



ANNO QUINQUAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. xvii.

An Act to enable the *Gloucester and Berkeley Canal* Company to vary and alter the Line of their Canal; and for altering and enlarging the Powers of several Acts passed for making and maintaining the said Canal. [17th March 1818.]

WHEREAS an Act was 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*, whereby certain Persons therein named, and their several and respective Successors, Executors, Administrators, and Assigns, together with such Person or Persons as should at any Time or Times hereafter be possessed of One or more Share or Shares of and in the said Navigation, were incorporated by the Name of "*The Gloucester and Berkeley Canal Company*," with Powers to make a navigable Canal for the Passage of Ships of large Burthen, as well as Boats, Craft, and other Vessels, from the River *Severn* near the City of *Gloucester* to *Berkeley Pill* aforesaid, in the Line described and set forth in a Map or Plan and Book of Reference therein referred to: And whereas another Act was passed

[Local.] 4 Q in

33 G. 3. c. 97.

- in the Thirty-seventh Year of the Reign of His present Majesty, intituled
- 37 G. 3. c. 54. *An Act for authorizing the Company of Proprietors of the Gloucester and Berkeley Canal Navigation to vary the Line of a certain Part of the said Canal, so as to render the Execution thereof more easy, expeditious, and less expensive, and for altering and amending the Act passed in the Thirty-third Year of the Reign of His present Majesty for making the said Canal, whereby the said Company were authorized and empowered to deviate from the original Line of the said Canal, and to make the said Canal according to the Line described in another Map or Plan and Book of Reference therein referred to: And whereas another Act was passed in*
- 45 G. 3. c. 104. *the Forty-fifth Year of the Reign of His present Majesty, intituled An Act to enable the Company of Proprietors of the Gloucester and Berkeley Canal to vary and alter the Line of a certain Part of the said Canal, and to enable the said Company to raise a further Sum of Money for carrying into Execution the several Acts for making the said Canal: And whereas it is expedient that the said Company should be authorized further to alter and vary the Line of the said Canal, from the South-east Side of a certain Inclosure near Branwood, in the Parish of Berkeley, belonging to Sir Samuel Wathen Knight, through Lands in the Parish of Berkeley aforesaid, so as to communicate with the Channel of the River Severn at or near to a Place in the said Parish called Sharpness Point: And whereas the Powers and Provisions granted by the said recited Acts have in some respects been found defective and insufficient for the Purposes intended, and it is necessary that the same should be amended and enlarged; but, as the several Purposes before mentioned cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Acts as authorizes the said Company to make the said Canal from the said Inclosure near Branwood belonging to the said Sir Samuel Wathen, unto Berkeley Pill aforesaid, and unto the said Town of Berkeley, shall be and the same is hereby repealed; and in lieu thereof, that it shall and may be lawful for the said Canal Company, and they are hereby authorized and empowered, to form the said Canal from the South-east Side of the said Inclosure near Branwood, belonging to the said Sir Samuel Wathen, through Lands in the Parish of Berkeley aforesaid, so as to communicate with the Channel of the said River Severn at or near to the said Place called Sharpness Point, according to the Line set forth and described in the Map or Plan and Book of Reference deposited in the Office of the Clerk of the Peace for the said County of Gloucester on the Twenty-ninth Day of September One thousand eight hundred and seventeen, and also to erect and construct all such Harbours, Basins, Warehouses, Offices, Piers, Embankments, Breakwaters, Locks, Walls, Fences, and other Works in the said River Severn, or adjoining to the same, or communicating therewith, at or near the said Place called Sharpness Point, and at or near another Place in the said River, called Cotter Day Point, as may be necessary for finishing, completing, preserving, and protecting the same Canal and Works.*

Company
authorized to
deviate so as
to communi-
cate with the
River Severn
at Sharpness
Point.

