



ANNO QUINQUAGESIMO OCTAVO

# GEORGI II. REGIS.

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## *Cap. lxxiii.*

An Act for making a Railway from the *Hay* Railway near *Eardisley*, in the County of *Hereford*, to the Lime Works near *Burlinjob*, in the County of *Radnor*. [23d May 1818.]

**W**HEREAS the making and maintaining a Railway or Tram Road for the Passage of Waggons and other Carriages from the *Hay* Railway, at or near to the Village of *Eardisley*, in the Parish of *Eardisley*, in the County of *Hereford*, to or near to the Town of *Kington* in the said County, and from thence to or near to certain Lime Works at or near to the Village of *Burlinjob*, in the County of *Radnor*, will be of great public Utility, by facilitating and cheapening the Conveyance of Coal, Iron, and other Commodities from the County of *Brecon* to the said Town of *Kington* and the said Lime Works, and the Conveyance of Lime, Corn, and other Commodities from the said Town and Lime Works respectively, towards and into the said County of *Brecon*; and by greatly relieving the Turnpike and other Roads in the Neighbourhood, which are at present in a very ruinous State, and cannot be kept in Repair by reason of the increased and increasing Carriage of heavy Goods thereon; and will materially assist the Agricultural Interest, as well as the general Traffic of the Country, and tend to the Improvement of the Estates in the Vicinity of the said Railway or Tram Road: And whereas the several Persons herein-after named are willing and desirous at their own Expence to make and maintain the said Railway or Tram Road, and such other Works as are herein-after mentioned; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted

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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 *Joseph Bebb, Richard Banks, John A. G. Clarke, John Cheese, Edmund Watkins Cheese, James Crummer, the Reverend Francis Coke, Thomas Foley, Grace Mary Foley, Elizabeth Fencott, John Fletcher, Martha Harley, Frances Harley, James Lloyd Harris, Sarah Hayward, Thomas Hutchinson, the Reverend Thomas Jones, Percival Lewis, John Meredith, John Meredith the younger, James Woodhouse Meredith, M. Mason, John Mitchell, John Morris, Richard Price, Sir Samuel Romilly, Thomas Stephens Rogers, Henry Rogers, the Reverend John Rogers, John Sherburne, William Symonds, William Symonds the younger, Morris Sayce, James Watt, and Thomas Woolfe,* and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for making and maintaining the said Railway or Tram Road, and other Works by this Act authorized to be executed, according to the Rules, Orders, and Directions herein-after mentioned and specified, and shall for that Purpose

Their Name.

be One Body Corporate, by the Name and Style of "The *Kington 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;

Their Powers.

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, in Manner by this Act directed, 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 Tram Road, to be called "*The Kington Railway,*" passable for Waggon and other Carriages, to be constructed as herein-after appointed, from the *Hay Railway* at or near to the Village of *Eardisley* aforesaid, in the said County of *Hereford*, through and into the several Townships, Parishes, and Places of *Eardisley, Almeley, Lyonsball, Kington, and Old Radnor,* in the County of *Hereford*, and *Old Radnor,* in the County of *Radnor*, to or near to certain Lime Works at or near to the Village of *Burlinjob*, in the said County of *Radnor*; 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, according to the Directions and Provisions of this Act, and to survey and take Levels of the same, or any Part thereof, and to set out, ascertain, and appropriate, for the Purposes herein mentioned, such Parts thereof as they shall think necessary and proper for making or altering the said Railway or Tram Road, and all such other Works, Matters, and Conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining, and using the same, and for the Conveyance of Goods into and out of the said Railway, 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



Railway or Tram Road, or other Works, out of the Lands or Grounds of any Person or Persons, Bodies Politic, Corporate, or Collegiate, adjoining or being convenient or contiguous to such Railway or Tram Road, and which may be proper, requisite, or necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tram Road and other Works, or which may hinder, prevent, or obstruct the making, using, completing, altering, extending, or maintaining the same, according to the Intent and Meaning of this Act; and also to make, build, erect, bank, excavate, or set up, in, under, or upon the said Railway or Tram Road and other Works, or upon the Lands adjoining or near to the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Boats, Posts, Ropes, and Chains for passing such Rivers, Brooks, Streams, and other Waters as aforesaid, and such and so many Wharfs, Houses, Warehouses, Toll Houses, Landing Places, Weighing Beams, Cranes, Fire Engines, or other Machines, and other Works and Ways, Roads and Conveniences, where and in such Manner as the said Company of Proprietors shall think necessary and convenient for the Purposes of the said Undertaking; and also from Time to Time to alter, repair, and amend or discontinue the same; and also to place, lay, work, or manufacture the Materials necessary for the making, erecting, maintaining, and repairing the said Railway or Tram Road, and other Works, on the Lands or Grounds adjoining to the Place or Places where the said Works or any of them shall be or are intended to be made, executed, repaired, or done; and also to make, maintain, repair, and alter any Fences or Passages over, under, or through the said Railway or Tram Road; 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 Tram Road, 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 Bridges, 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 Tram Road, 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 Tram Road, 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 and Proprietors of and all Persons interested in any Lands or other Hereditaments which shall be taken, used, removed, diverted, or injured, for all Damages to be by them sustained in or by the Execution of all or any of the Powers hereby granted; and this Act shall be sufficient to indemnify the said Company of Proprietors, and their Deputies, Servants, Agents, 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.

II. Provided



Crossings.

II. Provided always, and be it further enacted, That where the said Railway or Tram Road shall cross any Turnpike Road or public Highway, the Ledge or Flanch of such Railway or Tram Road, for the Purpose of guiding the Wheels of the Carriages, shall not exceed One Inch in Height above the Level of such Road.

Company may contract for the Works.

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

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

IV. Provided always, and be it further enacted, 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 or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and eighteen, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Park, Paddock, Planted Walk, or Avenue to a House, without the Consent in Writing of the Owners and Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule annexed to this Act.

Company empowered to purchase Land for Wharf.

V. Provided always, and be it further enacted, That the said Company shall have full Liberty and Power to purchase any Parcel or Parcels of Land, not exceeding Six Acres in the whole, for the Purpose of making a Wharf or Wharfs.

Exemption as to Mr. Foley.

VI. And be it further enacted, That the said Company shall not at any Time hereafter make, erect, or set up any Wharf, House, Cottage, or other Building upon any Parcel of Land or Ground of the Honourable *Andrew Foley*, his Heirs or Assigns, without his or their Licence and Consent in Writing first had and obtained.

Plans and Books of Reference.

VII. And whereas a Survey has been taken of the Line of the said Railway or Tram Road, and a Map or Plan, with a Book of Reference thereto, has been made and deposited with the respective Clerks of the Peace for the Counties of *Hereford* and *Radnor*; be it therefore enacted, That the said Maps or Plans, and Books of Reference thereto, shall remain deposited with the respective Clerks of the Peace for the Counties of *Hereford* and *Radnor*, and another Part of the said Map or Plan and Book of Reference, which shall be made, and certified by the Right Honourable



Honourable the Speaker of the House of Commons, shall be deposited with the Clerk of the said Company; to any 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 every such Inspection the Sum of Two Shillings and Sixpence, and for Copies of or Extracts from the said Books of Reference, after the Rate of Eight-pence for every One hundred Words; and each of the said Maps or Plans and Books of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the 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.

VIII. And be it further enacted, That the said Company of Proprietors, in making the said Railway or Tram Road, shall not deviate more than One hundred Yards from the Course or Direction delineated on the said Plan, and set forth in the said Book of Reference.

Deviation from the Line laid down in Plan.

IX. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tram Road, 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 any Two or more Justices of the Peace for the said Counties of *Hereford* or *Radnor*, within their respective Jurisdictions, and to 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 some 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.

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

X. And be it further enacted, That the Lands and Grounds to be taken or used for making and using the said Railway or Tram Road, shall not exceed Fifteen Yards in Breadth, except in those Places where it shall be judged necessary for Waggons or other Carriages to turn, lie, or pass each other, or for raising Embankments for crossing the Valleys, or in deep Cutting, or where any Warehouses, Cranes, and Weigh Beams may be erected, or where any Places may be set out or appropriated for the forming of Wharfs, or for the Reception or Delivery of Goods, Wares, and Merchandize which shall be conveyed on the said Railway or Tram Road, and not above Seventy Yards in Breadth in any Place, without the Consent of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tram Road.

Breadth of the Land to be taken for the Railway.

XI. And be it further enacted, That after any Lands, Grounds, or Hereditaments shall have been set out and ascertained for making the said

Bodies Politic, &c. empowered to.

[Local.]

16 D

Railway



sell and convey Lands.

Railway or Tram Road and other Works, or any Part or Parts thereof, and for providing and constructing the Wharfs and other Works and Conveniences, and for the doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorized to do or make, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Tenants and Persons whomsoever, not only for and on Behalf of themselves, their Heirs, and Successors, but also for and on Behalf of their Cestuique Trusts or Wards, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest therein, and 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 of Proprietors; and that all such Contracts, Agreements, Sales, 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 as aforesaid, are hereby indemnified for what they shall respectively do by virtue hereof; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Company of Proprietors; and such of them as shall be made of any Lands or other Hereditaments to the said Company of Proprietors shall be made according to the following Form:

Form of the Conveyance to the Company.

‘ 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 Fifty-  
 ‘ eighth Year of the Reign of His Majesty King *George* the Third, inti-  
 ‘ tuled [*here set forth the Title of this Act*]. In Witness whereof I have  
 ‘ hereunto set my Hand and Seal, the \_\_\_\_\_ Day of  
 ‘ in the Year of our Lord \_\_\_\_\_

And all such Conveyances shall be kept by the Clerk or Clerks to the said Company of Proprietors, who shall from Time to Time, when requested, deliver attested Copies thereof to any Person or Persons requiring the same, and shall have and receive the Sum of Sixpence *per* Sheet for every such attested Copy, reckoning One hundred Words for every Sheet, exclusive of Stamps.

Where small Parcels of Land are intersected,

XII. And be it further enacted, That if in making the said Railway or Tram Road any Pieces or Parcels of Ground shall be cut through and divided, so that what shall be left on each or either Side of the said Rail-  
 way



way or Tram Road shall be less than Half an Acre in Quantity, or less than Eighteen Yards in Breadth; and if the Owner or Owners of any such Pieces or Parcels of Ground shall not have any other Land or Ground adjoining to what shall be so left on each or either Side of the said Railway or Tram Road, then and in every such Case the said Company of Proprietors shall also take and purchase the Piece or Parcel, Pieces or Parcels of Ground so left on each or either Side of the said Railway or Tram Road, being less than Half an Acre in Quantity, or less than Eighteen Yards in Breadth as aforesaid, and shall pay for the same after the Rate and in the same Manner as they shall pay for the Land or Ground adjoining thereto, which shall be taken and used for making the said Railway or Tram Road; provided the Owner or Owners, or Person or Persons entitled to the Possession, or to the Rents or Profits of such small Pieces or Parcels of Ground respectively, shall require the said Company of Proprietors to take and purchase the same, but not otherwise.

