, in part of or in full for the Principal Money that shall be due on such Mortgage or Mortgages, unto such Mortgagee or Mortgagees, his, her, or their Executors or Administrators: Provided always, that upon Receipt of such Sum or Sums, such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, shall acknowledge the Receipt of such Sum or Sums of Money, by an Indorsement to be made upon the Back of such Mortgage or Mortgages, and signed by such Mortgagee or Mortgagees, his, her, or their Executors or Administrators respectively, in the Presence of One or more credible Witness or Witnesses, in Satisfaction of so much of the Principal Money due upon such Mortgage or Mortgages.

Requiring
Company
to give the
first Offer
of Land not
wanted for the
Purposes of
this Act to the
Persons from
whom it was
purchased.

XL. And whereas by Means of the Purchases which the said Company of Proprietors are empowered and required to make by virtue of this Act, they may happen to be seized of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Company of Proprietors to sell and dispose of any Piece or Pieces of such Land or Ground, either together or in Parcels, as they shall find most convenient and advantageous to such Person or Persons as shall be willing to contract for and purchase the same: Provided always, that the said Company of Proprietors before they shall sell and dispose of any such Piece or Pieces of Land or Ground, shall first offer to re-sell the same to the Person or Persons from whom they shall have purchased such Piece or Pieces of Land or Ground; and in case such Person or Persons respectively shall not then and thereupon agree, or shall refuse to purchase or re-purchase the same respectively, an Affidavit to be made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County of Gloucester, by some Person or Persons not interested in the said Piece or Pieces of Land or Ground, stating that such Offer was made by or on the Behalf of the said Company of Proprietors, and that such Offer was not then and thereupon agreed to, or was refused by the Person or Persons to whom the same was so offered, shall in all Courts whatever be sufficient Evidence and Proof that such Offer was made, and was not agreed to or was refused by the Person or Persons to whom such Offer was made (as the Case may be), and in case such Person or Persons shall be desirous of purchasing or repurchasing the same, and he, she, or they and the said Company of Proprietors shall differ or not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner herein-before directed with respect to disputed Value of Premises to be purchased by the said Company of Proprietors in pursuance of this Act, and the Expence of hearing and determining such Difference shall be borne and paid in like Manner as herein-before directed with respect to such Purchase made by the said Company of Proprietors *mutatis mutandis*, and the Money to arise by the Sale or Sales which may

be made by the said Company of Proprietors of such Piece or Pieces of Land or Ground as aforesaid shall be applied to the Purposes of this Act, but the Purchaser or Purchasers thereof shall not be answerable or accountable for any Misapplication or Non-application of such Money.

XLI. 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 the Ways, Quays, Wharfs, and other Works and Conveniencies belonging or requisite thereto, not exceeding in the Whole the Sum of Twenty-five thousand Pounds, except as hereafter mentioned, and that the same shall be divided into Shares of One hundred Pounds each, and that such Shares shall be numbered in regular Progression, and every such Share shall always be distinguished by the Number to be applied to the same, and that the said Shares shall be and are hereby vested in the several Persons so raising and contributing 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, the entire and neat Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages which shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company of Proprietors by the Authority of this Act; and every Body Politic, Corporate and Collegiate, Person and Persons having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same, in Manner herein directed and appointed; and all and every the Shares and Proportions of all Bodies Politic, Corporate or Collegiate, and all other Person or Persons, of and in the said Undertaking, or the joint Stock or Fund of the said Company of Proprietors, shall be deemed Personal Estate, and transmissible as such, and not of the Nature of Real Property; and that all the Money to be raised by the said Company of Proprietors, by virtue of this Act, is hereby directed and appointed to be laid out and applied in the first Place for and towards the Payment, Discharge, and Satisfaction of all Costs, Charges, and Expences in applying for, obtaining and passing this Act, and all other necessary Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards making, completing, and maintaining the said Railway or Tramroad, and Collateral Branch and other Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

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

Application of Money to be raised.

XLII. And, for better securing to the several Proprietors of the said Undertaking their several Shares therein, be it further enacted, That the said Company of Proprietors shall and they are hereby required, at their first or some subsequent General Assembly, to cause the Names and proper Additions of the several Persons who shall be then entitled to the Shares

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

in

in the said Undertaking, with the Number of the Shares, or the Amount of all the Subscriptions which they are then respectively entitled to hold, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company of Proprietors; and after such Entry made, to cause their Common Seal to be affixed thereto, and shall cause a Ticket or Instrument with the Common Seal of the said Company of Proprietors affixed thereto, to be delivered to every such Subscriber upon Demand, specifying the Share or Shares to which he or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk One Shilling, and no more, for every such Ticket or Instrument; and such Ticket or Instrument shall be admitted in all Courts whatsoever as Evidence of the Title of such Subscriber, his or her Executors, Administrators, and Assigns, to the Share or Shares therein specified, but the want of such Ticket or Instrument shall not hinder or prevent the Owner of any of the said Shares from selling or disposing thereof; and which said Ticket or Instrument may be in the Words or to the Effect following; *videlicet*,

‘ THE GLOUCESTER AND CHELTENHAM RAILWAY COMPANY.

‘ Number

Form of the Ticket.

‘ THESE are to certify, That *A. B.* of _____ is a Proprietor of the Share or Number _____ being One Share of *The Gloucester and Cheltenham Railway*, subject to the Rules, Regulations, and Orders of the said Company, and that the said *A. B.* his [*or, her*] Executors, Administrators, [*or, Successors,*] and Assigns, is and are entitled to the Profits and Advantages of such Share. Given under the Common Seal of the said Company, the
 ‘ Day of _____ in the Year of our Lord

Subscribers to be deemed Proprietors, and have a Vote for every Share.

XLIII. And be it further enacted, That all and every Body or Bodies Politic or Corporate, or other Person or Persons, and his, her, or their Successors, Executors, Administrators, and Assigns, who shall have subscribed for or shall become entitled to, and be in the actual Possession 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 held as herein directed for carrying on the said Undertaking, or relative thereto; which Vote shall and may be given by him, her, or them, or by his, her, or their Proxy or Proxies (such Proxy or Proxies being a Proprietor or Proprietors of One or more Share or Shares in the said Undertaking) 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 that every such Vote by Proxy shall be as good and valid, to all Intents and Purposes, as if such Principal or Principals 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*,

‘ I *A. B.*

I *A. B.* one of the Proprietors [*or, we A. B. and C. D. Guardians of*
E. F. one of the Proprietors] of *The Gloucester and Cheltenham Rail-*
way, Do hereby nominate, constitute, and appoint *G. H.* 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 Proprietors of the said Railway or
 Tramroad, or any of them, in such Manner as the said *G. H.* shall think
 proper, according to his Opinion and Judgement, 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 the Appointment of a Proxy.

And that 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 to be held by virtue of this Act, shall be finally determined by the Majority of Votes and Proxies then present, computing one Vote to every Share as aforesaid; and that at every such Assembly one of the Proprietors present shall be appointed President or 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: Provided always nevertheless, that no Person shall have more than Twenty Votes in his or her own Right, nor more than Twenty other Votes in Right of any Proxy or Proxies.

All Questions to be decided by the Majority of Votes.

XLIV. And be it further enacted, That in case the said Sum of Twenty-five thousand Pounds, herein-before authorized to be raised, shall be found insufficient for making, completing, and maintaining the said Railway or Tramroad, and other Works hereby authorized to be made, and defraying all necessary Charges and Expences relating thereto, then and in such Case it shall be lawful for the said Company 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 Ten 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 or raised had originally been Part of the said Sum of Twenty-five thousand Pounds; any Thing herein contained to the contrary thereof in anywise notwithstanding.

Proprietors may raise an additional Sum, if necessary.

XLV. Provided always, That in case the said Company of Proprietors shall be desirous of raising the said Sum of Ten 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,
 [Loc. & Per.] 5 F by

Power to raise Money by Mortgage.

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 Ten thousand Pounds on the Credit of the said Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, or the Committee of the said Company of Proprietors, 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; (that is to say),

‘ Number

Form of
Mortgage.

