



ANNO SEPTIMO

# GEORGH IV. REGIS.

\*\*\*\*\*

## *Cap. c.*

An Act for making and maintaining a Tram Road or Railway from the End of the *Grosmont* Railway at *Monmouth Cap* in the Parish of *Llangua* in the County of *Monmouth*, to *Wye Bridge*, in the Parish of *Saint Martin*, within the Liberties of the City of *Hereford*. [26th May 1826.]

**W**HEREAS the making and maintaining a Tram Road or Railway, for the Passage of Waggon and other Carriages properly constructed, from the End or Termination of a certain Tram Road or Railway called the *Grosmont* Railway, at *Monmouth Cap* in the Parish of *Llangua* in the County of *Monmouth*, to extend to and terminate at or near *Wye Bridge* in the Parish of *Saint Martin* within the Liberties of the City of *Hereford*, will be of great public Utility, will open a Communication between the County of *Monmouth* and City of *Hereford*, will facilitate the Carriage and Conveyance of and render cheaper the various Products and Commodities of the said Counties of *Hereford* and *Monmouth*, and will materially assist the Agricultural Interest as well as the general Traffic of the Country, and tend to the Improvement and Value of Land and Estates in the Vicinity of the said Tram Road or Railway: And whereas by Levels and Surveys made and taken of the Line of the said Railway or Tram Road, the Practicability of making the same has been ascertained, and the several Persons hereinafter named are willing and desirous at their own Expence to make and maintain

[Local.] 31 B the



Company of  
Proprietors.

the said Railway or Tram Road and such other Works as hereinafter 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 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 *G. J. Hereford, R. J. Chichester, Sir J. G. Cotterell M. P., Robert Price M. P., Walter Wilkins M. P., G. A. Armstrong, B. Biddulph, R. Blakemore, George Bonner, Thomas Bishop, John Bosley, James Bennett, Charles Bodenham, Charles Bodenham Junior, Joseph Bayley, E. B. Cline, George Croose, Thomas Cooke, Samuel Carless, Charles Cusack, David Davies, Price Davies, Thomas Davies, Thomas Davies Junior, Christopher Davies, Moses Edwards, John Prosser Ellidge, Edmund Eskley, John Eckley, William Fosbrooke, John Gwillim, John S. Gowland, William Moore Gibbs, John Griffiths, John Griffiths, John Griffiths, John Garrett, Thomas Gratrix Junior, T. E. Hoskins, Theophilus Hulm, Thomas Hill, Charles R. Hesilrige, Rachael Herbert, Mary Hutchins, Charles Holloway, John Julius Jones, Richard Johnson, Thomas Jay, Ann Jones, James Jenkins, John Jennings, John Jones, John Bleack Lye, James Lane, Isaac Lee, John Lamb, John Macnamara, David Mortimer, William Morgan, John Monkhouse, Richard Jones Powell, E. B. Pateshall, J. S. L. Pateshall, William Preston, William Pritchard, William Pateshall, John Powles, Elizabeth Price, James Pendergrass, James Price, James Price, John Perry, Elizabeth Pritchard Parry, James Phillips, Robert Biddulph Phillips, S. C. Prosser, William Powell, William Ravenhill, John Rogers, Thomas Swinnerton, John Sherburne, Thomas Skyrme, George Stokes, Thomas Steel, John Sturman, Thomas H. Symonds, Edwards Skyrme, Phillip Tully, Charles Vaughan, Mary Watkins, Thomas Webb, William Webb, Edwin G. Wright, Charles Wheeley, John P. Wright, Matthew Williams, Ann Weaver, Joseph Watkins, Ann Wall, 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 authorised to be executed, according to the Rules, Orders, and Directions hereinafter mentioned and specified, and shall for that Purpose be One Body Corporate by the Name and Style of "The Hereford Railway Company," and by that Name shall have perpetual Succession and a Common Seal, and by that Name shall and may sue and be sued; and that the said Company of Proprietors shall have Power and Authority from and after the passing of this Act and at all Times hereafter to purchase and hold Lands and Hereditaments to them and their Successors and Assigns, for the Use of the said Undertaking and Works, and also to sell and dispose of the said Lands and Hereditaments again in Manner by this Act directed, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.*

Company  
empowered  
to make a  
Railway.

II. And be it further enacted, That the said Company of Proprietors shall be and are hereby authorised and empowered, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, to make, complete, and maintain a Railway or Tram Road passable for Waggon and other Carriages, to be constructed as hereinafter directed,  
from



from the End or Termination of a certain Tram Road or Railway called the *Grosmont* Railway; at *Monmouth Cap* in the Parish of *Llangua* in the County of *Monmouth*; through and into the several Parishes, Hamlets, Townships, and Places of *Llangua* in the County of *Monmouth*, and *Ewyas Harold*, *Kentchurch*, *Kenderchurch*, *Wormbridge*, *Kilpeck*, *Saint Devereux*, *Much Dewchurch*, *Allensmoore*, and Extra-parochial Lands in the Liberties of the *Haywood* in the County of *Hereford*; and *Saint John the Baptist* and *Saint Martin* within the Liberties of the City of *Hereford*; to extend to and terminate at or near to *Wye Bridge* in the Parish of *Saint Martin* within the Liberties of the said City of *Hereford*; and for the Purposes aforesaid, the said Company of Proprietors, their Deputies, Agents, Servants, Surveyors, and Workmen, are hereby authorised and empowered to enter into and upon the Lands and Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate whatsoever, according to the Directions and Provisions of this Act, and to survey and take Levels of the same or any Part thereof, and to set out, ascertain, and appropriate for the Purposes herein mentioned such Parts thereof as they shall think necessary and proper for making, maintaining, 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 or Tram Road; and for these Purposes to bore, dig, cut, trench, sough, get, raise, remove, take, carry away, lay, use, and manufacture, any Earth, Clay, Stone, Soil, Rubbish, Trees, Roots of Trees, Beds of Gravel or Sand, or any other Materials or Things which can or may be dug, raised, or gotten in making the said Railway or Tram Road or other Works, out of the Lands or Grounds of any Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, adjoining or contiguous to such Railway or Tram Road, and which may be proper, requisite, and necessary for making, carrying on, continuing, maintaining, altering, or repairing the said Railway or Tram Road and other Works; 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 the same, such and so many Bridges, Piers, Arches, Tunnels, Aqueducts, Basins, Posts, Ropes, and Chains, for passing any Rivers, Brooks, and Streams and other Waters, and such and so many Wharfs on the Line of the said Railway or Tram Road, or near thereto, 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