Company  
compellable  
to purchase  
the Whole.

XIII. And be it further enacted, That in all Cases where in making the said Railway or Tram Road 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 or Wastes as shall be required to be taken for making the said Railway or Tramroad, 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 Com-  
mons or  
Waste Lands  
to be con-  
veyed 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 Tram Road 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, in gross Sums; and in case the said Company of Proprietors, and the said Parties interested in such Lands or other Hereditaments, cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the 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 be it further enacted, That every Person who shall in his own Right or in the Right of his Wife, and not as a Mortgagee or a Trustee or Lessee, be seized of or entitled to any Estate of Freehold or Copyhold

Commission-  
ers and their  
Qualifica-  
tions.

of



of Inheritance, or both, situate within the Counties of *Hereford* or *Radnor*; of the clear yearly Value of Three hundred Pounds, over and above all Rents, Annuities, Incumbrances, and Reprizes, or possessed of a Personal Estate of the Amount of Five thousand Pounds in the Stocks or Public Funds, or on Mortgage, Lease, Bond, or special Securities for Money; or being the eldest Son or Heir Apparent of a Peer, or of a Person qualified to serve in Parliament as a Knight of the Shire, shall be and are hereby appointed Commissioners for settling, determining, and adjusting all Matters, Questions, and Differences which shall or may arise between the said Company and the several Owners of and Persons interested in any Lands, Grounds, Tenements, or Hereditaments which shall or may be taken, used, affected, or prejudiced by the Execution of any of the Powers hereby granted; and every Person so qualified shall be and is hereby appointed a Commissioner for all other the Purposes of this Act for which Commissioners are hereby appointed; but no Person shall act or be qualified to act as a Commissioner for the Execution of the Powers hereby given to such Commissioner, during the Time of holding any Place of Profit arising out of the Rates to be collected by virtue of this Act, or of his being a Proprietor in the said Undertaking, or concerned or interested in any Contract or Bargain to be made for the Purposes of this Act, or in any Case where he shall be anyway interested or concerned in the Matter in question, nor unless he shall reside in the Counties of *Hereford* or *Radnor*, or (except in giving Notice of the First Meeting of the said Commissioners, and administering the Oath or Affirmation herein-after mentioned), until he shall have taken and subscribed an Oath or Affirmation to the Effect following, before any Three or more of the said Commissioners, who are hereby authorized and required to administer the same; *videlicet*,

Oath of Commissioners.

‘ I *A. B.* do swear, [*or, being One of the People called Quakers, do solemnly affirm,*] That I will truly and impartially, according to the Evidence which shall be laid before me, and to the best of my Skill and Knowledge, execute and perform the Powers and Authorities vested in me as a Commissioner by an Act passed in the Fifty-eighth Year of the Reign of King *George* the Third, intituled [*here insert the Title of this Act*]; and that I am qualified to act as a Commissioner according to the Directions of the said Act. So help me GOD.’

Penalty on Commissioners not being qualified.

And if any Person shall act as a Commissioner in the Execution of this Act, not being qualified as herein-before mentioned, 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 any Action at Law, or in any of His Majesty's Courts of Record; and such Person so sued shall prove that he is qualified as aforesaid, or otherwise shall pay the Penalty, without any other Proof or Evidence on the Part of the Plaintiff or Plaintiffs, than that such Person hath acted as a Commissioner in the Execution of this Act: Provided always, that every Act, Matter, and Thing which shall be done by such Commissioners as last aforesaid, shall be valid and effectual to all Intents and Purposes, notwithstanding any such Want of Qualification as aforesaid.

Commissioners may act as Justices of the Peace,

XVI. And be it further enacted, That any of the said Commissioners who are or shall be Justices of the Peace for the said Counties shall and may, notwithstanding their being Commissioners, act as Justices of the Peace



Peace in the Execution of this Act; but that no Person who shall have or accept any Place of Profit arising out of the Rates to be raised by virtue of this Act, or shall be a Proprietor of any Share or Shares in the said Undertaking, or shall be concerned or interested in any Contract or Bargain made or to be made for or on account of the said Undertaking, shall be capable of acting as a Justice of the Peace in any Matter respecting the same, so long as he shall hold or be interested in such Place of Profit, Share or Shares, Contract or Bargain as aforesaid.

but not while they hold any Place of Profit under this Act.

XVII. 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 Purposes of such Meeting shall be given and inserted in some Newspaper usually circulated in the said Counties, at least Twice 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 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 Three Commissioners; and at every such Meeting One of the Commissioners present shall be appointed Chairman, who, in case of an Equality of Votes (including the Vote of such Chairman) shall have the decisive or casting Vote.

Notice of Commissioners Meetings to be given.

XVIII. And be it further enacted, That upon Application in Writing being made by or on Behalf of the said Company, or by the Owners or Occupiers of Lands or Hereditaments to be taken for or affected by the said Tram Road, or any of the Works necessary or relating thereto, or any of them, to any One or more of the Commissioners or Persons qualified to act as a Commissioner, requesting or desiring that a General Meeting of the said Commissioners may be holden, the Commissioners so applied to shall and they respectively are hereby 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 Fifteen Days, nor more than Twenty-four 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 themselves, 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, as often as the Case shall happen, the Clerk or Clerks of 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 from the

On Application of the Proprietors or Land Owners, Commissioners to meet.



Day on which the last Meeting of the said Commissioners was appointed to be held.

Commissioners to hold occasional Meetings.

XIX. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, or any Three 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 at 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 settling and ascertaining such Damages as are herein directed to be settled, and for other Purposes, notwithstanding any Adjournment of the said Commissioners.

Proceedings to be entered in a Book.

XX. And be it further enacted, That all the Orders and Proceedings of the said Commissioners shall be regularly entered into 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 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 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 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, or their Committee for the Time being, shall within One Calendar Month after Notice in Writing for that Purpose shall have been given by the said Commissioners, nominate Three 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-mentioned 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; and any Clerk who shall be removed or die, or quit the Service as aforesaid, his Executors or Administrators, shall within One Calendar Month 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 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, 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; in which Action no Essoign, Protection, Privilege, or Wager of Law, or more than One Impar lance, shall be allowed.

Commissioners to examine Wit-

XXI. And be it further enacted, That the said Commissioners shall be and they are hereby authorized and required at any of their Meetings to examine



examine Witnesses upon Oath, to be administered by them, touching any Matter which may in pursuance of this Act be submitted to the Consideration of the said Commissioners; and they are hereby empowered and enabled, by Writing under their Hands, to determine and adjust from Time to Time what Sum or Sums of Money shall be paid by the said Company for the absolute Purchase of or as a Recompence for the Use of the Lands, Grounds, or Hereditaments which shall be so set out and ascertained as aforesaid, for making the said Railway or Tram Road, or for any other the Purposes of this Act, and also to adjust and determine the Compensation to be made by the said Company for any Damages which may or shall at any Time or Times hereafter be sustained by any Bodies Politic, Corporate, or Collegiate, or by any Person or Persons respectively, being Owners of or interested in any Lands, Grounds, Tenements, or other Hereditaments, for or by reason of the severing or dividing the same, or by reason of the making, using, repairing, or maintaining the said Tram Road, or other Works or Conveniences belonging thereto, by reason or means of the Execution of any of the Powers given to the said Company.

nesses on Oath, and to settle any Matter in Dispute.

XXII. Provided always, and be it further enacted, That if the said Company, or their General Committee for the Time being, or any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, shall be dissatisfied with any such Judgment or Determination of the said Commissioners, and shall give Notice thereof in Writing to any Three or more of the said Commissioners, within Twenty-one Days next after the same shall have been made, or shall refuse or neglect to submit any such Matter to the Determination of the said Commissioners; or if any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons interested or entitled as aforesaid, shall refuse to receive, upon due Tender thereof made, such Purchase Money as shall be determined to be paid, or shall upon Notice in Writing given to the principal Officer of any such Body Politic, Corporate, or Collegiate, or to such Trustee or Trustees, Person or Persons respectively, or left at the last or usual Place or Places of his, her, or their Abode, or with the Tenant or Tenants, Occupier or Occupiers of any Lands or other Hereditaments to be made use of for the Purposes of this Act, 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 or otherwise shall be prevented from treating, or through Disability by Marriage, Coverture, or other Impediment, cannot treat for themselves, or make such Agreement or Agreements as shall be necessary for the Purposes aforesaid, or shall not within the before-mentioned Space of Twenty-one Days produce and fully disclose the State of the Title to the Premises which they shall be in Possession of, and to the Interest which they claim therein; then and in every such Case the said Commissioners shall and are hereby empowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the said County in which the Lands in question shall be situated; and in case such Sheriff or his Undersheriff shall be one of the said Company, or enjoy any Office or Trust under them, or shall be otherwise interested in the Matter in question, then to any one of the Coroners of such County who shall not be so interested as aforesaid; and in case all the said Coroners of the said County shall be so interested, then to one of the last Persons who filled the Office of Sheriff of such County, and who shall not be interested as aforesaid, commanding

If Parties are dissatisfied with Determination of Commissioners, Value to be ascertained by a Jury.



commanding such Sheriff, Coroner, or other Person, to impanel, summon, and return a Jury; and the said Sheriff, Coroner, or other Person is hereby required accordingly to impanel, summon, and return a Jury of Twenty-four sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts at *Westminster*, or Court of Great Session in *Wales*, to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed, such Time not being less than Eight or more than Fourteen Days next after such Warrant shall be served upon the said Sheriff, Coroner, or other Person; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Coroner, or other Person 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 every such Jury and Jurymen shall be liable and subject to the same Regulations, and to the same Pains and Penalties for Default, as if he or they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*, or Court of Great Sessions in *Wales*; 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 and required, by Summons or Notice, to be signed by Three or more of the said Commissioners, either previous to or at the Time of any such Meeting or Meetings, to summon or call before them all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter 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 to hear and examine such Witness or Witnesses upon Oath; 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 Matter or Matters in question; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any one of them, is or are hereby empowered to administer), shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands or other Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Damages for the same; and the said Commissioners shall give Judgment for such Purchase Money or Recompence to be assessed by such Jury; which said Verdict and the Judgment 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, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Westminster*, or any other Court; any Law or Statute to the contrary notwithstanding.

Fine on  
Sheriff mak-  
ing Default.

XXIII. And be it further enacted, That if the Sheriff or other Person so directed to summon and return a Jury as aforesaid, or his Deputy or Agent, shall make Default in the Premises, he shall for every such Offence forfeit the Sum of Twenty Pounds; and if any Person so summoned and returned as aforesaid upon such Jury shall not appear, or appearing shall refuse to be sworn or give his Verdict, or in any other Manner wilfully neglect his Duty, contrary to the true Intent of this Act; or if any Person  
so



so summoned to give Evidence shall not appear after having been paid or tendered a reasonable Sum for his or her Costs and Expences, or appearing shall refuse to be sworn or 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 Twenty Pounds, to be levied by virtue of any Warrant under the Hands and Seals of the said Commissioners or any Three or more of them, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted, to the Owner or Owners thereof; and every such Penalty which shall be paid by or recovered from any Person who shall have been summoned to give Evidence as aforesaid, shall go and be paid to the Person or Persons, who shall appear to the said Commissioners to have been injured by the Default of such Person; and that all and every Person and Persons who in any Examination to be taken by virtue of this Act shall wilfully and corruptly 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 and Persons can or may be subject to for wilful and corrupt Perjury by the Laws and Statutes of this Realm.