‘ BY Virtue of an Act, made in the Forty-ninth Year of the Reign of
 ‘ King George the Third, intituled, [*here set forth the Title of this Act*]
 ‘ We *The Gloucester and Cheltenham 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 Under-
 ‘ taking, 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*] Execu-
 ‘ tors, Administrators, and Assigns, until the said Sum of
 ‘ together with Interest for the same after the Rate
 ‘ of for every One 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 all and every Person or Persons to whom such Mortgage or Assign-
 ment 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 Assignments mentioned to be advanced,
 without any Preference by reason of Priority of any such Assignments, or
 on any other Account whatsoever; and a Memorial of every such Assign-
 ment 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 of
 the said Company of Proprietors; which said Book or Books shall and
 may be perused, at all reasonable 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 or Persons to whom
 any such Mortgage or Mortgages, Assignment or Assignments, shall
 be made as aforesaid, or who shall be entitled to the Money due thereon,
 shall and may from Time to Time transfer his, her, or their Right or
 Interest therein to any Person or Persons whomsoever; which Transfer
 shall and may be in the Words or to the Effect following; (that is
 to say),

49° GEORGE III. Cap. 23.

397

I [or, We] of Form of Transfer:
 in consideration of the Sum of
 paid by of
 Do hereby transfer a certain Mortgage, Number
 made by *The Gloucester and Cheltenham 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, Admini-
 strators, 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 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 shall be paid such Sum as the said Company of Proprietors shall appoint, not exceeding One Shilling; 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.

XLVI. And be it further enacted, That the Interest of the Money which shall be borrowed by Mortgage as aforesaid, shall be paid Half-yearly to the several Persons entitled thereto, in Preference to any Interest or 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 Interest or Dividends due to the said Proprietors, or any of them, shall be paid, made or divided; and in case the same or any Part thereof shall be behind and unpaid by the Space of Twenty-eight Days next after the same shall become due and payable as aforesaid, and after Demand made thereof, that then it shall be lawful for the said Commissioners and they are hereby required, on Request to them made by any Creditor whose Interest shall be so in arrear, by an Order under their Hands, to appoint One or more Person or Persons to receive the Whole or such Part or Parts of the said Rates as are liable to pay such Interest 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 satisfied and paid; and after such Interest and Costs shall be paid and satisfied, 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*.

Interest of Money borrowed to be paid in Preference to the Dividends, or may be sued at Law.

XLVII. Provided always, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid, shall be deemed a Proprietor of any Share, or shall be capable of acting or voting

Mortgagees not to vote on account of having lent Money.

as such either as 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.

First and
other General
Assemblies.

Committee to
be elected.

XLVIII. 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 in the Town Hall of the Town of *Cheltenham* aforesaid, 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 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 such of the said Proprietors as at the Time of such Election shall respectively be possessed in their own Right of Three Shares at the least in the said Undertaking, 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 a Quorum; 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 or Directions which may have been prescribed and laid down by virtue of this Act, with regard to their Proceedings amongst themselves, as they shall think proper (the Method of calling 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 new 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 and Collateral Branch, or other Works, and all other Conveniencies, Matters, and Things that shall be made for the same, and also for and concerning all such Goods and Commodities as shall be conveyed thereon, and also for the 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 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 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 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.

taking 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 thereto belonging; but no Vote or Votes by Proxy shall be given, or have any Power in or as to the Audit and Settlement of Accounts; 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.

XLIX. Provided always, and be it further enacted, That if at any General Assembly there shall not be Persons present who shall be possessed of or entitled to at least One hundred and twenty Shares, or Subscriptions of One hundred Pounds or upwards, in the said Undertaking, either as Principals or Proxies, no Choice of a Committee, nor any Removal of a Person or Persons from any such Committee, nor any Election of any Person or Persons in the Room of such of the Members of the said Committee who shall die or decline to act, shall be made at that Time; but in such case there shall be another Assembly of the said Company of Proprietors, at the same Place, at the Expiration of One Calendar Month; and if a sufficient Number of Proprietors as Principals or by Proxies shall not then attend, the said General Assembly shall stand adjourned to the *Monday* Three Weeks next following, at the same Place, and such Choice, Removal, or new Appointment of any Member of any such Committee shall then take place, and not before; and such Committee so before appointed shall continue to act, and have the same Powers as they had and were possessed of, until a new Committee shall be appointed as aforesaid; and in case of Failure of the assembling of a sufficient Number of Proprietors, having such Shares or Subscriptions as Principals or Proxies, at such First General Assembly, every Proprietor who shall not attend such Second Assembly in Person or by Proxy, shall forfeit to the said Company, unless he shall have a sufficient Excuse for his Non-attendance, for every Share or Subscription of One Hundred Pounds, which he or she shall possess in the said Undertaking, the Sum of Ten Shillings, to be deducted out of his or her next succeeding Payment of Interest or Dividends of the Profits of the said Undertaking, as the Case may happen; and in case no Interest or Dividends shall be payable to such Person or Persons making Default as aforesaid, within Three Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Ten Shillings may be recovered and enforced by the Ways and Means hereinafter appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

General Assemblies for choosing Committees to consist of One Hundred and Twenty Shares.

L. And be it further enacted, That if it shall at any Time appear that, for the more effectually putting this Act in 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 each of them be possessed of or entitled unto Three Shares or Subscriptions of One hundred Pounds each or upwards at the least in the said Undertaking, to cause Ten Days Notice at the least to be given thereof in some Newspaper usually circulating in the said County of *Gloucester*, or by giving to each Proprietor, or leaving at his or her usual Place of Abode, a Notice in Writing signed by such Proprietors, or by the Clerk to the

Assemblies of Proprietors may be specially convened.

[Loc. & Per.]

5 G

said

said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special Assembly, and the Time when and Place where the same shall be held; and the said Proprietors are hereby authorized to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters so specified only; and all such Acts of the Proprietors, or the major Part of them met together at every such Special General Assembly (provided such major Part shall be possessed of at least One Hundred and Twenty Shares or Subscriptions of One Hundred Pounds each in the said Undertaking, either as Principals or Proxies) shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at a General Assembly at the Time herein-before appointed for holding the same.

Officers to
the Company
to be
appointed.

LI. And be it further enacted, That it shall be lawful for the said Company of Proprietors, at any General Meeting assembled, and they are hereby required, from Time to Time, to nominate and appoint a Treasurer or Treasurers and Clerk, and such other Officers as they shall think proper, and shall 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 the Meetings of the said Committee, and shall, in a proper Book or Books to be provided for that Purpose, enter and keep a true and perfect Account of the Names and Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons who shall from Time to Time become Owners and Proprietors, or entitled to any Share or Shares therein, and of all the Acts, Proceedings, and Transactions of the said Company of Proprietors and of the said Committee by virtue of and under the Authority of this Act; and that every Proprietor of the said Undertaking shall and may at all convenient Times have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk of the said Commissioners *gratis*, and may demand and have Copies thereof or any Part thereof, paying Sixpence 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 Committee of such 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, until the then next General Assembly of the said Company of Proprietors, when such Appointment shall be confirmed, or another Treasurer or Clerk shall be nominated and appointed in his or their Stead.