II. And be it further enacted, That the said recited Acts, and the several Powers, Privileges, Advantages, Provisions, Restrictions, Matters, and Things therein respectively contained, so far as the Nature and Circumstances of the Case will admit (except such as are by this Act altered or repealed), shall be used, enjoyed, exercised, and enforced by and against the said Canal Company, for the making, completing, preserving, maintaining, directing, and managing, as well such Part of the said Canal as shall be made by virtue of this present Act, as of that Part already made or to be made by virtue of the said recited Acts, and for the supplying the same with Water, and also for the making, executing, performing, supporting, and preserving all such Works, Matters, and Things as shall be deemed necessary or expedient for the Benefit of the said Company, in such and the like Manner, and as fully and effectually in all respects, and to all Intents and Purposes, as if the said several Powers, Privileges, Advantages, Provisions, Restrictions, Matters, and Things contained or enacted in the said recited Acts, were re-enacted and given by this present Act, and as if such Part of the said Canal, and the other Works by this Act authorized to be made, completed, and maintained, had been described in and by the said recited Acts, or either of them, as Part of the Canal and Works thereby authorized to be made and done.

Powers of former Acts extended to this Act.

III. And be it further enacted, That so much of the said first herein-before recited Act as authorizes the said Company to purchase or make Compensation for any Lands or Hereditaments to be used for the Purposes of the said Canal by an annual Payment, shall be and the same is hereby repealed; and the said Company shall in all Cases pay such Sum or Sums of Money in gross for the Purchase of all Lands, Tithes, or Hereditaments to be by them taken or used for the Purposes of the said Canal, as shall from Time to Time be ascertained and settled agreeably to the Provisions contained in the said first herein-before recited Act; any Thing in the said Act contained to the contrary notwithstanding.

Power to purchase by annual Payments repealed, and Purchase Monies in gross to be paid.

IV. And whereas it is in and by the said first-recited Act enacted, that the said Canal Company shall be compellable to purchase the whole of any Piece or Pieces of Land through which the said intended Canal shall be cut, upon the Terms therein specified: And whereas the said Power hath in some Cases been most unreasonably exercised to the Prejudice of the said Company; be it therefore enacted, That from and after the passing of this Act, the said Canal Company shall be compellable to purchase the whole of such Piece or Pieces of Land only as shall, in the Formation of the said Canal, be separated from the Residue of the Estate of the Proprietor or Proprietors thereof, not exceeding One Acre; any Thing in the said Act contained to the contrary notwithstanding.

Compelling the Company to purchase so much only of Land as may be thought necessary by the Commissioners.

V. And whereas a Map or Plan describing the Line of the said intended Variation and Alteration, and the Lands in and through which the same are to be made and carried, together with a Book of Reference thereto, containing Lists of the Names of the Owners or reputed Owners and Occupiers of such Lands, have been deposited at the Office

Plan and Book of Reference to remain with the Clerk of the Peace.

of

of the Clerk of the Peace for the County of *Gloucester*; be it therefore further enacted, That the said Map or Plan, and Book of Reference shall remain in the Custody of the Clerk of the Peace for the said County; and all Persons may at any seasonable Times have Liberty to inspect and peruse the same, and to take Copies or Extracts thereof, at their Will and Pleasure, paying the Clerk of the Peace the Sum of One Shilling for every such Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts of the said Book of Reference; and that the said Company of Proprietors, in making the said intended Variation and Alteration, shall not deviate from the Line or Course thereof described in the said Map or Plan and Book of Reference; nor shall the said Company of Proprietors make any Reservoir in any other of such Lands than are described in the said Map or Plan and Book of Reference as intended for that Purpose: Provided always, that no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said intended Variation and Alteration, on account of any Error or Omission in the said Book of Reference, in case it shall appear to any Two or more of His Majesty's Justices of the Peace acting in and for the County of *Gloucester*, and be certified in Writing under their Hands respectively, that such Error or Omission proceeded from Mistake.

If Works not
complete
within Five
Years, Powers
to cease.

VI. Provided always, and be it further enacted, That in case the said intended Variation and Alteration shall not have been completed and made navigable, so that Boats and Barges may pass along the whole Line thereof (unless prevented by inevitable Accidents), within the Space of Five Years to be computed from the passing of this Act, then, from and immediately after the Expiration of the said Term of Five Years, all the Powers given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Variation and Alteration as shall have been declared to have been completed within the said Term by the Justices of the Peace of the said County of *Gloucester*, assembled at any Quarter Sessions of the Peace to be holden in and for the said County at any Time before the Expiration of the said Term of Five Years, or within Three Calendar Months next after the Expiration thereof, upon the Evidence of Witnesses upon Oath to be produced before them for that Purpose: Provided also, that the whole of the probable Expence of making and completing all the Works hereby authorized to be made shall be subscribed by Persons under a Contract binding themselves, their Heirs, Executors, and Administrators, for Payment of the Money so subscribed, before the Powers and Authorities hereby given shall be put in force.