XXIV. And be it further enacted, That whensoever a Jury is or shall be called by the Commissioners as aforesaid, or any Witness or Witnesses is, are, or shall be examined by and before the said Commissioners alone, or by and before the said Commissioners and Jury jointly, as herein-before mentioned, the said Commissioners shall, and they are hereby required, according to their Discretion, to give and award to the said Sheriff or Coroner, and to each of the said Jurors and Witnesses, in every such Case, such several and respective Sum and Sums of Money as shall be a reasonable Recompence for the Expences, Loss of Time, and Trouble of their Journey and Attendance; and in each and every Case when a Verdict shall be given for more Money as a Recompence or Satisfaction for the absolute Sale of any Lands, Grounds, and other Hereditaments of any Person or Persons whomsoever, or as a Compensation for any Damages done or to be done to such Lands or other Hereditaments or Property than had been previously offered by or on Behalf of the said Company, before the Meeting of the said Commissioners, or than had been by them determined and assessed as aforesaid; or when any Verdict shall be found for any Damages where the Dispute is for Damages only, and where no Compensation had been previously offered or tendered in respect thereof, by and on Behalf of the said Company; or where by reason of Absence in Foreign Countries, or any other Impediment or Disability as aforesaid, there shall not be found any Person or Persons at hand who may be legally capacitated to enter into a Contract with, and make Conveyances to, and receive Compensations from the said Company, as herein-before mentioned, then and in all such Cases all the Expences of calling such Commissioners, summoning and returning such Jury, and taking such Verdicts, shall be settled by the said Commissioners, and be defrayed by the said Company; but if any Verdict shall be given for the same Sum that has been previously offered by or on Behalf of the said Company, or had been so determined or assessed by the said Commissioners, or for a less Sum than had been so previously offered, determined, or assessed, or in

Expences of Commissioners, Witnesses, and Jury, by whom to be paid.

[Local.]

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case



case no Damages shall be given by the Verdict where the Dispute is for Damages only; or in case of such Refusal to enter into a Treaty with, or make Conveyances to, or receive Compensations from the said Company, by any Bodies Politic, Corporate, Collegiate, or by any Person or Persons whomsoever, who is or are by the Provisions of this Act or otherwise legally capacitated to treat and convey or receive such Compensation as aforesaid, then and in all such Cases (except where by reason of Absence or otherwise any Person shall have been prevented from treating and agreeing as aforesaid), the Costs and Expences of calling a Meeting of such Commissioners, summoning and returning such Jury, and taking such Verdict, 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 shall have such Concerns, Controversies, or Disputes; 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 Sum or Sums of Money 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 shall not be 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 the Recovery of Penalties and Forfeitures.

Persons requesting Juries, to enter into Bonds to prosecute.

XXV. And be it further enacted, That all and every Person or Persons making Complaint and requesting such Jury to be summoned, shall, before the said Commissioners shall issue out their Warrant for that Purpose, enter into a Bond, with sufficient Sureties, to the Treasurer of the said Company, in a Penalty not exceeding Two hundred Pounds, with Condition to prosecute his, her, or their Complaint, and to bear and pay all the Costs and Expences of summoning and returning such Jury, and taking such Verdict, in case the same shall be given for no greater or for a less Sum than had been offered by or on Behalf of the said Company, or than had been assessed by the said Commissioners before the summoning and returning the said Jury or Juries, for the Purchase of or as a Recompence for any Lands, Grounds, or Hereditaments, or as a Compensation for any Damages, in case no Verdict shall be found for Damages, where the whole Dispute was whether any Damage was or was not sustained as aforesaid.

Notice of Injury to be given to Proprietors before Complaint made to Commissioners.

XXVI. And be it further enacted, That the said Commissioners shall not, nor shall any of them, be obliged or allowed by virtue of this Act to receive or take Notice of any Complaint or Complaints to be made by any Person or Persons whomsoever, for any Injury or Damage by him or them sustained, or supposed to be sustained, by virtue or in consequence of the Execution of any of the Powers of this Act, unless Application shall have been made in Writing in relation thereto, by or on Behalf of such Person or Persons, to the said Company, or to their Clerk, Fourteen Days at the least before such Complaint shall be made to the said Commissioners, and within the Space of Three Calendar Months 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 if at any Time or Times hereafter any Person or Persons shall sustain any Damages in his, her, or their Lands, Tenements, or Hereditaments, or Property, by reason of the Execution of any of the Powers hereby given, or 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 provided for.

XXVIII. And be it further enacted, That the said Commissioners and Juries respectively shall award all Determinations, Judgments, and Verdicts which they shall respectively make and give in the Execution of the Powers hereby vested in them, concerning the Value of Lands and other Hereditaments, separately and distinctly from the Consideration of any other Damages sustained 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 adjudged for such Damages as aforesaid, separately and apart from each other.

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

XXIX. And be it further enacted, That upon Payment or legal Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the said Parties, and adjusted and determined by the said Commissioners, or assessed by such Jury or Juries in Manner respectively as aforesaid, for the Purchase of any such Lands, Tithes, or other Hereditaments, or as a Compensation for Damages as herein-before mentioned, to the Proprietor or Proprietors of any 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 if the Person or Persons so entitled or interested, or any of them, shall not be able to make a good Title thereto to the Satisfaction of the said Company, or cannot be found, or shall refuse to receive the same, or execute such Conveyance, then upon the Payment of the said Sum or Sums of Money into the Bank of *England* (as the Case may be) in the Manner by this Act directed, for the Use of such Person or Persons so interested or entitled 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, and their Agents, Workmen, and Servants, immediately to enter into and upon such Lands, Grounds, and other Hereditaments respectively, and then and thereupon such Lands and Grounds and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, or Interest of any Person or Persons therein, shall from thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act for ever; and such Tender, Payment, Investment, or Deposit, shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and all other Estates in Reversion or Remainder, or his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before such Payment, Tender, Investment, or Deposit as aforesaid, it shall not be lawful for the said Company, or any Person acting under their Authority,

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



Authority, to dig or cut, take Possession or make use of the Lands or Grounds of the Person or Persons entitled to such Payment, for the Purpose of making the said Railway or Tram Road, without the Leave and Consent in Writing of such Person or Persons respectively.

Verdicts to  
be recorded.

XXX. And be it further enacted, That all the Determinations of the said Commissioners which shall be submitted to and acquiesced in by the Parties concerned, and also the said Judgments and Verdicts, shall be transmitted to and be kept by the Clerk of the Peace for the County in which the Lands in question are situate, and shall be deemed to be Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and to have Copies thereof, paying for every Copy the Sum of Eight-pence for every One hundred Words, and so in proportion for any less Number of Words.

Application  
of Compen-  
sation Money  
when amount-  
ing to or  
exceeding  
200l.

XXXI. And be it further enacted, That if any Money shall be agreed, ordered, or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments, purchased, taken, or used by virtue of the Powers of this Act for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, or for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or to any other Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *England*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there *ex parte* "The *Kington* Railway Company," to the Intent that such Money shall be applied, under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or in the Discharge of any Debt or Debts, or such other Incumbrances, or Part thereof, as the said Court shall authorize to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, and Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or to, for, or upon such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Three Pounds *per Centum*



*Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

XXXII. Provided always, and be it further enacted, That if any Money so agreed, ordered, or awarded to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *England*, in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two or more Trustees, to be nominated by the Person or Persons making such Option, and approved of by the said Company (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such principal Money and the Dividends arising therefrom may be applied in Manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 200l. and amounting to 20l.

XXXIII. Provided also, and be it further enacted, That where such Money so agreed, ordered, or awarded to be paid as next before mentioned, shall be less than Twenty Pounds, then and in every such Case the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used for any of the Purposes of this Act, in such Manner as the said Company 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.

Application where the Money is less than 20l.

XXXIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be ordered or awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Company; or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered or awarded to be paid as aforesaid cannot be found; or if the Person or Persons entitled to such Lands, Tenements, or

In case of not making out Titles, or if Persons cannot be found, Purchase Money to be paid into the Bank.

[Local.]

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Hereditaments



Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to order the said Sum or Sums of Money so ordered or 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, Tenements, or Hereditaments [describing them], subject to the Order, Control, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received; to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Money, &c. the Person in the Possession at the Time of the Purchase shall be deemed entitled thereto, &c.

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

Court of Chancery may order reasonable Expences to be paid by the Company.

XXXVI. Provided always, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or  
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 so



so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Expences of obtaining such Order, to be paid by the said Company, who shall from Time to Time pay such Sum of Money accordingly for such Purposes as the said Court shall direct.

XXXVII. 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 resell the same to the Person or Persons, his, her, or their Heirs or Assigns, 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 repurchase 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 in which the Lands may lie or be situate, 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 the 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 Purchases made by the said Company of Proprietors, *mutatis mutandis*; and the Money produced 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.

Enabling the Company of Proprietors to sell Land not wanted.

To give the first Offer to the Persons from whom it was purchased.

XXXVIII. And be it further enacted, That it shall be lawful for the said Company 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 Tram Road, Wharfs, Bridges, and other Works and Conveniences belonging or requisite thereto, not exceeding in the Whole the Sum of Eighteen thousand Pounds, except as hereinafter mentioned, and 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

Proprietors to raise Money amongst themselves for making the Tram Road.

to



to be applied to the same; and 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, and Assigns, to their and every of their proper Use and Benefit, proportionably to the Sum 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 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, and at such Time and Times as the said Company of Proprietors shall, at a General or Special Meeting to be convened for that Purpose as Meetings on other Occasions are directed to be convened, direct and appoint, the entire and net Distribution of an equal proportionable Part, according to the Money so by them respectively paid, of the Profits and Advantages that shall and may arise and accrue by the Rates and other Sums of Money to be raised, recovered, or received by the said Company by the Authority of this Act; and every Body Politic, Corporate, or 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, shall be deemed Personal Estate and transmissible as such, and not of the Nature of Freehold Property.

Shares to be  
Personal  
Estate.

Application  
of Money to  
be raised.

XXXIX. And be it further enacted, That all the Money to be raised by the said Company by virtue of this Act, shall 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 Expences preparatory and relating thereto, and all the Residue and Remainder of such Money for and towards purchasing Lands and Grounds, making, completing, and maintaining the said Railway or Tram Road, Bridges, and other Works, and other the Purposes of this Act, and to no other Use, Intent, or Purpose whatsoever.