LII. And

LII. 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 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 upon each Share, and so as no Calls be made but at the Distance of One Calendar Month at the least from each other, 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 as they shall think fit; and at all Meetings of the said Committee, one of the Members present shall be appointed President or Chairman, and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meeting, shall be finally determined by the Majority of Votes; but no Member of such Committee, although he may be a Proprietor of many Shares in the said Undertaking, shall have more than one Vote in the said Committee, except the President or Chairman, who, in case of an equal Division, shall always have a second and the casting Vote; and in order to defray the Expence of the Meeting of the said Committees, it shall be lawful for the said Committees, and they are hereby allowed to expend or retain to themselves a reasonable Sum of Money, out of the capital Stock of the said Proprietors, for their Expences in attending such Meeting, not exceeding Ten Shillings and Sixpence for each Committee-man attending each Meeting; and the said Committee shall have Power and Authority to direct and manage all the Affairs of the said Company of Proprietors, as well in buying and purchasing Lands and Hereditaments and Materials for the Use of the said Undertaking and Works, as in employing, ordering and directing the Works and Workmen, and in placing and displacing Under Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking, so that no Purchase, Bargain, or other Matter be done or transacted without the Concurrence of a Majority of the said Committee as aforesaid then assembled; and all and every Owner or Owners of One or more Share or Shares in the said Undertaking shall pay his, her, or their Shares and Proportions of the Monies to be called for as aforesaid, not exceeding the Sum aforesaid for every Share, at such Time and Place as aforesaid, of wick Twenty Days Notice at least shall be given, by publishing the same in some one such Newspaper as aforesaid, or by giving Notice in Writing to such Proprietor, or leaving the same at his or her usual or last Place of Abode, or in such other Manner as the said Company of Proprietors shall at any General Assembly direct or appoint; and if any Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money, to be called for by the First Call to be made by virtue of this Act, at the Time and Place appointed as aforesaid, it shall be lawful for the said Company of Proprietors to sue for and recover the same in any of His Majesty's Courts of Record, by Action of Debt, or on the Case, or by Bill, Suit, or Information, wherein no Effiagn, Protection, or Wager of Law, or more than one Impar lance, 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

Powers of the
Committee
for making
Calls.

Expences of
Committee to
be paid.

for after the first Call as aforesaid, at the Time and Place so appointed as aforesaid, he, she, or they so neglecting or refusing shall forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings for every One Hundred Pounds of his, her, or their respective Share or Shares in the said Undertaking; and in case such Person or Persons shall neglect or refuse to pay his, her, or their rateable or proportionable Part or Share of the said Money to be called for as aforesaid, for the Space of Three Calendar Months after the Time appointed for Payment thereof as aforesaid, and at the Place so to be appointed for Payment thereof as aforesaid, then he, she, or they so neglecting or refusing shall forfeit his, her, or their respective Share and Shares in the said Undertaking, and all the Profit and Benefit thereof, and all Money advanced by him, her, or them, to and for the Use and Benefit of the other Proprietors of the said Undertaking; and all such Forfeitures shall be sold at a public Sale by the said Company of Proprietors for the most Money that can be gotten for the same, and the Produce thereof shall be equally divided amongst the rest of the said Company of Proprietors, in Proportion to their respective Shares and Interests in the said Undertaking.

Subscribers to have Notice before their Shares are forfeited.

LIII. Provided always, That no Advantage shall be taken of the Forfeiture of any Share or Shares of the said Undertaking, until Notice shall be given by the Clerk or Treasurer of the said Company to the Owner or Owners thereof, or Notice in Writing left at his, her, or their usual or last Place of Abode, nor unless the same shall be declared to be forfeited at some General Assembly of the said Company of Proprietors, which shall be held after the end of Two Calendar Months after the Forfeiture shall happen to be made; and every such Forfeiture shall be an Indemnification and Discharge to and for every Proprietor or Proprietors so forfeiting, after such Share or Shares shall have been deemed to be forfeited by a General Assembly, but not before, against all Actions, Suits, or Prosecutions whatsoever, to be commenced or prosecuted for any Breach of Contract or other Agreement between such Proprietor or Proprietors so forfeiting, and the rest of the Proprietors with regard to carrying on the said Undertaking.

Directing the Proceedings in the Actions for Calls.

LIV. And be it further enacted, That in any Action 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 or 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 of such or so many Sum or Sums of Money upon such or so many Share or Shares belonging to the said Defendant or Defendants (as the Case may happen to be) whereby an Action hath accrued to the said Company of Proprietors by virtue of this Act, without setting forth the Special Matter; and on the Trial of such Action it shall only be necessary to prove, that the Defendant or Defendants at the Time of making such Call or Calls was or were a Proprietor or Proprietors of some Share or Shares in the said Undertaking, and that such Call or Calls was or were in fact made,
and

and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who make such Call or Calls, or any other Matter whatsoever; and the said Company of Proprietors shall be thereupon entitled to recover what shall appear due, unless it shall appear that any such Call exceeded the Sum of Ten Pounds for every such Sum of One Hundred Pounds, or was made within the Distance of One Calendar Month from the last preceding Call, or without Notice given as aforesaid; and after Judgement shall be given for the said Company of Proprietors in any such Action, Execution shall not be stayed by reason of any Writ of Error brought by the Defendant or Defendants therein, unless such Defendant or Defendants, with Two sufficient Sureties, shall first become bound to the said Company by Recognizance, to be acknowledged in the Court in which such Judgement shall be given, in double the Sum adjudged to the said Company by such Judgement, to prosecute the said Writ of Error with Effect; and also, if the said Judgement be affirmed, or the said Writ of Error be non-prossed, to satisfy and pay the Debt, Damages and Costs adjudged by the said Judgements, and all Costs and Damages to be awarded for delay of Execution.

L.V. And be it further enacted, That it shall be lawful for the said Committee to nominate and appoint out of their own Body one or more Sub-Committee or Sub-Committees (every such Sub-Committee to consist of Five or more Persons) who shall have full Power and Authority to enter into and make any such Contracts or Agreements on behalf of the said Company of Proprietors as aforesaid, and to hire and employ any Agents, Workmen, or Servants in and about the said Undertaking, and to do, execute, and perform all other Matters and Things whatsoever in and about the said Undertaking, which the said Committee are themselves herein-before authorized to do, or such of them as the said Committee shall think proper to entrust to the Care and Management of any Sub-Committee or Sub-Committees, save and except nevertheless the appointing of Clerks, Collectors, Engineers, Surveyors, and other principal Officers, and the auditing and settling of the Accounts of the Treasurer or Treasurers, Clerks, Collectors, Engineers, Surveyors and other principal Officers, and the making Calls for Money upon the Proprietors of the said Undertaking; and that it shall be lawful for the said Committee for the Time being to order and direct such Compensation or Recompence to be made to the said Sub-Committee or Sub-Committees, from Time to Time, as they shall think reasonable; and it shall also be lawful for the said Committee, by an Order or Resolution for that Purpose, to break up and dissolve any such Sub-Committee or Sub-Committees, or to remove or displace any Member or Members thereof, and to appoint some other or others in his or their Place and Stead, when and as often as such Committee shall think proper and expedient; and such Sub-Committees shall have full Power and Authority to meet from Time to Time, and adjourn from Place to Place, as they shall think proper, and as Occasion shall require, for effectuating the Purposes aforesaid; and all Powers and Authorities hereby vested, or which shall by the said Committee be vested in any such Sub-Committee or Sub-Committees, within the Intent and Meaning of this Act, shall and may be exercised by the major Part of the Members present at their respective Meetings, the whole Number present not being less

Committee may appoint Sub-Committees, with Power to make Contracts, etc.

[*Loc. & Per.*]

5 H

than

At Meetings
of Sub-Com-
mittees,
Chairman to
be appointed.

than Three; and at all Meetings of such Sub Committees respectively, one of the Members present shall be appointed President or Chairman, and all Questions shall be decided by the Majority of Votes, and the President or Chairman shall have the casting Vote in case of an equal Division, although he may have given one Vote before.

Committee
to be under
Controul of
General Af-
semblies.

LVI. And be it further enacted, That such Committee shall from Time to Time make Reports of their Proceedings to, and be subject to the Examination and Controul 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.

Books of
Account to
be kept.

LVII. And be it further enacted, That proper Books of Accounts 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 Committee 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.

On the Death
of Subscribers
before Shares
completed,
Executors
may complete
the same.