Rates of
Tonnage to
be the same
as authorized
by former
Acts.

VII. And be it further enacted, That such and the like Rates of Tonnage and Lockage as would have been payable to the said Company, by virtue of the said recited Acts, if the Line of the said Canal had not been varied, shall be paid to the said Company upon the Line of Deviation hereby authorized to be made.

For ascer-
taining
Tonnage.

VIII. And for the further and better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of Rates for passing

passing on the said Canal; be it further enacted, That Fourteen Cubic Feet of Stone, Ninety Superficial Feet of Flagstone, from One Inch and a Half to Three Inches thick, and Thirty lineal Feet of Curb Stone, from Eleven Inches to Thirty Inches wide, and from Five Inches to Seven Inches thick; Fifty Cubic Feet of Round, or Forty Cubic Feet of Square Oak, Ash, Elm, or Beech Timber, and Fifty Cubic Feet of Fir or Deal, Balk, Poplar, or other Timber or Wood, whether cut into Scantlings or not, shall, for the Purposes of this Act and of the said recited Acts, be deemed, rated, or estimated as for One Ton Weight, and that Nine Score Pounds Weight Avoirdupoise of Limestone intended to be burnt into Lime shall for the Purposes of this Act be deemed or estimated for One Hundred Weight, and that Six Score Pounds Weight Avoirdupoise of unwrought Stone and Coals, and Five Score and Twelve Pounds Weight Avoirdupoise of all other Goods and Things, shall for the Purposes of this Act and the said recited Acts be deemed, rated, or estimated as for One Hundred Weight; any Usage of rating or estimating the same to the contrary notwithstanding.

IX. And be it further enacted, That in case the said Company shall, in the Formation of the Feeders by the said recited Acts and this Act authorized to be made, render any of such Feeders navigable, it shall and may be lawful for them to demand and receive, for all Vessels navigating any such Feeders, the same Rates, Tolls, and Duties as are herein-before granted for the Navigation of the said Canal.

Rates, &c. to be taken on Feeders.

X. And be it further enacted, That from and after the passing of this Act it shall be lawful for the said Company to hold their General Assemblies on any Day in the Months of *March* and *September* in each Year, although the Proprietors present at any next preceding Assembly may not have fixed or appointed any particular Day for holding such General Assembly or Assemblies, any Thing in the said recited Acts contained to the contrary notwithstanding: Provided always, that Notice shall be given of every such General Assembly, in some Newspaper or Newspapers published in the Counties of *Gloucester* and *Worcester*, Ten Days before the Day of holding such General Assembly.

Power to hold General Assemblies, although not fixed at former Meeting.

XI. And whereas, under and by virtue of the Provisions of the said recited Act of the Thirty-third Year of the Reign of His present Majesty, the said Company are restrained from appointing a Committee at any General or Special Assembly of the said Company, at which there shall not be Persons present who shall have Three Hundred Shares, either as Principals or Proxies, and great Inconvenience, Expence, and Delay have arisen in consequence thereof; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the Persons present at any General or Special Assembly of the said Company, either as Principals or Proxies (although such Persons shall not hold or represent the Holders of Three Hundred Shares), to chuse Nine Persons who for the Time being shall be respectively Proprietors of Five or more Shares in the said Navigation, to be a Committee to manage the Affairs of the said Canal Company; any Thing in the said recited Acts contained to the contrary notwithstanding.

Power for the General Meetings to appoint a Committee, although the Holders of 300 Shares be not present.

[*Local.*]

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XII. Pro-

Same Person
not to act as
Clerk and
Treasurer.

XII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors to continue or to appoint the Person who has been or may be appointed to act as their Clerk in the Execution of the said recited Acts or this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of the said recited Acts or this Act, or to continue or to appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Company of Proprietors; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of the said recited Acts or this Act; or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of such Treasurer shall act as Clerk in the Execution of the said recited Acts or this Act; every Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Effoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

How Notices
on the Com-
pany to be
served.

XIII. And be it further enacted, That all Notices from Time to Time to be served on the said Company may be served on their Clerk, or left at his last usual Place of Abode, or upon any Collector of Tolls, or known Agent of the said Company, or left at his or their last or usual Place of Abode.

Power in
former Acts
to raise Mo-
ney recited;

but that Part
only has yet
been raised.