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

XL. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, or other Person or Persons who shall by virtue of this Act have subscribed for or shall become entitled to be and be in the actual Possession of one or more Share or Shares in the said Undertaking, his, her, or their respective Successors, Executors, Administrators, and Assigns, shall be deemed a Proprietor of every such Share, and shall have a Vote for and in respect of every such Share in the stated and special General Assemblies to be held as herein-after appointed, for carrying on the said Undertaking; which Vote or Votes may be given by them, him, or her, or by their, his, or her Proxies or Proxy, constituted under the Seal of such Body Politic, Corporate, or Collegiate, or the Hands of such other Person, every such Proxy being a Proprietor of the said Undertaking; and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if such Principal had voted in Person; and every such Question, Matter, or Thing, which shall be proposed, discussed, or considered in any stated or special General Assembly of the



the said Company, shall be determined by the Majority of Votes and Proxies then present, computing One Vote to every Share or Shares; the Appointment of which Proxies may be made according to the Form following;

‘ I *A. B.* of One of the Proprietors of ‘ The Form of  
 ‘ *Kington* Railway,’ do hereby nominate, constitute, and appoint Proxy.  
 ‘ *C. D.* of to be my Proxy, in my Name and in my  
 ‘ Absence to vote or give my Assent or Dissent to any Business, Matter,  
 ‘ or Thing relating to the said Undertaking that shall be mentioned or  
 ‘ proposed at any Assembly of the Company of Proprietors of the said  
 ‘ Undertaking, in such Manner as the said *C. D.* shall think proper, accord-  
 ‘ ing to his Opinion and Judgment, for the Benefit of the said Undertaking,  
 ‘ or any Thing appertaining thereto. In Witness whereof, I have hereunto  
 ‘ set my Hand, the Day of’

And that every Election of Committees and Officers, and Questions, Matters, and Things 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 a 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 then present shall be appointed Chairman, who shall not only be entitled to vote as a Proprietor or Proxy, but in case of an Equality of Votes shall have the decisive and casting Vote.

XLI. And be it further enacted, That in case the Money herein-before authorized to be raised shall be found insufficient for the making, completing, and maintaining of the said Railway or Tram Road, and other the Works hereby authorized to be made, and for 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 raise 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 Five thousand Pounds; and every Body Politic, Corporate, or Collegiate, or other Person, being a 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 themselves, himself, or herself, or their, his, or her Proxies or Proxy, in respect of every One hundred Pounds of 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 that he, she, or they shall or may subscribe thereunto, as generally and extensively, to all Intents and Purposes, as if such further or other Sum hereby allowed to be subscribed for and raised had originally been Part of the said Sum of Eighteen thousand Pounds. Proprietors may raise an additional Sum if necessary.

XLII. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors, in case they shall think it meet and expedient, to borrow any Part or Parts of the said original Sum of Eighteen thousand Pounds, which may not have been subscribed before the passing of this Act, or any Part or Parts of the said further Sum of Five thousand Pounds, upon Promissory Notes, under the Power to raise Money by Promissory Notes.

[Local.]

16 H

Common



Common Seal of the said Company of Proprietors; and all such Notes shall be made payable in such Manner, and at such Time or Times, and with such legal Rate of Interest, as the said Company of Proprietors shall think proper, and either with or without a Power in the respective Holders of such Notes to have an Option of becoming a Proprietor of One Share of One hundred Pounds in the said Undertaking, in lieu of the Principal Money by such several Promissory Notes to be secured, or so much or such Parts thereof as the said Company of Proprietors, or their Committee for the Time being, and the Person and Persons advancing such Money on the Security of the said Notes, shall jointly agree upon: Provided always, that no Person shall in any Case be admitted to be a Proprietor of any Share of One hundred Pounds in the said Undertaking, in lieu of a less Principal Sum of Money than One hundred Pounds, advanced on the Security of such Notes; and the Terms and Particulars upon which the respective Holders of such Notes shall be entitled to such Option of becoming a Proprietor in the said Undertaking, shall be fully expressed and set forth in the said several and respective Notes: Provided always, that in case the said Company of Proprietors shall be desirous of raising any Part or Parts of the said original Sum of Eighteen thousand Pounds, or any Part or Parts of the said further Sum of Five thousand Pounds hereinbefore authorized to be raised, by Mortgage of the said Undertaking, it shall be lawful for the said Company of Proprietors, by an Order of any General Assembly of the said Company of Proprietors, to borrow and take up at Interest any Part or Parts of the said Sum of Eighteen thousand Pounds, and all or any Part of such further Sum of Five 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 has been made for that Purpose by 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 further 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),

Power to raise Money by Mortgage.

Form of Mortgage.

[Number .]

BY virtue of an Act made in the Fifty-eighth Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act,*]  
 We, the Company of Proprietors of 'The Kington Railway,' incorporated by and under the said Act, in consideration of the Sum of  
 to us in Hand paid by  
 do assign unto the said his [*or her*]  
 Executors, Administrators, and Assigns, the said Undertaking, and all  
 and singular the Rates arising by virtue of the said Act, and all the  
 Estate, Right, Title, and Interest of, in, and to the same, to hold unto  
 the said his [*or her*] Executors, Administrators, and  
 Assigns, until the said Sum of together with Interest for the  
 same after the Rate of 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 that all and every Person or Persons to whom such Mortgage or Assignment shall be made, shall be equally entitled, one with the other, to his, her, or their Proportion or Proportions of the said Rates and Premises, according to the respective Sums in such 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 Assignment, containing the Date and Name or Names of the Person or Persons to whom made, and the Sum of Money borrowed, and the Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk of the said Company of Proprietors; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all and every Person 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),

‘ I [or we] of in consideration of Form of Transfer.  
 ‘ the Sum of paid by of  
 ‘ do hereby transfer a certain Mortgage, Number made by the  
 ‘ Company of Proprietors of ‘ The *Kington* Railway,’ to bearing  
 ‘ Date the Day of for securing the Sum of  
 ‘ and Interest, and all my [or our] Right and Property therein, to the  
 ‘ said his [or her] Executors, Administrators, and Assigns.  
 ‘ Dated this Day of in the Year of our Lord

And every such Transfer shall within Twenty-eight Days after the Date thereof be produced to the Clerk 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 Five Shillings; 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.

XLIII. And be it further enacted, That the Interest of the Money which shall be borrowed by Promissory Notes or Mortgages 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 Thirty 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 or any Five or more of them, 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 Interest of Money borrowed to be paid in Preference to the Dividends, or may be sued at Law.



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 and 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*.

Creditors by Promissory Notes or Mortgages not to vote on account of having lent Money.

XLIV. Provided always, and be it further enacted, That no Person to whom any such Promissory Note, 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 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 Promissory Note, Mortgage, or Assignment.

First and other General Assemblies.

Committee to be elected.

XLV. And be it further enacted, That the First General Assembly of the said Company of Proprietors for putting this Act in Execution shall be held at the *King's Head Inn* in the Town of *Kington* in the County of *Hereford*, on the Second *Tuesday* 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 as shall at such First or any subsequent General Assembly be appointed; all such Meetings to be holden within the Town of *Kington* aforesaid, and One General Assembly to be holden on the last *Tuesday* in the Month of *October* in every Year; 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 Twelve 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 among 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 Tram Road or other Works, and all other Conveniences, 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 well-governing of all Persons who shall be employed in the conveying



veying of any Goods, Wares, and Merchandize, and other Articles and Things, upon any Part of the said Railway or Tram Road 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 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, shall be printed and affixed upon the several Toll Houses to be erected on the said Railway and Wharfs, and 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 to any Directions in this Act contained; and all such Rules, Bye-Laws, and Orders shall be subject to Appeal in Manner herein-after mentioned; and every such General Assembly shall have Power to call for, audit, and settle all Accounts for Money received, laid out, and disbursed on account of the said Undertaking by the Treasurers, Receivers, or Collectors of the Rates, and other Officers by them appointed, or by any other Person or Persons employed by or concerned for or under them in and about the said Railway or Tram Road 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 as they shall see Occasion for the further Execution of this Act.

XLVI. 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 Eighty 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; nor shall any Bye-Law, Rule, or Regulation be made or altered 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 Fourteen Days; and if a sufficient Number of Proprietors as Principals or by Proxies shall not then attend, the said General Assembly shall stand adjourned to that Day Fortnight next following each of such Meetings, to be advertised in the intermediate *Hereford Journal*, or some other Newspapers usually circulated in the said County of *Hereford*, and such Choice, Removal, or new Appointment of any Member of any such Committee so before appointed 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 assembling a sufficient Number of Proprietors having such Shares or Subscription 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 of Proprietors, unless he shall have a sufficient Ex-

General Assemblies for choosing Committees to consist of Eighty Shares.



cuse for his Non-attendance, for every Share of Subscription of One hundred Pounds which he or she shall possess in the said Undertaking, the Sum of Twenty 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 Twenty Shillings may be recovered and enforced by the Ways and Means herein-after appointed for the Recovery of any other of the Penalties or Forfeitures imposed by this Act.

Assemblies  
of Proprietors  
may be spe-  
cially con-  
vened.

XLVII. 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 Twenty-one Days Notice at the least to be given in the *Hereford Journal* or some other Newspaper as aforesaid; or by giving to each Proprietor, or leaving at his or her usual Place of Abode a Notice in Writing signed by such Proprietor, or by the Clerk to the 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 General Assembly, and the Time when 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 the 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 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.

General  
Assembly  
to appoint  
Officers.

XLVIII. And be it further enacted, That it shall be lawful for the said Company at any General Assembly, and they are hereby authorized and required, from Time to Time to nominate and appoint a Treasurer or Treasurers, and one or more Collector or Collectors of the said Rates, and also one or more Clerk or Clerks to the said Company, and also to such Committee, and such other Officers as they shall think proper, with such Salaries or Salary, or Remuneration, as shall to the said Committee seem proper; and shall take sufficient Security from every such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officers having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper; and from Time to Time remove any such Treasurer or Treasurers, Collector or Collectors, Clerk or Clerks, or other Officer or Officers, or any of them; and such Clerk or Clerks shall attend the General Assemblies of the said Company, and the Meetings of the said Committee, and shall in a proper Book or Books, to be provided by the said Company 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 of or entitled to any Share or Shares therein, and of all Acts, Proceedings, and Transactions of the said Company and Committee respectively; and every Proprietor of the said Undertaking shall and may at all convenient Times have Recourse to and peruse and inspect the same, and also the Book or Books to be kept by the Clerk or Clerks to the said Commissioners *gratis*, and may demand and have Copies thereof, or any Part thereof, paying for every One hundred Words so to be copied the Sum of Eight-pence; and if any such Clerk or Clerks to the said Company and Committee, or to the Commissioners, shall refuse to permit any Proprietor to inspect or peruse any such Book or Books of Proceedings, at all convenient Times and Seasons, or refuse to make any such Copy or Copies in a reasonable Time at the Rate or Price aforesaid, he shall for every such Offence forfeit and pay the Sum of Five Pounds for the Benefit of the said Undertaking; and in case any such Treasurer, Collector, or Clerk shall die, be removed from or quit the Service of the said Company, it shall be lawful for the said Company, at their said stated or special General Assemblies, or for the Committee of the said Proprietors, to appoint any other fit Person or Persons to execute such Office or Offices, in the Place of such Person or Persons who shall so die, be removed from, or quit the Service of the said Proprietors, or of the said Committee; but in case any such new Appointment be made by the said Committee, the same shall only continue until the next stated or special General Assembly of the said Proprietors, when the Appointment of such Person or Persons to such respective Office or Offices shall either be confirmed, or such other fit Person or Persons appointed to succeed to such Office or Offices as the said Proprietors at such stated or special General Assembly shall think proper; all which Acts of the said Committee shall be conclusive, unless revoked by the General Assembly holden next after such Acts as aforesaid.