LVIII. And be it further enacted, That if the Owner or Owners of any Share or Shares in the said Undertaking shall happen to die before such Call or Calls shall have been made for the full Sum to be advanced on any Share or Shares which he, she, or they shall have been possessed of or entitled to, without having made Provision by Will or otherwise, how and in what Manner such Share or Shares shall be disposed of, and how or by what Means the future Calls in respect thereof shall be paid to the said Company of Proprietors for the Purpose of the said Undertaking, then and in such Case the Executors or Administrators of any such Owner so dying, or the Trustee or Trustees, Committee or Committees of any Lunatic or Lunatics, Guardian or Guardians of any Infant or Infants, or of any other Person or Persons entitled to the Estate and Effects of such deceased Owner, shall be indemnified against all and every such Infant or Infants, and against all and every Person or Persons whomsoever, for or on Account of his, her, or their having paid any Sum or Sums of Money when called for as aforesaid to complete every such Subscription; and if such deceased Owner or Owners shall not have left Assets sufficient, or in case the Executors or Administrators, Trustee or Trustees, Committee or Committees, Guardian or Guardians, shall refuse or neglect to answer such Calls, the said Company 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, Guardian or Guardians of any Infant or Infants, or to any other Person or Persons who shall or may be entitled to his, her, or their Effects, the full Sum or Sums of Money which shall have been paid by such Owner or Owners in his, her, or their Lifetime, by virtue of any Call or Calls or otherwise upon such Share or Shares or such other Sum or Sums of Money as the same can be sold for; and

in

in case no Person or Persons shall be found who is or are willing to be admitted on such Condition as aforesaid, then and in such Case such Share or Shares shall be forfeited to and become vested in the rest of the said Company 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.

LIX. 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, to sell and dispose of any Share or Shares to which he, she, or they may be entitled therein, subject to the Rules and Conditions herein mentioned and provided; and the Form of Conveyance for such Sales 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):

‘ I *A. B.* in Consideration of paid to
‘ me by *C. D.* do hereby grant, bargain, sell, and transfer unto the Form of Con-
‘ said *C. D.* veyance.
‘ Share or Shares [*as the Case may be*] of the
‘ Undertaking called *The Gloucester and Cheltenham Railway*, to hold to
‘ him the said *C. D.* his Executors, Administrators, and Assigns, subject to
‘ the same Rules, Orders, and Restrictions, and on the same Conditions
‘ that I held the same immediately before the Execution hereof: And I
‘ the said *C. D.* do hereby agree to take and accept the said Share or Shares,
‘ subject to the same Rules, Orders, Restrictions, and Conditions. As
‘ witness our Hands and Seals, the Day of

And on every such Sale the said Deed of Conveyance, 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 for the Time being to the said Company of Proprietors shall have entered in the said Books a Memorial of such Transfer and Sale, to be kept for the Use of the said Company of Proprietors, and have testified and indorsed the Entry of such Memorial on the Deed of Sale or Transfer, for which no more than One Shilling shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly; and unless and until such Memorial shall have been made and entered as above directed, such Purchaser or Purchasers shall have no Part of the Profits of the said Undertaking, nor any Interest for such Share or Shares paid unto him, her, or them, or any Vote as a Proprietor or Proprietors of the said Undertaking.

LX. And be it further enacted, That after any Call for such Money shall have been made by such Committees 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, upon the Penalty of forfeiting his, her, or their respective Share or Shares therein to the said Company of Proprietors 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 and discharged to the Treasurer of the said Company of Proprietors the whole and entire Sum of Money which shall have been called for upon each Share so sold or transferred,

ferred, such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

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

LXI. And be it further enacted, That if any of the Deeds for or respecting the Shares of the said Company of Proprietors shall be worn out or damaged, then upon the same being brought and shewn at some General Assembly of the said Company of Proprietors, such Deeds may be cancelled and destroyed, and other similar Deeds given under the Seal of the said Company of Proprietors to the Person or Persons in whom the Property of such Deeds and the Shares therein mentioned, shall be at any Time vested; or in case such Deeds shall be burnt or totally destroyed, that then, upon due Proof thereof, like Deeds shall be given to the Person or Persons who were the Owner or Owners of, or entitled to such Deeds so burnt or destroyed, so as that a due Entry of the Transfer of such Deed or Deeds (if any such have been made) shall have been entered by the Clerk to the said Company of Proprietors in Manner herein directed.

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

LXII. And whereas much Inconvenience may arise by the frequent Transfer of Shares in the said Undertaking by the Marriage and Death of Proprietors, and it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of his, her, or their Marriage or Marriages, shall be entitled to receive the same, an Affidavit, containing a Copy of the Register of such Marriage, shall be made and sworn to by some credible Person, before a Judge in One of His Majesty's Courts of Record at *Westminster* or before a Master or Masters Extraordinary in Chancery, or One of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk for the Time being 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 him for the entering of Transfers of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking, by virtue of any Bequest or Will, or of any Letters of Administration, shall be entitled to receive the same, the said Will, or the Probate Copy thereof, or such Letters of Administration, shall be produced and shewn to the Law Clerk of the said Company of Proprietors, or an Affidavit, containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator or Testatrix, or a Copy of the said Letters of Administration, in case the Proprietor shall have died intestate, and a Copy of so much as aforesaid of such Will and Letters of Administration, in case Administration shall have been granted, with the Will annexed, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate, or to whom Administration shall be granted, with the Will annexed (as the Case may happen to be) before a Judge of one of His Majesty's Courts of Record at *Westminster*, or a Master or Masters Extraordinary in Chancery, or one of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company of Proprietors, who shall file and enter the same in manner aforesaid.

LXIII. And

LXIII. And, in Consideration of the great Charge and Expence which the same Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tramroad, Collateral Branch, and other the Works hereby authorized to be made and maintained, be it further enacted, That it shall and may 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 of Proprietors, for the Tonnage of all Goods, Wares, Merchandizes, and other Things which shall be carried or conveyed upon the said Railway or Tramroad, and Collateral Branch, or upon any Part thereof, the Rates and Duties herein-after mentioned; (that is to say),

Rates of
Tonnage.

For all Stone for the Repairs of any Turnpike Roads or other public Roads or Highways (other than for the Repairs of the Turnpike Road leading from the City of *Gloucester* to the Town of *Cheltenham*) and all Manure, such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of One Penny *per Ton per Mile*:

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

And for all other Goods, Commodities, Wares and Merchandizes (except as after mentioned) such Sum as the said Company of Proprietors shall from Time to Time direct and appoint, not exceeding the Sum of Sixpence *per Ton per Mile*.

Provided, That all Stone for the Repairs of the present Turnpike Road leading from the City of *Gloucester* to the Town of *Cheltenham*, or for the Repairs of any Turnpike Road which may hereafter be made between those Places, shall be carried along the said Railway or Tramroad, free of Tonnage; but that such Exemption shall not extend to Stone which may be carried along the said Railway or Tramroad and Collateral Branch for the making of any new Turnpike Road: 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 or Collateral Branch, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Half Miles which the said Waggon, Cart or other Carriage shall have passed; and where there shall be a Fraction of Half a Mile, such Fraction shall be deemed and considered as Half a Mile; and in order to ascertain such Distances, the said Company of Proprietors shall cause the said Railway to be measured, and Stones or Posts with proper Inscriptions to be erected and for ever maintained on the Sides of the same, at the Distance of Half a Mile from each

Stone for
Repair of
Gloucester
Road to go
free of Ton-
nage.

[*Loc. & Per.*]

5 I

other,

Distances for which Tonnage may be taken.

other, or at such other Distance as the said Company of Proprietors or their Committee shall think fit: Provided, that the said Company of Proprietors shall not demand or take Tonnage for the passing along the said Railway or Tramroad for any greater Distance than for Eight Miles and a Half, nor for passing along the said Railway and Collateral Branch for any greater Distance than for Ten Miles and Three Quarters of a Mile.

Recovery of Rates.

LXIV. 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, upon, or near the said Railway or Tramroad or Collateral Branch, 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 Refusal or Neglect of Payment of 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 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 Rate of Tonnage ought to have been paid may, and he or they is or are hereby authorized 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 Horse, Cattle, Waggon, or other Carriage laden therewith, and detain the same until such Payment shall be made, and also until Payment of all Arrears of any Rates which may be due from the Owner or Owners of such Horse, Cattle, Waggon, or other Carriage, as the Case may be, to the said Company of Proprietors, 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 shall have full Power, from Time to Time, at any General Assembly, to lower or reduce all or any of the said Rates and Tolls, and again to raise the same as they shall think proper, not exceeding the Rate of Tonnage herein mentioned, as often as it shall be deemed necessary for the Interest of the said Undertaking.

Company empowered to lease the Rates.