Company
empowered
to raise the
Residue
either by new
Shares or by
Mortgages,
&c.

XIV. And whereas by the said several recited Acts the said Company are empowered to raise several Sums of Money, amounting together in the whole to the Sum of Two hundred and eighty thousand Pounds, for the Purpose of making and completing the said Canal, and the necessary Works connected therewith, by virtue whereof they have already raised and expended the Sum of One hundred and twelve thousand Pounds; but they have found themselves altogether unable to raise the remaining Part thereof under the Provisions contained in the said Acts; be it therefore enacted, That it shall be lawful for the said Canal Company, and they are hereby authorized and empowered to raise all or any further Part or Parts of the Sums which they are empowered to raise by virtue of the said Acts, either by the Creation of new or additional Shares in the said Undertaking upon the Terms herein-after specified, or by Mortgage of the said Undertaking, or upon Bond, in the Way and Manner prescribed in the said recited Acts or any of them, or by granting optional Mortgages, Bonds, or Notes, or Debentures payable at a future Time, or by granting Annuities in Manner herein-after mentioned, or by all or any of the Ways and Means afore said; and the whole of the Money so to be raised shall from Time to Time be laid out and applied for and towards the completing and maintaining of the said Canal, and other the Purposes of the said recited Acts, and of this present Act.

New Shares
not to be
granted at
less than 60l.
each.

XV. And be it further enacted, That all new or additional Shares in the said Undertaking shall be granted at not less than Sixty Pounds each; and that the respective Persons to whom any such new Share or Shares shall

shall or may be granted, shall have and be entitled to such and the same Powers, Privileges, and Advantages, and be liable to such and the same Restrictions, Penalties, and Forfeitures in respect thereof, as the original Proprietors of Shares created by virtue of the herein-before mentioned Acts, or either of them, are entitled or liable to; and the Certificate of Admission of every such Person to any new Share or Shares, signed by the Clerk to the said Company, shall be deemed sufficient Proof of Title in every such Person or Persons respectively, and his, her, or their respective Executors or Administrators.

XVI. And whereas several Persons may be willing to advance Money in part of the Sums so as aforesaid authorized to be raised, and to take Mortgages, Bonds, or Promissory Notes under the Common Seal of the said Company, with an Option to be reserved or given to the Persons so advancing for taking Shares in satisfaction thereof at a future stipulated Time; be it therefore enacted, That it shall and may be lawful for the said Company, in case they or their Committee shall think it meet and expedient, to borrow the Whole or any Part of the said Sum upon any Mortgage or Mortgages, Bond or Bonds, or Promissory Notes, or upon Debentures to be payable at a future Time; such Mortgages, Bonds, Notes, or Debentures, and every of them, to be under the Common Seal of the said Company, and to be made payable in such Manner, and at such Time or Times, and with such Rate of Interest or otherwise, as the said Company shall think proper; and in case the Parties so advancing Monies to the said Company shall stipulate for an Option to take One or more Share or Shares in the said Undertaking, in satisfaction of the Principal Money by such several Mortgages, Bonds, or Promissory Notes to be secured, or for so much or such Part thereof as the said Company for the Time being, and the Person or Persons advancing such Money on the Security of the said Mortgages, Bonds, or Notes, shall agree; then and in such Case it shall be lawful for the said Company to agree to such Stipulation as they shall see fit; and in every Case the Principal Sums so borrowed, and the Interest or other Advantages incident thereto, shall be deemed a Lien upon the Rates, Tolls, and Duties authorized to be taken by the said recited Acts and this Act, and on the Monies to be raised by the said Company by virtue of the Powers herein contained, and be paid and discharged in the like Manner as Money raised on Mortgage under the said recited Acts or this Act, or any of them, are directed to be paid and discharged.

XVII. And be it further enacted, That all Persons to whom any such Mortgages, Bonds, Promissory Notes, or Debentures shall be made or given, shall be equally entitled one with the other to their Proportions of the said Rates, Tolls, Duties, and Premises, according to the respective Sums in such Mortgages, Bonds, Notes, or Debentures mentioned to be advanced, without any Preference by reason of Priority of any such Mortgage, Bond, Note, or Debenture, or on any other account whatsoever; and a Memorial of every such Security, containing the Date, Name or Names of the Person or Persons to whom made, the Sum of Money borrowed, and Rate of Interest or other Money secured thereby, and whether the same contains any Option or not for the Holder of such Security

Power for the Company to stipulate with Parties advancing Money, to have the Option of Shares in lieu of Sums advanced.