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

Same Person not to be Clerk and Treasurer.

L. And be it further enacted, That 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, at *Kington* aforesaid; and at all Meetings of the said Committee one of the Members present shall be appointed Chairman; and all Questions, Matters, and Things which shall be proposed, discussed, or considered at such Meetings, shall be finally determined

Powers of the Committee, and Regulations.



determined by the Majority of Votes then present, the whole Number present not being in any Case less than Five; and such Committee shall have full Power and Authority to direct and manage all and every the Affairs of the said Company, as well in contracting for and purchasing Messuages, Tenements, and other Hereditaments, and Materials for the Use of the said Undertaking, as in employing, ordering, and directing the Works and Workmen, and in placing and displacing Officers, Clerks, Servants, Agents, and Workmen, and in making all Contracts and Bargains touching the said Undertaking; and no Member of the said Committee (although he may be a Proprietor of many Shares in the said Undertaking) shall have more than One Vote in any Committee, except the Chairman, who in case of an equal Division shall always have a Second or Casting Vote, although he may have given One Vote before; and every such Committee shall keep a regular Minute and Entry of their Proceedings, and from Time to Time make Reports of their Proceedings to the said stated General Assemblies, and if required, to the said Special General Assemblies of the Proprietors, and shall obey their Orders and Directions; but no Person holding any Place, Office, or Employment under the said Company shall be capable of being chosen to serve on any such Committee during the Time of his Continuance in such Place, Office, or Employment; and in order to defray the Expences of their Meetings, the said Committee shall from Time to Time receive out of the Capital Stock of the said Proprietors, such Sum or Sums of Money as shall be directed, adjusted, and settled at such stated General Assemblies; and the said Committee (subject nevertheless at all Times to such Orders and Directions as aforesaid) shall by themselves or their Clerk or Clerks as aforesaid, keep a full and true Account of all Monies disbursed, and Payments made by the said Committee, and by all and every Person and Persons employed by or under them, and of all and every Sum and Sums of Money which they shall receive on Behalf of or in respect of such Undertaking, from any Collector or Collectors of the said Rates, or other Officer or Officers, or from any other Person or Persons whomsoever employed in or having any Concerns, Dealings, or Transactions with the said Undertaking, or in or with any Part or Parts thereof, and shall regularly, by themselves or their Clerk or Clerks as aforesaid, write, insert, and enter in a Book or Books to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Contract, Bargain, Receipt, and Disbursement, and of all other their Orders and Proceedings; which Book or Books shall be deposited with and kept locked up under the Care and Direction of the said Committee; provided always, that every Proprietor, upon every reasonable Desire, shall have free Access thereto, as hereinbefore mentioned, for his or their Inspection; and the said Committee shall have Power from Time to Time to make such Call or Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find wanting and necessary for those Purposes, so that no such Call shall exceed the Sum of Fifteen Pounds upon each Share which any Person or Persons shall or may be possessed of or entitled unto in the said Undertaking; and such Calls shall not be made but at the Distance of Six Weeks at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls as aforesaid; by Advertisement in the *Hereford Journal*, or some Newspaper usually circulating in the said County

Power of  
Committee  
to make  
Calls.



County of *Hereford*; 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 every Owner or Owners of any Share or Shares in the said Undertaking shall pay his, her, or their rateable Proportions of the Monies to be called for as aforesaid, to such Person or Persons and at such Time and Place as the said Committee shall from Time to Time direct and 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 so called for as aforesaid, at the Time and Place to be appointed as aforesaid, it shall be lawful for the said Company 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 Essoign, Wager, or Protection of Law, or more than One Imparlance shall be allowed; or the said Company may and they are hereby authorized at a General Assembly, to declare the Shares belonging to any Person refusing or neglecting to pay any such Calls in Manner aforesaid, to be forfeited 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 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, in proportion to their respective Shares and Interests in the said Undertaking: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share or Shares in the said Undertaking, until personal Notice in Writing under the Hand of the Clerk or Treasurer of the said Company shall have been given to and Notice left at the usual Place or Places of Abode of the Owner or Owners of such Share or Shares respectively, nor until the same Share or Shares shall have been declared to be forfeited at some stated or special General Assembly of the said Company, which shall be held after the End of Three Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

No Advantage to be taken of Forfeiture of Shares without personal Notice.

LI. And be it further enacted, That in any Action to be brought by the said Company 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 for or by reason of any Call or Calls made by virtue of this Act, it shall be sufficient for the said Company 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 in such Sum or Sums of Money as the Call or Calls in arrear shall amount to, for such and 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 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 that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Committee who made such Call or Calls, or any other Matter whatsoever; and the said Company shall thereupon

Proceedings in Actions for Calls.

[Local.]

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be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Fifteen Pounds for every Sum of One hundred Pounds, or was made within the Distance of Two Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid.

Proprietors  
in arrear not  
to vote.

LII. Provided also, and be it further enacted, That no Proprietor in arrear for any Call shall at any Meeting be allowed to vote or give his Voice in the Agitation of any Question respecting the Concerns of the said Proprietors, either personally or by Proxy, until such Time as he shall have paid to the Treasurer all such Arrears as may be due from him in respect of such Calls.

Committee  
to be under  
Controul of  
General  
Assemblies.

LIII. And be it further enacted, That such Committee shall keep a regular Minute or Entry of their Proceedings, and from Time to Time make Reports 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.

LIV. And be it further enacted, That proper Books of Account and other Matters relating to the said Undertaking shall be kept, and that all such Books shall be deposited and kept under the Direction of the 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 seasonable 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.

LV. 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 any 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 and 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 any 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 Admission, 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 case no Person or Persons shall be found who is or are willing to be admitted on such Conditions 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.

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

Shares may be sold.

‘ I *A. B.* of \_\_\_\_\_ in consideration of \_\_\_\_\_  
 ‘ \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ Form of  
 ‘ \_\_\_\_\_ do hereby bargain, sell, assign, and transfer to the said Conveyance.  
 ‘ *C. D.* the Sum of \_\_\_\_\_ Capital Stock of and in the Under-  
 ‘ taking called ‘The *Kington* Railway;’ to hold unto the said *C. D.* his  
 ‘ Executors, Administrators, and Assigns, subject to the same Rules,  
 ‘ Orders, and Regulations, 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 of the said Capital Stock or Share of  
 ‘ \_\_\_\_\_ subject to the same Rules, Orders, Restrictions, and Con-  
 ‘ ditions. As Witnesses our Hands and Seals, the \_\_\_\_\_ Day of \_\_\_\_\_

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

LVII. And



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

LVII. And be it further enacted, That after any such Call of such Money shall have been made by such Committee as aforesaid, no Person or Persons shall sell or transfer any Share or Shares which he, she, or they shall possess in the said Undertaking, although Twenty-five Pounds *per Centum* shall have been paid thereon, unless he, she, or they, at the Time of such Sale or Transfer shall have paid or discharged to the Treasurer of the said Company the whole and entire Sum of Money which shall have been called for in respect of each Share so sold or transferred; such Forfeiture nevertheless to be notified and declared at a General Assembly in Manner before directed.

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

LVIII. And for the better Security of the several Proprietors of the said Undertaking to the respective Shares therein, be it further enacted, That the said Company 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 then be entitled to the Shares in the said Undertaking, with the Number of the Shares of 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 of the said Company, and after such Entry to cause their Common Seal to be affixed thereto; and also shall cause a Ticket or Instrument, with the Common Seal of the said Company to be affixed thereto, to be delivered to every such Subscriber on Demand, specifying the Share or Shares to which he, she, or they is or are entitled in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, 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 *Kington* Railway Company.

Form of  
Ticket.

‘ THESE are to certify, That *A. B.* of \_\_\_\_\_ is a Proprietor  
‘ of the Share or Number \_\_\_\_\_ being One Share of the  
‘ subject to the Rules, Regulations, and Orders of the said Company;  
‘ and that the said *A. B.* his [*or her*] Executors, Administrators, or Suc-  
‘ cessors and Assigns, is and are entitled to the Profits and Advantage of  
‘ such Share. Given under the Common Seal of the said Company, the  
‘ \_\_\_\_\_ Day of \_\_\_\_\_ in the Year \_\_\_\_\_  
‘ \_\_\_\_\_

Rate of  
Tonnage.

LIX. And, in consideration of the great Charge and Expence which the said Company of Proprietors must incur and sustain in making and maintaining the said Railway or Tram Road, 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, and Merchandize, and other Things which shall be carried or conveyed upon the said Railway or Tram Road,



Road, or upon any Part thereof, the Rates, Tolls, and Duties herein after mentioned; that is to say;

For all Lime, Stone, Materials for the Repair of Turnpike Roads or Highways, and all Dung, Compost, and all Sorts of Manure, except Lime, which shall be carried or conveyed upon the said Railway or Tram Road, such Sum as the said Company of Proprietors shall from Time to Time direct or appoint, not exceeding the Sum of Three-pence *per Ton per Mile*:

For all Coal, Coke, Culm, Stone, Cinders, Marl, Sand, Lime, Clay, Pier, Iron Stone 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 and 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 Five-pence *per Ton per Mile*:

And for all other Goods, Commodities, Wares, and Merchandizes, 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*.

Which said respective Rates so to be fixed as aforesaid, shall be the same along the whole Line of the said Railway or Tram Road; and in all Cases where there shall be a Fraction of a Ton, a Proportion of the same Rates shall be demanded and taken for such Fraction, according to the Number of Quarters of a Ton contained in such Fraction; and where there shall be a Fraction of a Quarter of a Ton, such Fraction shall be 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 Tram Road, the Tonnage which shall be demanded and taken shall be after the Rate of the Number of Quarters of Miles which the said Waggon, Cart, or other Carriage shall have passed; and where there shall be a Fraction of a Quarter of a Mile, such Fraction shall be deemed and considered as a Quarter of a Mile; and in order to ascertain and calculate with greater Precision and Facility the Distance for which Tonnage shall be demanded and taken upon the said Railway, the said Company of Proprietors shall cause the said Railway to be measured, beginning at the Place where the same shall join the *Hay* Railways, and Stones or other conspicuous Marks to be set up and for ever maintained at the Distance of One Quarter of a Mile from each other, with proper Inscriptions; and whenever any Waggon shall have passed One or more of such Stones or Marks, or the Place where the same shall have been set up, such Waggon shall be deemed to have passed One or more Quarters of a Mile along the said Railway, and Tonnage for such Distance shall be due and payable, although the Distance actually travelled be more or less than is thus computed.