LXV. 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, at any Time or Times to let to farm the Rates and Tolls 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 which they shall think proper, not exceeding Three Years from the Commencement of any Lease; and every such Lease shall be valid and effectual, and the Lessee or Lessees thereof, and also such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rates and Tolls so let, shall, during the Continuance of any 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 and

Tolls,

Tolls, or any Part thereof, be given in Writing by the said Committee, or any Five or more of them, or by the Clerk to the said Company of Proprietors, by Advertisement published in such Newspaper, or by Notice to such Proprietors as aforesaid, at least Twenty-one Days prior to any such General Assembly, at which the said Rates and Tolls or any Part thereof are proposed to be let as aforesaid.

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

LXVI. And, for better ascertaining and more easily collecting the said Rates and Tolls, 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 Collateral Branch, 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 and Tolls, 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, 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, or to produce his Bill of Lading to any such Collector demanding the same, or shall give a false Account, or shall deliver any Part of his Lading or Goods at any other Place than what is or are mentioned in such Account, with an Intent to avoid the Payment of the said Rates and Tolls 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 such Waggon or other Carriage, 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 and Tolls directed to be paid for the same by virtue thereof.

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

LXVII. 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 Weight shall, for the Purposes of this Act, be deemed, rated, or estimated as for One hundred Weight; any Usage to the contrary notwithstanding.

Weight of Tonnage ascertained.

LXVIII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates and Tolls, 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 or cause to be weighed 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 and Tolls 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

If any Differences concerning Weight, Collectors may weigh or measure Waggons.

or

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 the said Commissioners, on the Oath of any credible Witnesses (all which Oaths any One of the said Commissioners are hereby empowered to administer) to have arisen from such Detention; and in Default of immediate Payment thereof by the Collector, the same shall be recovered from the said Company of Proprietors by Action of Debt in any of His Majesty's Courts of Record at *Westminster*, or in such other Manner as any of the Penalties or Forfeitures hereby imposed upon the said Company of Proprietors, their Agents, Servants, or Workmen, may be recovered and levied by virtue of this Act.

Passage on the Railway, etc. to be free, upon Payment of Rates of Tonnage.

LXIX. And be it further enacted, That all Persons shall have free liberty to pass upon and use the said Railway or Tramroad and Collateral Branch, with Carts, Waggon, or other Carriages properly constructed as herein-after mentioned; and to employ the said Wharfs and Quays, for loading and unloading such Goods and other Things upon Payment only of such Rates and Tolls as shall be demanded by the said Company 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.

Railway not to be used as a Passage for Horses or other Cattle.

LXX. And be it further enacted, That if any Person or Persons 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, Mare, Gelding, Mule, or Ass, or shall lead or drive, or cause to be led or driven thereon any Cow or other neat Cattle, Sheep, Swine, or any other Beast or Animal (except only in crossing the same at Places to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the same Railway or Collateral Branch may be laid), he, she, or they shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings.

No Waggon to pass on Railway, unless properly constructed.

LXXI. And be it further enacted, That no Person or Persons shall pass upon any Part of the said Railway or Tramroad or Collateral Branch with any Waggon or other Carriage whatsoever, unless the same shall be constructed according 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, and in passing any public or private Carriage Road which may happen to cross the said Railway or Tramroad or Collateral Branch), and that if any Person or Persons shall pass upon any Part of the said Railway or Tramroad or Collateral Branch, with any Cart, Waggon, or Carriage not constructed in the Manner by this Act 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.

LXXII. And,

LXXII. 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 or Collateral Branch, 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 of Proprietors, 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 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 of Proprietors, 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 or Collateral Branch, without having such Name, Figures, and Index thereon as herein-before directed, and every Person who shall alter, erase, deface or destroy the same or any Part thereof, or who shall refuse to permit and suffer the same to be gauged and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds to the said Company of Proprietors.

Owners to
put their
Names on
outside their
Waggon.

LXXIII. 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 is hereby made answerable for any Damage, Spoil, or Mischief which 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 Railway or Tramroad or Collateral Branch and other Works to be made by virtue hereof, or by loading or unloading any Waggon or other Carriage, or for any Trespass or Damage that shall or may be done to the Owners or Occupiers of any Buildings, Lands, Tenements, or other Property adjoining or lying near to the same, or any of them, 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 or Parties offending, or upon the Oath of One or more credible Witnesses 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 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 Twenty Shillings, and all Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs, shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of such Waggon or other Carriage, 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 have been deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; or if the said Damages shall

Owners of
Waggon
answerable for
Damages.

[Loc. & Per.]

5 K

exceed

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 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 sustained, with full Costs of Suit.

Owners to recover back from their Servants any Sums paid for their Neglect or Default.

LXXIV. 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 make Satisfaction for any Damage, by reason of any wilful Neglect or Default of 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 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, 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 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 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.

Company or Committee to regulate the Passage on the Railway.

LXXV. 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 or 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 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 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.

LXXVI. 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 or Tramroad or Collateral Branch, or other Works to be erected and made by virtue of this Act, or do any other wilful Hurt or Mischief to obstruct, hinder, or prevent the carrying on, completing, supporting and maintaining the same, every Person so offending and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties

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 punished in like Manner as Felons are directed to be punished by the Laws or Statutes of this Realm, or in Mitigation of such Punishment, such Courts may if they think fit award such Sentence as the Law directs in Cases of Petit Larceny, or otherwise every Person so offending, and being thereof lawfully convicted on the Oath of one credible Witness, before Two or more of His Majesty's Justices of the Peace for the County of *Gloucester*, shall forfeit any Sum not less than Double the Value of the Damage proved on Oath to be done, at the Discretion of such Justices, such Penalty, together with reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offenders, rendering the Overplus (if any) to such Offender, or such Offender shall and may be committed to the Common Gaol for the said County of *Gloucester*, for any Time not exceeding Six Calendar Months, at the Discretion of such Justice or Justices before whom such Offender shall be convicted; provided that nothing herein contained shall extend to any Owner of Land, or his or her known Agent or Agents, till Satisfaction shall have been tendered as herein provided.

LXXVII. And be it further enacted, That the said Company of Proprietors shall at their own proper Costs and Charges, within Six Calendar Months next after any Part of the said Railway or Tramroad or Collateral Branch 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, 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 the said Commissioners shall at any of their Meetings from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway or Tramroad or Collateral Branch 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 estraying 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, 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, 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 Six Calendar Months next after the Time to be appointed for those Purposes respectively by the said Commissioners, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Arches, Culverts, Ditches, Drains and Passages as the said Commissioners shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain,

Company empowered to make and erect Gates, etc. under Direction of the Commissioners.

repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railway or Tramroad and Collateral Branch, Buildings 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 Commissioners, 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, Drains and Passages as aforesaid, by the said Company of Proprietors, within the Space of Two Calendar Months next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors, by Delivery of such Account or Demand to the Treasurer or Clerk for the Time being of the said Company of Proprietors; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Commissioners shall and they are hereby required by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company 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 Commissioners; 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.

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

LXXVIII. 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 any of the Gates, Arches, Culverts, Ditches, Drains, and Passages respectively which the said Commissioners shall have so directed or appointed to be made by the said Company of Proprietors, are insufficient either in their Number or Situation for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway 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 Company of Proprietors, upon Request made to them, or their Clerk or Treasurer for the Time being, or in case of their Refusal for the Space of Fourteen Days next after such Request, then with the Consent and Approbation of the said Commissioners, to make, fix, and erect, at their own Costs and Charges, any other Gates, Arches, Culverts, 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 and Collateral Branch, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement or Occupation
of

of such Lands or Hereditaments, 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 and 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, Ditches, Drains and Passages had been made or erected by the said Company of Proprietors: Provided always, that it shall be lawful for the Owners and Occupiers of the 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 and Occupiers to pass along Railways.