Mortgagees, &c. to be entitled equally without Priority.

Security to become a Proprietor in the said Undertaking, shall be entered in a Book to be kept by the Clerk of the said Canal Company; which said Book shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Navigation, or other Persons interested therein, without Fee or Reward; and the Person or Persons to whom any such Promissory Note 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 other Person or Persons by Endorsement thereon under his, her, or their Hand or Hands; and every Person to whom any such other Security 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 other Person or Persons, in like Manner as Mortgages made under and by virtue of the herein-before recited Acts are authorized to be transferred; and every such Transfer so made shall, within Thirty Days after the same shall have been made, be notified in Writing to the Clerk of the said Canal Company, who shall cause a Memorial to be made thereof in like Manner as of the original Security, for which the said Clerk shall be paid the Sum of Two Shillings and Sixpence; and, after such Entry made, every such Transfer shall entitle the Holder of each such Security, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit and Advantage thereof: Provided always, that no Security to be made by the said Company by virtue of this Act shall affect or prejudice any Security or Securities which may have been made by virtue of the Powers of the said recited Acts.

Power to
raise any Part
of the Money
by Annuities.

XVIII. And be it further enacted, That in case the said Company shall think it advisable to raise any Part of the several Sums of Money by the said recited Acts authorized to be raised, by granting Annuities, then and in every such Case it shall and may be lawful for them so to do, and to grant any such Annuity or Annuities to or for the Use of the Person or Persons who shall contract for the Purchase thereof for any Term or Number of Years, or for or during the natural Life of any one Person, to be nominated by or on behalf of every such Purchaser, as to them shall seem expedient; and every such Annuity or Annuities so to be granted shall be charged upon and be payable out of the Rates, Tolls, Duties, and other Revenue of the said Company, or out of any Monies to be raised by the Company by virtue of the Powers herein contained, in the same Manner as the Interest on the Sums to be advanced on Mortgages or other Securities is herein-before directed to be paid.

Grants to be
under Seal.

XIX. And be it further enacted, That the Grant of every such Annuity as aforesaid shall be by Deed under the Common Seal of the said Company, and may be according to the Form or to the Effect following; (that is to say),

Form of
Grant of
Annuity.

‘ WE, the Gloucester and Berkeley Canal Company, in consideration
‘ of the Sum of _____ to us paid by
‘ of _____ do hereby, by virtue of an Act of Parliament passed
‘ in the Fifty-eighth Year of the Reign of King George the Third, inti-
‘ tuled [*here insert the Title of this Act,*] grant unto the said
‘ and

' and his, [*or her*] Assigns, One Annuity or yearly Sum of
 ' to be issuing out of all and singular the Rates,
 ' Tolls, Duties, and other Revenue arising by virtue of certain Acts of
 ' Parliament made in the Thirty-third, Thirty-seventh, Forty-fifth, and
 ' Fifty-eighth Years of the Reign of His said Majesty, for making and
 ' maintaining the said Canal, and out of all other the Revenue, Property,
 ' and Effects of the said Company, to hold unto the said
 ' his [*or her*] Executors, Administrators, and Assigns, for the Term of
 ' [*as the Case may be*], or to hold unto the
 ' said and his [*or her*] Assigns, during his [*or her*]
 ' natural Life; such Annuity or yearly Sum to be paid and payable
 ' at the *Gloucester* and *Berkeley* Canal Office upon the
 ' Day of yearly, and the First Payment thereof to be made
 ' on the Day of in the Year One thousand eight
 ' hundred and . Given under our Common Seal, this
 ' Day of in the Year of our Lord One
 ' thousand eight hundred and

And an Entry or Memorial of every such Grant, containing the Date
 thereof, and an Account of the Name or Names of the Party or Parties
 to whom the same shall have been made, with their respective proper
 Additions, and of the Consideration of such Grant; and of the Annuity
 granted, and the Duration thereof, shall, within Thirty Days next after
 the Date thereof, be written and inserted in a Book to be kept for that
 Purpose by the Clerk of the said Company; and the same shall be good,
 valid, and effectual to all Intents and Purposes whatsoever, without any
 further Memorial or Registry thereof in the High Court of Chancery or
 elsewhere; and all the Grantees of such Annuities shall be entitled
 equally one with another, and with the Persons advancing Money on
 Mortgage, Bond, Note, or Debenture, as herein-before mentioned, to the
 Rates and Property thereby made liable, without any Preference by
 reason of Priority of Date or otherwise; and all and every Person or
 Persons to whom any such Grant shall have been made, or who shall
 be entitled to the Annuity thereby secured, may from Time to Time
 assign and transfer his, her, or their Right and Title therein to any
 Person or Persons, in the Form or to the Effect following; (that is
 to say),

Entry to be made with Clerk to the Company.