LX. Provided always, and be it further enacted, That it shall and may be lawful to and for the said Company of Proprietors and their Successors, from Time to Time, at any General Meeting or Assembly of the said Company to be held as herein-before is directed, with the Consent of the major Part of the said Company of Proprietors assembled at any such Meeting to be held as herein-before directed, to make such Bye-Law or Bye-Laws for ascertaining and fixing the Price or Sum or Sums of Money

Company empowered to regulate and fix the Price of small Parcels not exceeding 5 Cwt.

[*Local.*]

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to



Persons de-  
manding  
more, subject  
to a Penalty.

to be charged or taken for the Carriage of any Parcel (not exceeding Five Hundred Weight) upon the said Railway or Tram Road or any Part thereof respectively, and from Time to Time repeal, alter, or vary the said Rates, as to them shall seem meet, fitting, and reasonable; and that the said Company of Proprietors shall from Time to Time affix and stick up, or cause to be affixed and stuck up, upon every Public Wharf, and upon every Stopgate or Toll House on the said Railway or Tram Road, in some conspicuous Part there, in large and legible Characters, an Account or List of the several Rates of Tonnage which the said Company of Proprietors shall from Time to Time so direct and appoint, and of the Price and Prices, Sum and Sums of Money so allowed to be taken for the Carriage of all and every such Parcel and Parcels not exceeding Five Hundred Weight as aforesaid, upon the said Railway or Tram Road or any Part thereof; and in case any Owner or Master, or other Person belonging to any Waggon or other Carriage passing upon the said Railway or Tram Road, or any Collector of the Rates, Tolls, or Duties aforesaid, shall after such Account or List shall be affixed and stuck up as aforesaid, demand or take more than the Price or Sum or Sums of Money therein specified and ascertained, such Owner, Master, Collector, or other Person as aforesaid, shall forfeit any Sum not exceeding Five Pounds; and such Bye-Laws shall be valid and binding in all Cases, upon all Persons whomsoever.

Penalty on  
Persons  
claiming Ex-  
emptions  
from Tolls  
unlawfully.

LXI. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Articles or Things whatsoever on the said Railway or Tram Road, on Payment of a lower Rate, Toll, or Duty than that to which such Articles or Things are hereby subject or liable; and shall be thereof convicted before any Justice of the Peace for the County in which such Offence shall be committed, every such Person so offending shall for every such Offence forfeit and pay to the said Company of Proprietors, or their Successors, any Sum not exceeding Five Pounds, over and above the Rate, Toll, or Duty to which such Articles or Things are liable, to be levied and recovered in the same Manner as any other Penalty or Forfeiture under this Act can or may be levied and recovered.

Recovery of  
Rates.

LXII. 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 and Tram Road, in such Manner, and under such Regulations, as the said Company of Proprietors, at some General or Special Assembly or Assemblies, or as the Committee shall, by Notice to be annexed to the Account or List of Tonnage, direct or appoint; and in case of Refusal or Neglect of Payment of such Rates, Tolls, or Duties, 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 in any of His Majesty's Courts of Record; or the Person or Persons to whom such Rates, Tolls, or Duties ought to have been paid, and he or they is or are hereby authorized to seize the Goods or other Things for or in respect whereof any such Rates, Tolls, or Duties 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, Tolls, or Duties which may be due from the Owner or Owners of such Horse, Cattle, Waggon, or other



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, Tolls, or Duties, 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.

LXIII. Provided always, and be it further enacted, That if any Dispute shall arise concerning the Amount of the Rates, Tolls, or Duties due, or the Charges occasioned by any Distress, it shall be lawful for the Collector or Person distraining to detain such Distress, or the Money arising from the Sale thereof, (as the Case may happen) until the Amount of the Rates, Tolls, or Duties due, and the Charges of seizing, distraining, keeping, or selling such Distress (as the Case shall happen), shall be ascertained by One or more Justice or Justices of the Peace for the County or District wherein the Cause of Dispute shall arise, who, upon Application made to him or them for that Purpose, shall examine the said Matter upon Oath of the Parties, or other Witnesses, and determine the Amount of the Rates, Tolls, or Duties due; and it shall be lawful for such Justice to assess and award such Costs to be paid by either of the Parties to the other of them as he shall think just and reasonable; and in case of Non-payment thereof on Demand, such Costs shall be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, by Warrant under the Hand and Seal of such Justice.

Disputes  
about the  
Amount of  
Tolls.

LXIV. 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, Tolls, and Duties hereby made payable, or any Part or Parts thereof, upon the Whole or any Part or Parts of the said Railway or Tram Road, unto any Person or Persons, for any Term or Time which they shall think proper, not exceeding Five 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, Tolls, and Duties 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, Tolls, and Duties, 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 One Calendar Month prior to any such General Assembly at which the said Rates, Tolls, and Duties, or any Part thereof, are proposed to be let as aforesaid.

Company  
empowered  
to lease the  
Rates.

LXV. And,



Owners of  
Waggons to  
give an Ac-  
count in  
Writing of  
Lading.

LXV. And, for better ascertaining and more easily collecting the said Rates, Tolls, and Duties, 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 Tram Road, 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 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, Tolls, and Duties, or any Part of them, he shall forfeit and pay any Sum not exceeding Forty 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, Tolls, and Duties directed to be paid for the same by virtue hereof.

Weight of  
Tonnage, &c.  
ascertained.

LXVI. And, for better ascertaining the Tonnage of Timber, 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.

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

LXVII. And be it further enacted, That if any Difference shall arise between any Collector of the said Rates, Tolls, and Duties, and the Owner or Person having the Charge of any Waggon or other Carriage, or the Owner of any Goods or other Things, it shall be lawful for any such Collector to stop and detain any such Waggon or other Carriage, and to weigh, measure, or gauge, or cause to be weighed, measured, or gauged, such Waggon or other Carriage, and all such Goods and other Things as shall be therein respectively contained; and in case the same shall upon such weighing, measuring, or gauging, appear to be of greater Weight or Quantity than what is set forth and contained in the Account given thereof, as aforesaid, then the Owner or Person giving in such Account shall pay the Costs and Charges of such weighing, measuring, or gauging; all which 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, Tolls, and Duties are hereby appointed to be recovered and levied; but if such Goods and other Things shall appear to be of the same or less Weight or Quantity than the same shall by such Account appear to be of, then the said Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and also pay to such Owner or Owners of such Goods or other Things, such Damages as shall appear to the said Justice, on the Oath of any credible Witness (which Oath such Justice is hereby empowered to administer), to have arisen from such Detention; and in default of immediate Payment thereof by the  
Collector,



Collector, the same may be recovered from the said Company of Proprietors by Distress and Sale of the Goods of the said Company of Proprietors, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any) upon Demand, after deducting the Costs of such Distress and Sale, to the said Company of Proprietors.

LXVIII. And be it further enacted, That all Persons shall have free Liberty to use, with Horses, Cattle, and Carriages, the Roads, Ways, and Passages, for the Purpose of conveying any Timber, Goods, Wares, Merchandize, or other Things, to or from the said Railway and every Part thereof; and also to pass upon and use the said Railway or Tram Road, with Carts, Waggon, or other Carriages, properly constructed, as herein-after mentioned; and to employ the Wharfs and Quays for loading and unloading such Goods and other Things, upon Payment only of such Rates 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; provided the said Waggon or other Carriages shall not, without the Licence and Consent of the said Company, or their General Committee, pass upon the said Railway at any other Times than between the Hours of Seven in the Morning and Five in the Evening, during the Months of *November, December, January, and February*; and between the Hours of Six in the Morning and Eight in the Evening, during the Months of *March, April, September, and October*; and between the Hours of Five in the Morning and Nine in the Evening, during the Months of *May, June, July, and August*, in every Year.

Passage upon Railway to be free upon Payment of Tonnage.

LXIX. And be it further enacted, That if any Person or Persons (save and except the said Proprietors, their Agents or Servants employed by them) shall ride, lead, or drive, or cause to be rode, led, or driven, upon such Railway or Tram Road, or any Part thereof, any Horse, 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 directly crossing the same at Places to be appointed for that Purpose, and for the necessary Occupation of the respective Farms through which the said Railway may be laid, he or they shall forfeit and pay to the said Company of Proprietors any Sum not exceeding Forty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to subject any Person or Persons having any Goods or Merchandize hauled along the said Railway to any Penalty for passing along the same for the *bonâ fide* Purpose of superintending the Carriage and Delivery of such Goods.

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

LXX. And be it further enacted, That no Person or Persons whomsoever shall pass upon any Part of the said Railway or Tram Road, with any Waggon or other Carriage whatsoever, unless the same shall be constructed agreeably to the Orders and Regulations of the said Company; which Orders and Regulations shall be affixed upon a conspicuous Part of every Toll House erected on such Railway or Tram Road, for the collecting of the Rates and Tolls by this Act imposed; (except in crossing the said Railway or Tram Road for the convenient Occupation of the adjacent

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

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Grounds,



Grounds, or in passing any public or private Carriage Road which may happen to cross the said Railway or Tram Road); and if any Person or Persons whomsoever shall pass upon any Part of the said Railway or Tram Road with any Waggon or other Carriage not constructed in the Manner herein-after directed (except as aforesaid), he, she, or they so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Ten Pounds.

Owners of  
Waggons and  
other Car-  
riages to give  
Account of  
their Load-  
ings.

LXXI. And, for the better ascertaining and more easy and effectual collecting of the said Rates hereby directed to be paid to the said Company, be it further enacted, That the Owner or other Person or Persons, having the Care of any Waggon or other Carriage passing upon the said Railway or Tram Road, or upon any Part or Parts thereof respectively, shall give to the Collector of the Rates, or to any other Officer to be appointed for such Purpose, a just Account in Writing, signed by him or them, of the Quantities, Qualities, and Weight of the Goods and other Things which shall be put in or upon each such Waggon or other Carriage, from whence brought, and where the same is intended to be unladen and discharged; and if the Goods or other Things contained in any such Waggon or other Carriage shall be liable to the Payment of different Rates, then such Owner or other Person or Persons shall specify the Quantities liable to the Payment of each of the Rates; and in case he or they shall neglect or refuse to give and deliver such an Account, or shall refuse to produce his or their Bill of Lading to the Officer demanding the same, or shall with an Intent to avoid the Payment of the said Rates or Duties or any Part of them, give a false Account, or shall deliver out any Part of such Goods at any other Place or Places than what is or are mentioned in such Bill of Lading, and shall be thereof convicted before any Justice of the Peace for the said County, every such Person so offending shall for every such Offence forfeit and pay to the said Company, or their Successors, any Sum not exceeding Ten Pounds, over and above the Rate, Toll, or Duty to which such Articles or Things are liable.