LXXIX. Provided also, and be it further enacted, That nothing herein contained shall extend to prevent the Owners and Occupiers of the respective Lands or Grounds adjoining the said Railway or Tramroad from laying down any Collateral Branch or Branches from their respective Lands or Grounds, to communicate with the said Railway or Tramroad, nor for making, at their own Expence, such Openings in the Ledges or Flanches of the said Railway or Tramroad, as may be necessary or expedient for effecting such Communication; and that the said Company of Proprietors shall not receive any Tonnage for the passing of any Goods, Wares, and Merchandizes along such Collateral Branch or Branches.

Allowing the Owners of Lands adjoining to the Railway to make Branches to communicate therewith.

LXXX. 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 or 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 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; then and in every such Case the Powers, Provisions, 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 Intents and Purposes, as if the said Powers, Provisions, Directions and Regulations were now repeated and re-enacted with respect to such Fences.

For fencing off Railways.

Gates to be
shut and
fastened after
Waggons shall
have passed
through them,
on Penalty of
40 s.

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

Lords of
Manors may
erect Wharfs
on their own
Lands:

LXXXII. 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 Lands or Grounds near to, through, or by which the said Railway or Tramroad and 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 Wastes, Lands, or Grounds, adjoining or near to the said Railway or Tramroad and Collateral Branch, or any of them, 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 and Collateral Branch, or any Part thereof, except at the Extremity of the said Railway or Tramroad at the Town of *Cheltenham*, as herein mentioned; 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, and Collateral Branch; and that all Rates or Tolls 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, so that the Rates and Powers herein granted to the said Company of Proprietors be not hereby reduced, altered or infringed.

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

LXXXIII. And be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, shall not, within the Space of Six Calendar Months next after Notice given in Writing to him, her, or them, or left at his, her or their last or 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 and Collateral Branch, or for making and laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Railway or Tramroad and 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, Buildings and Roads, for the Use of the said Railway or Tramroad and Collateral Branch, as the said Commissioners, assembled at a Meeting to be held as herein-before

mentioned, or the major Part of them, 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, except as herein-before mentioned) for erecting and building proper and sufficient Wharfs, Landing Places, Warehouses and Buildings, and making and laying out necessary and convenient Roads to and from the said Railway or Tramroad or Collateral Branch, agreeable to such Notice to be delivered as aforesaid.

LXXXIV. And be it further enacted, That at the Extremity of the said Railway or Tramroad at the Town of *Cheltenham*, the said Company of Proprietors shall and they are hereby required to make, erect, and build, and maintain and keep in good Repair proper and sufficient Wharfs, Landing Places, Warehouses and Buildings adjoining the said Railway or Tramroad, such as the said Commissioners shall think necessary for the Reception of Goods, Wares, and Merchandizes, passing along the said Railway or Tramroad; and that the said Company of Proprietors shall be paid for the housing of Goods, Wares, and Merchandizes in any Warehouse or Warehouses to be so built by them as aforesaid, such Sum as the said Commissioners shall from Time to Time fix and determine, the same not being more than a Penny for every Package not exceeding Fifty-six Pounds Weight; and above Fifty-six Pounds Weight and not exceeding Five hundred Pounds Weight, Two-pence; and not more than after the Rate of Sixpence *per* Ton for any Package exceeding Five Hundred Pounds Weight: Provided, that nothing herein contained shall prevent the Owner or Owners of any Land adjoining the said Railway or Tramroad, at the Extremity thereof at the Town of *Cheltenham*, and which shall not be taken and used by the said Company of Proprietors for the Purposes aforesaid, from making, erecting or building any Wharfs, Landing Places, Cranes, Weigh Beams or Warehouses, in or upon his, her, or their said respective Lands.

Directing
Wharfs and
Warehouses at
Cheltenham.

LXXXV. 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, Warehouses, Buildings and Roads 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.

Compensation
to be made
for Lands
taken for
Warehouses.

LXXXVI. 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, Weigh Beams, or Warehouses which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near 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.

Regulations
respecting
private
Wharfs.

Consent of such Lord or Lords, Lady or Ladies, Owner or Owners, unless such private Wharfs, Quays, Landing Places, Cranes, Weigh Beams or Warehouses shall be erected, without 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.

LXXXVII. 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, or make or lay out any Roads to and from the said Railway or Tramroad or Collateral Branch, 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, Limestone, Clay, Iron, Ironstone, Lead Ore or any other Ores, Timber, Stone, Brick, Tiles, Slates, or Gravel, nor more than Two-pence *per* Ton for the Wharfage of any other Goods or Things where the same shall be respectively placed, and remain upon any such Wharfs or Quays, and shall not continue thereupon for a longer Space of Time than Twenty-one Days: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs or Quays for the Space of Ten Days 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 or Quays One Penny *per* Ton for such Ten Days, and One Penny *per* Ton for every further Day which such Articles shall remain upon such Wharfs or Quays after the Expiration of the said Ten Days: Provided also, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last mentioned, for the more convenient loading and unloading and weighing of any such Minerals, or other Goods, Wares, Merchandizes, or Commodities, in case the Proprietors of such Wharfs or Quays shall neglect or refuse 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.

Land Owners to make the Collateral Branch through their own Ground if the Company neglect to do it.

LXXXVIII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall neglect, refuse, or decline to lay down so much of the said Collateral Branch as extends from a certain Field in the said Parish of *Leckhampton* called *Upper Cullum Field*, being Number Twenty-four on the said Map or Plan, to the Top of the before-mentioned Hill called *Leckhampton Hill*, together with all proper inclined Planes and Machinery necessary for the working thereof, for the Space of Six Months from and next after the passing of this Act, then and in such Case and from thenceforth it shall and may be lawful for the Person or Persons who for the Time being shall be seised in Fee of the said Field called *Upper Cullum Field*, and the said Hill called *Leckhampton Hill*,

Hill, and of the several Lands and Grounds lying between the same Field and Hill, over and through which the Line of the said Collateral Branch, as laid down in the said Map or Plan, extends, at his and their own proper Costs and Charges to lay down and complete the same.

LXXXIX. 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 Damage shall from Time to Time be settled and ascertained in such Manner as herein-before directed in respect to any other Recompence or Satisfaction herein-before mentioned.

For making
Recompence
for Damages
not herein-
before provi-
ded for.

XC. And be it further enacted, That the several Persons who have subscribed or who shall hereafter subscribe to advance any Money for or towards making and maintaining the said Railway or Tramroad and 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 the Manner required for that Purpose, it shall and may be lawful for the said Company of Proprietors to sue for and recover the same in any Court of Law or Equity.

To compel
Payment of
Subscriptions.

XCI. And be it further enacted, That the said Company of Proprietors shall and may sue and be sued in the Name of their Treasurer or Clerk for the Time being; and that no Action which may be brought or commenced by or against the said Company of Proprietors by virtue or on account of this Act, in the Name of such their Treasurer or Clerk, shall abate or be discontinued by the Death or Removal of such Treasurer or Clerk, or by the Act of such Treasurer or Clerk, without the Consent of the Committee for the Time being of the said Company of Proprietors; but the Treasurer or Clerk to the said Company of Proprietors for the Time being shall always be deemed Plaintiff or Defendant in such Action, as the Case may be: Provided always, that every such Clerk, in whose Name any Action or Suit shall be commenced, prosecuted, or defended, by or on behalf of the said Company of Proprietors, in pursuance of this Act, shall always be reimbursed and paid, out of the Monies to arise by virtue of this Act, all such Costs and Charges as by the Event of any such Proceedings he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

Company may
sue and be sued:
in the Name of
their Clerk.

XCII. Provided always, and be it further enacted, That they the said Company of Proprietors shall not, at any Time or Times hereafter, build, erect, set up, or make or use any Warehouse, Building, Crane, Weigh-beam or Engine, Wharf or Landing Place, nor lay down any Collateral Branch or Branches of Railway in or upon the Quays or Wharfs of and belonging to the City of Gloucester, in the County of the City of Gloucester,

Company not
to erect any
Warehouse or
Engine in
Gloucester
without the
Consent of the
Mayor and
Burgesses.

[Loc. & Per.]

5 M.

or.

or either of them, or in or upon any Place between the same and the Basin of the Canal near thereto, called *The Gloucester and Berkeley Canal*, without the Consent of the Mayor and Burgeses of the City of *Gloucester*, in the County of the City of *Gloucester* (being the Corporation of the said City), or their Successors, in Writing under their Common Seal for that Purpose first had and obtained.