Grants to be transferable.

' I of the Sum of of in consideration Form of
 ' to me paid by Transfer.
 ' do hereby transfer unto the said
 ' a certain Grant made by the *Gloucester* and
 ' *Berkeley* Canal Company, bearing Date the Day of
 ' One thousand eight hundred and of an Annuity of
 ' payable [*here insert the Duration of the Annuity*], and all my
 ' Right, Title, and Interest in and to the said Annuity thereby secured;
 ' to hold the same unto the said his [*or her*] Executors,
 ' Administrators, and Assigns. In Witness whereof, I have hereunto
 ' set my Hand and Seal, this Day of
 ' in the Year of our Lord One thousand eight hundred and

[Local.]

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And

Transfers to
be notified
to the Com-
pany's Clerk.

And every such Transfer shall within Thirty Days after the Date thereof be produced and notified to the Clerk of the said Company, who shall thereupon cause an Entry or Memorial to be made thereof in the said Book, containing the Date and Names of the Parties, and the Annuities thereby transferred; for which Entry such Clerk shall be paid the Sum of Two Shillings and Sixpence, and no more; and after such Entry made, every such Assignment shall entitle such Assignee or Assignees, his, her, or their Executors, Administrators, and Assigns, to the full Benefit and Advantage of the original Grant; and all and every the Annuities so to be granted as aforesaid, as well as the Interest of Monies herein-before provided for, shall be paid to the several Persons entitled thereto, *pari passu*, in preference to any Interest or Dividends due and payable to the said Proprietors in respect of Shares, by virtue of the said recited Acts or this Act.

Company
empowered
to purchase
Shares.

XX. And be it further enacted, That in case any of the Proprietors of Shares in the said Undertaking shall at any Time or Times be desirous of disposing of any such Shares, then and in every such Case it shall be lawful for the said Company, out of their Corporate Funds, to purchase any such Shares as they shall think fit, and to accept a Surrender thereof unto and for the general Benefit of the said Company, upon such Terms as shall from Time to Time be deemed expedient at any General Assembly of the said Company; and from and after the Surrender of the Certificates of any Shares so to be purchased, all and every the Shares and Share which shall be so surrendered shall immediately from thenceforth be utterly extinguished and annihilated to all Intents and Purposes whatsoever.

In case Mort-
gages, &c.
shall be paid
off, Power to
raise Money
for that Pur-
pose.

XXI. Provided always, and be it further enacted, That in case the said Canal Company shall raise any Part of the said Sums by Mortgage, Bond, Promissory Notes, or Debentures, in Manner herein-before mentioned, or by any or either of those Modes, and shall afterwards be required to pay off, or shall be desirous and entitled to pay off, all or any Part of the Principal Sum or Sums secured or intended to be secured by such Mortgages, Bonds, Promissory Notes, or Debentures, or any or either of them, then and in every such Case it shall and may be lawful for the said Canal Company, and they are hereby authorized and empowered, again to raise by all or any, or by such one or more of the Ways or Means herein-before or in the said recited Acts mentioned, in lieu of the Money to be paid off by them, so much and such Sum or Sums of Money as they shall from Time to Time be required or be desirous to pay off to the Holders of the said Mortgages, Bonds, or Promissory Notes, or any of them, or any Part or Parts thereof, together with all Interest upon the said Mortgages, Bonds, or Notes.

Power for
Company to
purchase
Mills, &c.