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

LXXII. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing along the said Railway or Tram Road shall cause his, her, or their Name or Names and Place or Places of Abode, and the Number of his, her, or their Waggon or other Carriage to be entered with the Clerk or Clerks of the said Company; and shall also cause such Name or Names and Number to be painted in large White Capital Letters and Figures on a Black Ground, One Inch high at the least, and of a proportionable Breadth, on some conspicuous Part of the Outside of every such Waggon or other Carriage, and shall permit and suffer every such Waggon or other Carriage to be gauged, weighed, and measured at the Expence of the said Company, whenever it shall be required by them or any Person or Persons by them appointed for that Purpose; and every Owner or Owners, or other Person having the Care of any Waggon or other Carriage, or who shall convey the same upon the said Tram Road, without having such Waggon or other Carriage previously gauged, weighed, and registered, or without having such Names, Figures, and Indexes thereon respectively, as herein-before directed, or who shall alter, erase, deface, or destroy such Names, Figures, and Indexes, or either of them, or any Part thereof, or shall fix thereon any false Name, Figure,



Figure, or Index, or who shall refuse to permit and suffer such Waggon or other Carriage to be gauged, weighed, and measured, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

LXXIII. And be it further enacted, That the Owner or Owners of any Waggon or other Carriage passing upon the said Railway or Tram Road, shall be, and he and they is and are hereby respectively made answerable for any Trespasses, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or by any of the Waggoners or other Person or Persons belonging to or employed in or about the same respectively, to the said Railway or Tram Road, Bridges, Engines, and other Works or Conveniences made by virtue of this Act, either by the loading or unloading of any Waggon or other Carriage, or by any Means whatsoever, or to the Owners or Proprietors of any Building or other Erection, Lands, Tenements, or Hereditaments, adjoining or lying near the same, or any other Trespass whatsoever; and the said Owner or Owners of such Waggon or other Carriage shall for every such Damage, upon Conviction of such Person or Persons before any One Justice of the Peace, either by the Confession of the Party or Parties offending, or upon Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Ten Pounds, and also shall over and above such Damages forfeit and pay to the Informer any Sum not exceeding Five Pounds, and all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or Carriage, by Warrant or Warrants under the Hand and Seal of such Justice; and the Overplus (if any) after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Ten Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued or prosecuted for the same in any of His Majesty's Courts of Record; and if a Verdict or Judgment shall be given against him, either on Proof made, or by Default, or upon Demurrer, the Plaintiff in any such Case shall recover his Damages thereby sustained with full Costs of Suit; and if the Owner or Owners of any Waggon or other Carriage passing upon the same Railway or Tram Road, shall be compelled to make any Satisfaction for any Damages, by reason of any wilful Act, Neglect, or Default of his or their Servant or Servants or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Non-payment thereof on Demand, the same shall be recovered in the like Manner as any Penalty can or may by virtue of this Act be recovered.

LXXIV. 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 Tram Road, from laying down any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway or Tram Road, nor for making at their own Expence such Openings in the Lodges or Flanches of the said Railway

Owners of Waggon to be accountable for Damage done by their Servants.

Allowing the Owners of Land adjoining the Tram Road to make Branches to communicate therewith.



Railway or Tram Road as may be necessary and convenient for effecting such Communication; and that the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches.

Satisfaction to be made for Tithes.

LXXV. And be it further enacted, That full Recompence and Satisfaction shall be made by the said Company for all the Tithes, if any, both Great and Small, which would have been issuing from or out of any of the Lands which shall or may be taken or made use of by the said Company for the Purposes and in pursuance of the Powers of this Act, to the respective Persons entitled, or who would have been entitled to such Tithes in case such Lands should not have been so taken and made use of, according to their respective Interests therein; such Tithes to be estimated at their Value of Four Years, commencing at *Michaelmas Day* One thousand eight hundred and fourteen; such Average 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.

Penalty on Persons obstructing the Passage of Waggons.

LXXVI. And be it further enacted, That if any Person or Persons shall suffer the Loading of any Waggon or other Carriage using the said Railway or Tram Road, to be over the Sides thereof, or shall overload any Waggon or other Carriage, or shall leave, place, or suffer any Waggon or other Carriage to be left or remain on any Part of the said Railway or Tram Road or other Works as aforesaid, so as to obstruct the Passage of any other Waggon or other Carriage, and shall not immediately upon Notice given of such Obstruction remove the same, so as to make a free Passage for other Waggons or other Carriages passing thereon respectively, every such Owner or Owners, or other Person or Persons having the Care of such Waggon or other Carriage, shall forfeit and pay for every such Offence a Sum not exceeding Ten Pounds; and if any Person shall throw any Gravel, Stones, or Rubbish, or any other Matter or Thing, upon any Part of the said Railway or Tram Road to be made by virtue of this Act, or shall wilfully obstruct, hinder, or prevent any Person in the Execution of this Act, or shall do any other Act, Matter, or Thing to obstruct the free Passage of the said Railway or Tram Road or any Part thereof, every Person so offending in any of the Cases aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Ten Pounds; and if any Person shall wilfully and maliciously, and to the Prejudice of the said Undertaking, break, throw down, destroy, or take away any Part of the said Railway or Tram Road or other Works to be erected and made by virtue of this Act, and being thereof lawfully convicted, shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Person shall be tried and convicted, shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, in like Manner as Felons are directed to be transported 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.

Penalty on destroying the Works.

Wharfingers not to give Preference.

LXXVII. And be it further enacted, That if any Wharfinger or other Servant belonging to the said Company of Proprietors, shall give any undue Preference or shew any Partiality in loading and unloading any Goods



Goods or other Things at any of the Wharfs, Warehouses, Weighbeams, Cranes, or other Machines belonging to the said Company of Proprietors, any Person so offending shall forfeit and pay any Sum not exceeding Twenty Shillings to the Informer.

LXXVIII. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs, and Charges, within Six Calendar Months next after any Part of the said Railway or Tram Road shall be laid out and formed, 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 Tram Road, and also all Bridges, Arches, Culverts, Ditches, Drains, and Passages over and under or by the Side of the said Railway or Tram Road, of such Dimensions and in such Manner as Two or more Justices of the Peace for the said Counties of *Hereford* or *Radnor* within their respective Jurisdictions shall from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the Owners and Occupiers of the Lands and Grounds through which such Railway or Tram Road 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 Tram Road, or any other Matter or Thing to be done in pursuance of this Act; and all such Gates, Bridges, 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, Bridges, 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 Fourteen Days next after the Time to be appointed for those Purposes respectively by such Justices, then and in every such Case it shall be lawful for every or any of the Owners or Occupiers of the said Lands or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Neglect or Refusal, to make, erect, and set up all such Gates, Bridges, 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, repair, and support the same from Time to Time as Occasion shall require; so that in making and maintaining such Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages as aforesaid, the said Railway or Tram Road, 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 Justices, shall be repaid to the respective Owners or Occupiers of the said Lands and Hereditaments who shall have so erected and made, repaired, or maintained such Gates, Bridges, 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 Com-

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

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pany of Proprietors; and in default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors for the Use of such Person or Persons to whom such Costs and Charges shall have been allowed, rendering to the said Company of Proprietors the Overplus (if any) after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justices; and every or any of the said Owners or Occupiers, upon Refusal or Neglect by the said Company of Proprietors to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against them or any of them for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is by this Act directed.

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

LXXIX. 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 Tram Road shall be made, do or shall at any Time or Times hereafter apprehend that any of the Gates, Bridges, Arches, Culverts, Ditches, Drains, and Passages respectively, which the said Justices shall have so directed or appointed to be made by the said Company of Proprietors are insufficient, either in their Number or Situation, for the commodious Use and Occupation of the respective Lands or Hereditaments through which the said Railway or Tram Road 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 Justices, to make, fix, and erect, at their own Costs and Charges, any other Gates, Bridges, 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 Tram Road, in such Places as shall be found and adjudged most necessary and convenient for the better Use, Cultivation, Improvement, or Occupation of such Lands or Hereditaments, 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 Tram Road 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, Bridges, 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 Tram Road shall be made, and his and their Servants and Workmen, Cattle and Carriages, at all Times to pass and repass directly over and across such Part of the said Railway or Tram Road 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 Tram Road: Provided also, that it shall be lawful for the Occupier or Occupiers of the respective Lands or Grounds through which the said Railway or Tram Road shall be made, and his, her, and their

Owners and Occupiers to pass along Railways.



Servants, having Authority for all or any of such Purposes in Writing from the said Company of Proprietors or their Committee, to ride, lead, or drive any Horse, Mule, or Ass, Cow or other Neat Cattle, Sheep, Swine, or any other Beast, along the said Railway, as far only as the Lands in his own Occupation shall extend, for the Purpose of occupying the same Lands, such Person or Persons not damaging or obstructing the said Railway or the Passage thereof.

LXXX. Provided always nevertheless, and be it further enacted, 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 Tram Road and other Works, to divide and separate, and keep constantly divided and separated, the same from the Lands or Grounds adjoining to such Railway or Tram Road and other Works, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, in case the Owner or Owners of such Lands or Grounds adjoining to such Railway or Tram Road and other Works, or any of them respectively, shall at any Time desire the same to be fenced off, or in case the said Company of Proprietors shall think proper to fence off the same, instead of Gates being erected as aforesaid; and the said Company of Proprietors shall also make and maintain all necessary Gates and Stiles in all such Fences to be made as aforesaid, all such Gates being made to open towards such Lands and Grounds; and 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 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 here repeated and enacted with respect to such Fences.

For fencing off Railways through private Lands.

LXXXI. Provided always, and be it further enacted, That in case where the said Railway or Tram Road shall be laid along the Side of any Public Highway already fenced, the Owners and Occupiers of the adjoining Lands or Grounds shall, after the said Railway or Tram Road shall have been first divided and separated therefrom, by and at the Expence of the said Company, with good and sufficient Posts, Rails, Hedges, Ditches, Mounds, or other Fences, from Time to Time and at all Times for ever thereafter, at their own Charges, maintain and keep in Repair all such Posts, Rails, Hedges, Ditches, Mounds, or other Fences, any Thing herein-before contained to the contrary thereof in anywise notwithstanding.

Company not required to maintain certain Fences.

LXXXII. And be it further enacted, That all and every Person or Persons opening any Gate set up across the said Railway or Tram Road, 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.

Gates to be shut and fastened after Waggon shall have passed through them.

LXXXIII. And



Lords of  
Manors and  
Owners may  
erect Wharfs  
on their own  
Lands;

LXXXIII. 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 Tram Road or any Part thereof shall be made, to erect and use any Wharfs, Landing Places, Cranes, Weighbeams, or Warehouses, in or upon his, her, or their respective Wastes, Lands, or Grounds, adjoining or near to the said Railway or Tram Road, 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 Tram Road, or any Part thereof; and also to make and use proper and convenient Places for Waggon, 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 Tram Road; and that all Rates or Tolls which shall be paid for the Use of such Wharfs, Landing Places, Cranes, Weighbeams 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 thereby reduced, altered, or infringed.

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

LXXXIV. And be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, (save and except the said *Andrew Foley*, his Heirs or Assigns) shall not, within the Space of Three 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 Tram Road, or for making or laying out necessary and convenient Roads for the Conveyance of Goods to and from the said Railway or Tram Road, 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 Tram Road, as any Two or more Justices of the Peace for the said Counties of *Hereford* or *Radnor*, within their respective Jurisdictions, 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 Hinderance or Restraint whatsoever, to make use of such Wastes, Lands, or Grounds, not being the Ground whereon any House or other Building stands, or a Garden, Orchard, Yard, Park, planted Walk, or an Avenue to a 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 Tram Road, agreeable to such Notice to be delivered as aforesaid.