Railway within the City of Gloucester to be laid down under the Direction of the Mayor and Burgeses, but not contrary to the Directions of this Act.

XCIII. And be it further enacted, That the said Railway, so far as the same shall extend along the said Quays or Wharfs, or either of them, within the said City, and the Rails to be used or employed in or about the making of the same, shall be laid in such Manner only and upon such Part or Parts of the said Quays or Wharfs only as they the said Mayor and Burgeses or their Successors shall think most for the Benefit and Advantage of Merchants, Traders, and others, trading or resorting thereto, and shall be taken and considered as Part of such Quays or Wharfs, and together with all and every the Carts and other Carriages to be used or employed thereon by the said Company of Proprietors, shall be from Time to Time and at all Times under and subject to the Order, Regulation, Guidance and Management in every Respect of them the said Mayor and Burgeses and their Successors, and removed by the said Company of Proprietors to such other Place or Places of which they the said Mayor and Burgeses shall be seized in Fee, as they the said Mayor and Burgeses or their Successors shall appoint, when and as often as they the said Mayor and Burgeses or their Successors shall see Occasion; provided the same be not laid in any Manner contrary to the Provisions of this Act, and that no such Removal shall tend to lessen, prejudice or injure the Use of the said Railway for the several Purposes intended by this Act.

Act not to affect the Rights of the Corporation of Gloucester.

XCIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice, or in any Manner to abridge or lessen any of the Rights, Privileges, Franchises, Immunities, Exemptions, Powers or Authorities of the said Mayor and Burgeses or their Successors, or any of the accustomed Tolls or Dues demandable in respect of any Corn or Grain, Coals or other Articles, or any other Goods, Wares, or Merchandizes, or in respect of any Wheelage thereof, but all such accustomed Tolls and Dues heretofore demandable by the said Mayor and Burgeses shall continue to be demandable and received in such and the like Manner, to all Intents and Purposes, as if this Act had not been made; any Thing in this Act contained to the contrary notwithstanding.

Company not to use a certain Part of the Ground between the Boundary Wall of Gloucester Gaol and the River Severn.

XCV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the said Company of Proprietors to enter into or upon, take or use for the Purposes of the said Railway or Tramroad, or for any Purpose incident thereto, or in anywise connected therewith, a certain Piece of Ground lying between the Boundary Wall of the Gaol, Penitentiary House and House of Correction, erected in pursuance of an Act passed in the Twenty-fifth Year of His present Majesty's Reign, intituled, *An Act for building a new Gaol, a Penitentiary House, and certain new Houses of Correction for the County of Gloucester, and for regulating the same*, and the said River Severn, save and except such Part of such Ground as is distant Fifteen Yards at least

least from the Outside of the said Boundary Wall (such Distance of Fifteen Yards to be computed and ascertained by a Line to be drawn from the said Wall to or towards the said River), nor to use that Part of the said Ground between the Termination of the said Fifteen Yards and the said River *Severn*, otherwise than for the Purpose of making and maintaining the said Railway or Tramroad over the same, and passing and repassing with Carts and other Carriages properly constructed upon and over such Railway or Tramroad.

XCVI. Provided also, and be it further enacted, That it shall not be lawful for the said Company of Proprietors, their Servants or Agents, at any Time or Times to moor, lade or unlade, or permit or suffer to be moored, laden or unladen any Vessel or Vessels, or any Cargo or Cargoes of any Vessel or Vessels, or any Part of any such Cargo or Cargoes, or to leave or permit or suffer to be left any Goods, Wares, or Merchandizes, Carts or Carriages, or to put or pile or set up any Pole, Timber, Earth, Dung, Hay, Straw, Wood, Rubbish or other Thing or Obstruction whatsoever upon the said Piece of Ground lying between the said Boundary Wall of the said Gaol, Penitentiary House, and House of Correction, and the River *Severn*, on either Side of the said Railway or Tramroad, nor to leave any Cart or Carriage or other Thing standing on the same Railway or Tramroad opposite to the said Boundary Wall.

Company not to moor Vessels or land Goods on the Ground between Gloucester Gaol and the River *Severn*.

XCVII. And be it further enacted, That the said Company of Proprietors, if it shall be deemed necessary for the Purpose of making the said Railway or Tramroad, shall and are hereby required at their own Costs and Charges to form, construct, make and compleat, or cause to be formed, constructed, made and completed in a proper and workmanlike Manner, beyond the Limits of the said Fifteen Yards, to be computed from the Outside of the said Wall opposite to the River *Severn*, a sufficient Embankment whereon to make and lay down the said Railway or Tramroad, such Embankment to be made and continued from the Corner of a certain Lock on the said River called or known by the Name of *The Berkeley Canal Lock*, to the extreme or South West Point of a certain Wharf on the same River, lying opposite or nearly opposite to a certain Place, there commonly called *The Ship on the Quay*, and to be from Time to Time and at all Times well and effectually repaired and kept in Repair by and at the like Expence of the said Company of Proprietors, and in the forming, constructing, and making the said Embankment, the said Company of Proprietors shall and are hereby required at their own Costs and Charges, to cause the Three Sewers, now running from the said Gaol, Penitentiary House, and House of Correction, into the River *Severn* aforesaid, to be carried through the said Embankment into the said River in a proper workmanlike and effectual Manner, and to protect the same by all necessary Grates: Provided always, that when and as soon as the said Sewers shall be so completed, the same shall thereafter be kept in Repair by and at the Expence of the Commissioners for the Time being, acting under the Powers of the said Gaol Act.

Company to form an Embankment between the River *Severn* and Gloucester Gaol for the Purposes of the Railway.

XCVIII. And be it further enacted, That if at any Time after the said Railway or Tramroad shall be constructed and completed the said Commissioners for carrying the Purposes of the said Gaol Act into Execution, or any Seven or more of them, shall deem it necessary or expedient that

Company to remove the Railway nearer to the River *Severn* if required by the

by the Gloucester Gaol Commissioners.

the same shall be removed and carried still nearer to the said River, and further from the said Wall of the said Gaol, Penitentiary House, and House of Correction, and shall give Notice thereof in Writing to the Clerk for the Time being of the said Company of Proprietors, they the said Company of Proprietors shall thereupon, as soon as may be after the Delivery of such Notice, at their own Costs and Charges, remove or cause the said Railway or Tramroad to be removed to such further Distance as shall be mentioned and specified in such Notice.

Company to remove their Railway nearer to Gloucester Gaol, if required by the Gaol Commissioners.

XCIX. Provided always, and be it further enacted, That if (notwithstanding the Restriction herein-before contained in respect to that Part of the aforesaid Piece of Ground between the said Boundary Wall and the said River *Severn*, which lies within Fifteen Yards of the same Boundary Wall) the Commissioners for the Time being for carrying the Purposes of the said Gaol Act into Execution shall, at any Time or Times after the said Railway or Tramroad shall be made in pursuance of this Act, think it expedient and be desirous that such Railway or Tramroad should be carried and made nearer to the said Boundary Wall than Fifteen Yards, it shall be competent for them, or any Seven or more of them, to cause the same to be made and removed accordingly; and upon Notice in Writing to be given to the Clerk for the Time being of the said Company of Proprietors for that Purpose, they the said Company of Proprietors shall and are hereby directed and required with all practicable Dispatch, at the Costs and Charges of the Commissioners for the Purposes of the said Gaol Act for the Time being to remove and make the said Railway or Tramroad so much nearer the said Boundary Wall, and in such Line and Direction as shall be specified in and by such Notice.

Declaring every new Line of Road to be subject to the same Regulations as the original Line,

C. Provided always, and be it enacted, That no Deviation in the Line of the said Railway or Tramroad, between the said Boundary Wall and the River *Severn*, shall give the said Company of Proprietors any further or other Power in respect to the new Line than is given to them in respect to the original Railway or Tramroad, nor give them any Right to enter upon or to land or place any Goods, Wares, Merchandizes or other Matter or Thing whatsoever, in or upon the Ground on either Side of such new Line of Railway or Tramroad.