XXII. And be it further enacted, That it shall and may be lawful for the said Canal Company, and they are hereby authorized and empowered, to contract with all Bodies Politic, Corporate, or Collegiate, and other Persons whomsoever, for the Purchase of any Mill or Mills, Stream or Streams of Water, Lands, Tenements, or Hereditaments, either for sup-

plying the said Canal and Works with Water, or for erecting or providing any Messuages, Tenements, Warehouses, or other Buildings thereon, for the depositing or keeping any Goods, Merchandize, or other Things carried or conveyed, or intended to be carried or conveyed upon the said Canal and Works, or for making any convenient Roads, Avenues, and Ways leading thereto, or otherwise, which they the said Company shall judge requisite and necessary; provided such Bodies Politic, Corporate, and Collegiate, and the Owners and Proprietors of and other Persons interested in such Mill or Mills, Stream or Streams of Water, Lands, Tenements, or Hereditaments, or the Guardians, Committees, or Trustees of such of them as shall be under any Disability or Incapacity of acting for themselves, shall be consenting to sell the same, but not otherwise; and it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and all other Person and Persons whomsoever, to grant or sell unto the said Canal Company and their Successors any Mill or Mills, Stream or Streams of Water, Lands, Tenements, or Hereditaments whatsoever, for the Purposes aforesaid, in the same Manner as Parties are authorized and empowered to convey Lands under and by virtue of the said first hereinbefore recited Act.

XXIII. And in order to maintain and preserve the Entrance from the River *Severn* into the Locks or Basins of the said Canal free and open, be it enacted, That if any Ship, Boat, Barge, or other Vessel, shall be fastened, tied, or moored, or shall be or remain in or upon the said River, near the said Locks or Basins, or shall be sunk in any Part of the said Canal, or of the River contiguous thereto, so as in any Case to obstruct, delay, or interrupt the Passage and Entrance into, upon, or through the said Canal, the Person or Persons having the Care of any such Ship, Boat, Barge, or other Vessel, shall for every such Offence forfeit any Sum not exceeding Twenty Shillings for every Hour such Obstruction shall be wilfully continued after Notice in Writing given by or on the Part of the said Canal Company to remove the same; and it shall be lawful for any Agent or Officer to the said Canal Company to cause any such Ship, Boat, Barge, or other Vessel to be unloaded (if necessary), and to be removed in such Manner as shall be proper for preventing such Obstruction, and to seize and distrain such Ship, Boat, Barge, or other Vessel, and the Loading thereof, or any Part of such Loading, until the Charges occasioned by such Removal shall have been paid; and if any Person or Persons shall by any Means obstruct or cause to be obstructed, hindered, or prevented, the free Use and Exercise of any Way or Passage over any Bridge, Towing-path, or Road belonging to the said Company, and shall not immediately, upon like Notice given to him, her, or them, remove such last-mentioned Obstruction, every such Person or Persons so offending shall for every such Offence in like Manner forfeit and pay any Sum not exceeding Twenty Shillings for every Hour the same shall thereafter continue.

For securing the Entrance from the River *Severn* into the Locks.

XXIV. And be it further enacted, That if any Goods, Wares, or Merchandizes, which shall be navigated, carried, or conveyed upon the said Canal, as aforesaid, shall remain upon any Wharf belonging to the said Canal Company, not warehoused, for a longer Space of Time than Forty-eight

If Goods remain more than a certain Time on the Wharfs, a

Wharfage to
be paid.

eight Hours after being first laid and deposited thereon, then and in every such Case the said Canal Company shall thereafter be entitled to have and receive a reasonable Allowance for the Wharfage thereof; over and above the Rates, Tolls, and Duties herein-before authorized to be taken, not exceeding Sixpence *per Ton per Diem* for all such Goods, Wares, or Merchandizes respectively.

Power to
distrain for
Wharfage,
&c.

XXV. And be it further enacted, That the said Canal Company shall and may take, seize, and detain, for the Wharfage Dues hereby granted, and for Warehouse Rent, any Goods, Wares, or Merchandizes deposited in any Warehouse or Warehouses, or in or upon any Wharf or Place belonging to them the said Company, in respect whereof such Wharfage Dues or Warehouse Rent shall become payable; and in case of Non-claim of such Goods, Wares, and Merchandizes, or on Non-payment of such Wharfage Dues and Rent within the Space of Two Months next after the same shall have been so deposited, to sell and dispose thereof by public Auction or private Contract, as they shall think best, and out of the Monies to arise from such Sale or Sales pay and satisfy themselves the said Dues and Rent, and all Costs, Charges, and Expences attending such Sale and Sales, rendering the Overplus (if any be) upon Demand to the Owner or Owners thereof respectively, Oath being first made in Writing, if required, by such Owner or Owners, of his, her, or their Right and Title to the said Property so sold and disposed of, before some Justice or Justices of the Peace of and for the said City or County of *Gloucester*, which Oath any such Justice is hereby duly authorized and required to administer.