Compensa-  
tion to be  
made for  
Lands taken  
for Ware-  
houses.

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



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.

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, Weighbeams, or Warehouses, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railway or Tram Road, for his, her, or their own private Use only, or to set up, erect, or use any Cranes or Weighing Machines, in or upon any such Wharfs, Quays, or Landing Places, without the Consent of such Lord or Lords, Lady or Ladies, Owner or Owners.

Regulations  
respecting  
private  
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 in pursuance of the Notice to be given by or on Behalf of the said Company of Proprietors to such Lord or Lords, Lady or Ladies, Owner or Owners, for that Purpose as aforesaid, or by the said Company of Proprietors themselves, under the Power herein for that Purpose contained, (as the Case may be) for the Wharfage of Coals, Culm, Lime, Limestone, Clay, Iron, Ironstone, Lead Ore or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things; nor more than One Penny for the warehousing of every Package not exceeding Fifty-six Pounds Weight, nor more than Two-pence for the warehousing of every Package above Fifty-six Pounds Weight and not exceeding Five hundred Pounds Weight, and not more than Sixpence *per* Ton for the warehousing any Package exceeding Five hundred Pounds Weight, which shall be respectively placed upon any of the Wharfs or Warehouses hereby authorized to be made, and which shall be placed and remain in and upon any such Wharfs, Quays, or Warehouses, and shall not continue thereupon for a longer Space of Time than Forty-eight Hours: Provided always, that in case any of the said Articles shall be left and remain in and upon any such Wharfs, Quays, or Warehouses, over and above the Time hereby limited for the same respectively, then the Owner or Owners of such Articles shall pay to the Proprietors of such Wharfs, Quays, or Warehouses, the further Sum of One Penny *per* Ton for Wharfage, and Three-pence *per* Ton for Warehousing for the next Ten Days, and the like Sum of One Penny or Three-pence respectively *per* Ton for every further Day which such Articles shall remain upon such Wharfs, Quays, or Warehouses, after the Expiration of the said Ten Days; provided also, that it shall be lawful for the said Company of Proprietors to erect, repair, and use any Cranes or Weighing Machines upon any such Wharfs or Quays last-mentioned, for the more convenient loading and unloading and weighing of any such Minerals or other Goods, Wares, Merchandize, or Commodities, in case the Proprietors of such Wharfs or Quays shall refuse or neglect to make and erect the same for the Space of Three Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected, neglect or refuse to keep the same in Repair, any Thing in this Act contained to the contrary thereof notwithstanding.

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

[Local.]

16 0

LXXXVIII. And



For making  
Recompence  
for Damages  
not herein-  
before pro-  
vided for.

LXXXVIII. 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.

To compel  
Payment of  
Subscrip-  
tions.

LXXXIX. 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 Tram Road 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.

Directing  
what shall be  
allowed a  
Service of  
Notices, &c.  
on the Com-  
pany.

XC. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Persons or Party or Parties to serve upon the said Company any Notice or Notices, or any Writ or Writs, or other legal Proceedings, the Service upon one of the Committee of Management to be appointed by virtue of this Act, or upon the Clerk or Clerks of the said Company, or left at the Office or usual Place of Abode of such Clerk or Clerks, shall be deemed good and sufficient Service of the same respectively on the said Company.

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

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

Loan of Ex-  
chequer Bills  
to be deemed  
equivalent to  
a Subscrip-  
tion for the  
Purposes of  
the Act.

XCII. Provided always, and be it further enacted, That in case the said Company of Proprietors shall obtain a Loan of any Exchequer Bills under the Provisions of an Act, passed in the Fifty-seventh Year of the Reign of His present Majesty, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in Manner therein mentioned*, such Loan of Exchequer Bills shall be deemed equivalent to a Subscription, so as to enable the said Company of Proprietors to proceed in the Execution of the Powers and Authorities contained in this Act.

XCIII. Provided



XCIII. Provided always, and be it further enacted, That in case the said intended Railway or Tram Road shall not have been completed and made (unless prevented by inevitable Accident) within the Space of Ten Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Ten Years, all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway or Tram Road and Works as shall have been declared and certified to have been completed within the said Term, by the Justices of the Peace of One of the said Counties of *Hereford* and *Radnor*; assembled at any Quarter Sessions of the Peace to be holden in and for one of the said Counties at any Time before the Expiration of the said Term of Ten Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witnesses or Witnesses upon Oath, to be produced before them for that Purpose.

If Railway not completed in Ten Years, Powers to cease, except as to such Part, if any, as shall be completed.

XCIV. 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 their Committee as aforesaid, shall upon Proof of the Offences respectively before any Justice of the Peace for the County or Place where the Offence shall be committed, either by the Confession of the Party or Parties, or by the Oath of any credible Witness, be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice (which Warrant such Justice is hereby empowered and required to grant); and the Overplus, after such Penalties or Forfeitures and the Charges of such Distress and Sale are 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 be sooner paid and satisfied; and such Penalties and Forfeitures, the Application whereof is not herein-before particularly directed, shall go and belong to the said Company of Proprietors, and be applied for the Purposes of this Act.

Recovery of Forfeitures.

XCV. 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.

XCVI. And



Form of  
Conviction.

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

‘ BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
 ‘ in the Year of our Lord \_\_\_\_\_ A. B. is convicted  
 ‘ before me, C. D. one of His Majesty’s Justices of the Peace for the  
 ‘ County, [*specifying the County, the Offence, and the Time and Place*  
 ‘ *when and where committed, as the Case may be*], contrary to an Act passed  
 ‘ in the Fifty-eighth Year of the Reign of King George the Third, inti-  
 ‘ tuled [*here set forth the Title of this Act.*] Given under my Hand and  
 ‘ Seal, the Day and Year first above written.’

Persons ag-  
grieved may  
appeal to the  
Quarter Ses-  
sions.

XCVII. And be it further enacted, That any Person or Persons think-  
 ing 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 or Committee, or by any Order, Judgment, or Determination  
 of any Justice or Justices of the Peace, relating to any Matter or Thing  
 in this Act mentioned or contained, may within Four Calendar Months  
 next after such Order, Judgment, or Determination shall have been made  
 or given, (first giving Fourteen Days Notice of such Complaint, and of the  
 Nature thereof), to the Person or Persons against whom such Complaint  
 is intended to be made, or to the Clerk of the said Company, as the  
 Case may be; and forthwith after such Notice entering into a Recogni-  
 zance before some Justice of the Peace with Two sufficient Sureties, con-  
 ditioned to try such Appeal, and abide the Order and Award of the said  
 Court, thereon, appeal to the Justices of the Peace at the next General  
 Quarter Sessions to be held in and for the County wherein such Cause of  
 Appeal shall happen or arise, who shall in a summary Way either hear and  
 determine the said Complaint at such General Quarter Sessions, or, if they  
 think proper, adjourn the hearing thereof to the next following General  
 Quarter Sessions of the Peace to be held for such County; and the said  
 Justices may, if they see Cause, mitigate any Forfeiture or Fine, and may  
 order any Money to be returned which shall have been levied in pur-  
 suance of such Rule, Bye-Law, or Determination, and may also order and  
 award such further Satisfaction and Costs to be made and paid to the  
 Party injured, as they shall adjudge reasonable; but 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 by any other Writ or Pro-  
 cess whatsoever, into any of His Majesty’s Courts of Record at *Westminster*  
 or elsewhere, any Law or Statute to the contrary notwithstanding.

Limitation  
of Actions.

XCVIII. And be it further enacted, That no Action, Suit, or Informa-  
 tion shall be brought, commenced, or prosecuted against any Person or  
 Persons for any thing done or to be done in pursuance of this Act, or in  
 the Execution 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 shall be given by the Person or Persons intending  
 to commence and prosecute such Action, Suit, or Information, to the said  
 Company, or their Clerk or Treasurer for the Time being, nor unless  
 such



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 Damages, then within Three Calendar Months next after the doing or committing such Damage shall have ceased, and not afterwards, and shall be laid and brought in the County where the Matter in Dispute or Cause of Action shall arise, and not elsewhere; and the Defendant or Defendants in such Action, Suit, or Information shall and may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act; and if it shall happen to have been so done, or if any such Action, Suit, or Information shall have been brought or commenced before or after the Time to be limited for bringing the same, or 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 nonsuited, or suffer a Discontinuance of his, her, or their Action, Suit, or Information after the Defendant or Defendants shall have appeared, or if a Verdict shall pass against the Plaintiff or Plaintiffs, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall (if the Judge before whom the Cause is tried shall certify the same to have been vexatious) have Double Costs, and shall have such Remedy for recovering the same as any Defendant hath for recovering Costs of Suit in any other Case by Law.

XCIX. And be it further enacted, That this Act shall be deemed and Public Act. 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.



## The SCHEDULE to which the foregoing Act refers.

Number on the Plan.	OWNERS.	OCCUPIERS.	Description of Property.	What Parish and County.
				Herefordshire.
3.	Hon. Andrew Foley	Mrs. Sufan Harris	An Orchard	Eardisley.
7.	- Ditto	Thomas Jones	A Garden	Almeley.
13.	- Ditto	William Watkins	An Orchard	Ditto.
15.	- Ditto	Zachariah Harris	Ditto	Ditto.
16.	- Ditto	- Ditto	Ditto	Ditto.
17.	- Ditto	- Ditto	A Garden	Ditto.
23.	- Ditto	Samuel Williams	Ditto	Ditto.
27.	- Ditto	Mary Lewis	An Orchard	Ditto.
28.	- Ditto	- Ditto	A Garden	Ditto.
29.	- Ditto	Thomas Edwards	Ditto	Ditto.
30.	- Ditto	Widow Strange	An Orchard	Ditto.
31.	- Ditto	John Williams	Ditto	Ditto.
32.	- Ditto	Thomas Foley Esq.	A Garden	Ditto.
33.	- Ditto	William Probert	Ditto	Ditto.
35.	- Ditto	David Nicholas	Ditto	Ditto.
38.	- Ditto	William Colley	An Orchard	Ditto.
40.	- Ditto	George Dale	Ditto	Ditto.
66.	Thomas Jeffries Esq.	In Hand	Ditto	Lyonshall.
67.	- Ditto	- Ditto	Ditto	Ditto.
71.	John Cheefe Esq.	- Ditto	Ditto	Ditto.
75.	Thomas Foley Esq.	- Ditto	A Plantation	Ditto.
92.	John Parton	- Ditto	A Garden	Kington.
93.	Edward Beavan Esq.	- Ditto	A Plantation	Ditto.
96.	William Greenby Esq.	Richard Rogers	A Skin-yard	Ditto.
99.	James Crump	In Hand	An Orchard	Ditto.
100.	- Ditto	Ann Lavis & Tho <sup>s</sup> Powell	Two Gardens	Ditto.
101.	James Davies Esq.	In Hand	Plantation	Ditto.

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