Railway not to be rendered less commodious by any such Removal.

CI. Provided always, and be it further enacted and declared, That nothing herein contained shall extend to oblige and compel the said Company of Proprietors to remove the said Railway or Tramroad, so and in such Manner and in such Line and Direction as to render the passing and repassing thereon, to and from the Quay of the City of *Gloucester*, less commodious and convenient for the Purpose of the said Company of Proprietors than the same would have been in case the said Railway or Tramroad had continued in its original Situation.

This Act not to empower the Railway Company to acquire the Fee Simple of any Land, which the Berkeley Canal Com-

CII. And whereas an Act of Parliament was made and passed in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act for making and maintaining a Navigable Canal from the River Severn at or near the City of Gloucester, into a Place called Berkeley Pill, in the Parish of Berkeley, and also a Cut to or near the Town of Berkeley in the County of Gloucester*: And whereas the making of the said Railway, if carried according to the said Plan, will pass along and over not only the

Line already fixed for furnishing and completing the Basin of the said Canal, but also along and over the Land and Ground of the said Canal Company intended for their Wharfs, Quays, and Warehouses, and certain Provisions are necessary to be made for preserving the Interest of the said Canal Company and preventing any Injury which may happen to their Works; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize and empower the said Company of Proprietors of the said Railway to purchase the absolute Right and Fee Simple in any Part of the Land or Ground already belonging to the said Gloucester and Berkeley Canal Company, or which at any Time or Times hereafter they may see necessary or proper to purchase for the Purposes of their said Works and Undertakings, agreeably to the Powers in them vested in and by the said recited Act.

pany are authorized to purchase.

CIII. And be it further enacted, That they the said Company of Proprietors shall and will from Time to Time, by Half-yearly Payments, pay to the said Gloucester and Berkeley Canal Company, so much and such yearly Rent or valuable Consideration for and in respect of the Land and Ground now belonging or which shall or may hereafter become the Property of the said Canal Company, and over which the said Railway shall or may hereafter be used and carried, as shall not be less than the Annual Value thereof, together with such Loss as they the said Canal Company shall or may sustain by Means of the said Railway passing over any such Land or Ground as aforesaid; the Quantum of such Rent and Loss, in case of Dispute, to be settled and ascertained by the said Commissioners appointed by or by virtue of this Act.

Company to make Compensation to Berkeley Canal Company for Land belonging to them.

CIV. And be it further enacted, That as well for the Safety and Preservation of the Goods, Wares, and Merchandize in the Vessels which may be in the Basin of the said Canal, as for the Goods and Merchandize upon the said Quays and Wharfs, and in the said Warehouses of the said Canal Company, it shall and may be lawful to and for the said Canal Company from Time to Time to erect such Gates and Fences, and in such Places upon the Land and Ground of the said Canal Company, which shall be taken and used by the said Company of Proprietors for the Purposes of this Act, as they may think proper for the securing and locking up their said Wharfs, Quays, and Warehouses by Night, and to keep the same so locked up from Sunset to Sunrise Yearly and every Year, during the Months of *October, November, December, January* and *February*, and from Six of the Clock in the Evening to Six of the Clock in the Morning during the Remainder of each Year, and the Whole of every Day called *Sunday*; and that they the said Company of Proprietors shall not be permitted or suffered, during the Hours the said Gates shall be so shut as aforesaid, to go or pass either on Foot or with Horses or Carriages through the same, without the Leave of the said Canal Company for the Time being first had and obtained.

Berkeley Canal Company may erect Gates on their own Land.

CV. And be it further enacted, That no Horses or Carriages belonging to the said Company of Proprietors shall at any Time or Times hereafter be permitted or suffered to pass along the Wharfs or Quays of the said Canal Company, except such only as shall be used or employed for the sole Purpose of working on the said Railway.

No Horses or Carriages to be permitted to pass along the Wharfs of the Berkeley Canal.

CVI. And be it further enacted, That the said Railway, so far as the same shall be made across or along any of the Land or Ground belonging
 [Loc. & Per.] 5 N—O. to

Railway to be made across the Land of.

the Berkeley Canal Company as they shall direct, not contrary to this Act.

to the said Canal Company, shall be constructed and laid in such Manner only as they the said Canal Company shall direct, so as the same be not directed to be laid contrary to the Provisions of this Act, and that not more than Five Yards in Breadth of such Land or Ground shall be taken or used for the Purpose of such Railway; and that nothing in this Act contained shall extend or be construed to extend to make any Part of the said Land or Ground belonging to the said Canal Company a public Footpath, Highway or Thoroughfare.

Proprietors not to leave Horses or Waggon on the Land belonging to the Berkeley Canal Company adjoining the Railway, except for the Purpose of loading or unloading.

CVII. And be it further enacted, That they the said Company of Proprietors shall not by themselves, their Servants or others, at any Time or Times hereafter, leave or permit, or suffer to be left any Carriage (except in Cases of Accident) either loaded or unloaded, or any Goods or other Things on any Part of the said Railway or Land belonging to the said Canal Company on which the said Railway may be carried, without Leave of the said Canal Company first had and obtained, under the Penalty of Forty Shillings for each and every such Offence, unless such Carriage shall have been brought for the Purpose of being loaded or unloaded to and from the Wharfs, Quays, or Warehouses of the said Canal Company, and that during such Time only as shall be necessary for loading or unloading the same.

Railway to be removed, if found necessary for making the Berkeley Canal.

CVIII. And be it further enacted, That if at any Time or Times hereafter it shall appear to the said Canal Company expedient or necessary, either for the Enlargement of the Basin of the said Canal, or for removing or extending their Wharfs or Quays, or building or erecting of Warehouses, or for any Purpose or Purposes whatsoever, that the said Railway should be removed to any other Place or Places upon any Land or Ground which does now or may hereafter belong to them the said Canal Company, not exceeding the Distance of One Hundred Yards from the Line laid down on the said Map or Plan, then and so often as they the said Company of Proprietors, upon Three Months Notice in Writing for such Purpose given to their said Clerk, Treasurer, or Agent, shall and will remove or cause or procure the same to be removed accordingly, under the Penalty of Five Pounds *per* Day for each and every Day the said Railway shall be permitted or continued to remain on the Place from whence it shall be so directed to be removed after the Expiration of such Notice to be given as aforesaid: Provided always, that the said Canal Company shall in such Case assign and mark out a Line upon which the said Railway can be made and carried upon some Land or Ground belonging to the said Canal Company, and shall assign a sufficient Quantity of Ground for such Railway upon such and the like Terms and Conditions as are herein-before mentioned in relation to the said Part of the said Railway crossing the Land or Ground of the said Canal Company.

Recovery of Forfeitures.

CIX. And be it further enacted, That all Penalties or Forfeitures for Offences against this Act, or any Rule, Bye Law, or Order to be made by the said Company of Proprietors or Committee as aforesaid, shall, upon Proof of the Offences respectively before any Justice of the Peace for the said County of Gloucester, or for the 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, 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 such Penalties

or

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 where such 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 sooner be paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not hereinbefore particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

CX. 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.

Persons aggrieved by Irregularity in Distress, to recover Damages.

CXI. 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 _____
 _____ A. B. is convicted before me, C. D. one of
 His Majesty's Justices of the Peace for the County [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.

Form of Conviction.

CXII. 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.

Proceedings not to be quashed for want of Form.

CXIII. 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 Two Calendar Months after such Order or Determination shall have been made or given, appeal

Persons aggrieved may appeal.

peal to the Justices of the Peace at any General Quarter Sessions to be held for the County or Place where such Cause of Appeal shall happen or arise; first giving Fourteen Days Notice at the least in Writing of such Intention to appeal, to the Parties interested in such Complaint; and the said Justices shall in a summary way hear and determine the said Appeal at such Sessions, or if they think proper may adjourn the Hearing thereof to the next General Court of Quarter Sessions of the Peace to be held for the said County or Place, and if they see Cause may mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such 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 right, just, and reasonable.

Limitation of
Actions.

CXIV. 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 in the Execution 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 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 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 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.

Public Act.

CXV. 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.