For securing
transient Of-
fenders.

XXVI. And whereas Offences may be committed against the said recited Acts or this Act by Persons unknown to the Collectors or other Officers to be employed under the said Acts; be it therefore further enacted, That it shall be lawful for any such Collectors or other Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any Warrant or other Authority than this Act, to apprehend and detain any such unknown Person or Persons who shall commit any such Offence or Offences, and to take him, her, or them before any Justice of the Peace for the County or Place where the Offence or Offences shall be committed.

Duplicates of
Transfers of
Shares not
necessary.

XXVII. And whereas in and by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, it is enacted that, in all Cases of Transfer of Shares in the said Undertaking, Duplicates of the Deed of Assignment shall be executed by the Seller and Purchaser respectively, and that one Part thereof shall be delivered to the said Committee or to their Clerk: And whereas the imposing the Necessity of having Duplicates of such Deeds of Assignment is found extremely inconvenient; be it therefore enacted, That in all Cases where a Deed of Assignment of any Share or Shares in the said Undertaking, executed by both Parties, shall be deposited in the Hands of the Clerk to the said Company, to be by him kept with the Records of the said Company, no Duplicates shall be requisite or necessary, but that all Transfers so already made or hereafter to be made without a Duplicate shall be as valid and effectual to all

Intents

Intents and Purposes as if a Duplicate of the Deed of Assignment had been executed in the Manner prescribed by the said recited Act; and upon the Deposit of every such Assignment hereafter to be made, the Clerk to the said Company shall give a Certificate to the Party depositing the same, denoting that such Assignment hath been deposited with him.

XXVIII. Provided always, and be it further enacted, That in all Places where it may be necessary to erect or build any Bridge or Bridges to communicate with any public Carriage Road, the Ascent to every such Bridge for the Purpose of such Road shall not be more than One Foot in Thirteen, and that a good and sufficient Fence shall be made on every Side of such Bridge, which Fence shall not be less than Four Feet above the Surface of such Bridge.

Regulations
as to Ascent
to Bridges
and Height
of Fence.

XXIX. And be it further enacted, That the several Persons and Bodies Politic, Corporate, and Collegiate, who have subscribed or who shall hereafter subscribe or advance any Money for and towards making and maintaining the said Variation and Alteration hereby authorized to be made, shall, and they are hereby required to pay the Sum or Sums of Money by them respectively subscribed, at such Times and Places as shall be directed by the said *Gloucester and Berkeley* Canal Company or their Committee; and in case any Person, or Body Politic, Corporate, or Collegiate, shall neglect or refuse to pay the same at the Time and in the Manner required for that Purpose, it shall be lawful for the said Canal Company to sue for and recover the same in any Court of Law or Equity.

Power to
compel Pay-
ment of Sub-
scriptions.

XXX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to vacate, annul, discharge, vary, or alter any of the Provisions, Clauses, Powers, Reservations, Regulations, Conditions, Restrictions, Penalties, Prohibitions, Exemptions, Savings, Matters, and Things, which in and by the said hereinbefore recited Acts of the Thirty-third and Thirty-seventh Years of the Reign of His present Majesty were and are declared or enacted, granted, expressed, or provided, touching or in anywise concerning the Rights, Interests, Profits, Rates, Tolls, Dues, Easements, Emoluments, Members, Appurtenances, Property, Benefit, Advantage, Claim, Indemnification, or Demands whatsoever, of the Company of Proprietors of the *Stroudwater* Navigation; but that the same and every of them shall be and continue in full Force, Strength, and Effect, as if this Act had not been passed.

Act not to
affect the
Powers of the
Stroud Navi-
gation Com-
pany.

XXXI. And be it further enacted, That the Costs and Charges of obtaining and passing of this Act, and of making the Surveys, Plans, and Estimates, and all other Costs, Charges, and Expences relating to or concerning the same, or any ways incident thereto, with lawful Interest, shall be borne, paid, and defrayed by the said Company out of the first Monies received, advanced, or raised by virtue of the said recited Acts or this Act.

For paying
the Expences
of the Act.

[Local.]

4 T

XXXII. And

Public Act.

XXXII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1818.