Roads and Ways convenient for hauling or drawing of Waggon and other Carriages passing upon the said Railway or Tram Road, with Men or Horses or otherwise, and proper Places for Waggon and other Carriages to turn, lie, or pass each other, as the said Company of Proprietors shall think convenient; and to construct, erect, and keep in repair any Bridges, 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 hereinafter 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 hereinafter mentioned and contained.

Power to make and use locomotive or moveable Engines on the Railway.

III. And be it further enacted, That it shall be lawful for the said Company of Proprietors, or any Person or Persons whomsoever, from and after the passing of this Act, to make and erect locomotive or moveable Engines, or other mechanical Power, and use and employ the same in or upon the said Railways or Tram Roads, or any of them, by this Act directed or authorised to be made, for the Purpose of facilitating the Transport, Conveyance, and Carriage of Goods, Merchandize, and other Articles and Things, and for the Conveyance of Passengers upon and along the same Roads.

Steam Engines to consume their own Smoke.

IV. And be it further enacted, That the Furnace of every Steam Engine to be erected under or by virtue of the Powers of this Act shall be constructed upon the Principle of consuming its own Smoke.

Ascent to Bridges, and Fence.

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

Crossings.

VI. 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 Purposes of guiding



guiding the Wheels of the Carriages, shall not be above the Level of the said Road, nor shall the same be more than One Inch below the Level of such Road.

VII. Provided always, and be it further enacted, That nothing herein contained shall authorise 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 Tram Road or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and twenty-six, 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 or Occupiers thereof, and Persons interested therein respectively, other than and except those specified in the Schedule hereunto annexed.

Houses and Gardens not to be used, except those specified in the Schedule.

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

Company empowered to purchase Land for Wharfs.

IX. And whereas a Survey has been taken of the Line of the said Railway or Tram Road, and Maps or Plans, with Books of Reference thereto, describing the same, have been deposited with the Clerks of the Peace for the Counties of *Hereford* and *Monmouth*, and with the Town Clerk of the said City of *Hereford*; be it therefore enacted, That the said Maps or Plans and Books of Reference thereto shall remain deposited with the Clerks of the Peace for the Counties of *Monmouth* and *Hereford* and the said Town Clerk, to which Maps, Plans, and Books of Reference, all Persons shall have Liberty to resort, and to examine and make Extracts from or Copies of the same as Occasion shall require, paying to the said Clerks for every Inspection the Sum of One Shilling, and for Copies of or Extracts from the said Books of Reference, after the Rate of Sixpence for every One hundred Words; and the said Maps or Plans or Books of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere: Provided always, that in making the said Railway through the several Parishes of *Ewyas Harold*, *Kentchurch*, and *Kenderchurch*, the said Trustees are hereby required to follow the Line delineated on the Map or Plan deposited with the Clerk of the Peace for the County of *Hereford* on the First Day of *April* One thousand eight hundred and twenty-six.

Plans and Books of Reference.

X. 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 in the said Map or Plan.

Not to deviate more than 100 Yards.

XI. And be it further enacted, That the said Company of Proprietors may make the said Railway or Tram Road and other Works

Land Owners omitted in Book of Re-

[*Local.*]

31 C

into,

ference not  
to obstruct  
making the  
Railway, &c.

into, through, across, or over the Lands or Grounds of any Person or Persons whomsoever, Body or Bodies Politic, Corporate, or Collegiate, whose Name or Names shall appear to the Satisfaction of any Two or more Justices of the Peace for the said Counties of *Monmouth* or *Hereford*, and be by them certified under their Hands, to be by Mistake omitted in the said Book of Reference, or that instead thereof the Name or Names of some other Person or Persons, Body or Bodies Politic, Corporate, or Collegiate, to whom such last-mentioned Lands or Grounds do not belong, have or hath been by Mistake inserted therein; any thing herein contained to the contrary thereof in anywise notwithstanding.

Breadth of  
the Land to  
be taken for  
the Railway.

XII. 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 or pass each other, or for raising Embankments for crossing the Vallies, or in deep Cuttings, or where any Warehouses, Cranes, or Weigh Beams may be erected, or where any Places may be set out or appropriated for the forming 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 One hundred Yards in Breadth in any Place, except on Commons, Downs, or Waste Lands, without the Consent in Writing of the Owners of the Lands or Hereditaments adjoining to the said Railway or Tram Road.

Bodies Poli-  
tic, &c. em-  
powered to  
sell and con-  
vey Lands.

XIII. And be it further enacted, That after any Lands or Hereditaments shall have been set out and ascertained for making the said 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 doing the several other Matters or Things which the said Company of Proprietors are by this Act empowered or authorised to do or make, or any of them, it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, Husbards, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, Administrators, and all other Tenants and Persons whomsoever, not only for and on Behalf of themselves, their Heirs and Successors, but also for or 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, or are, or shall be seised, possessed of, or interested in any such Lands or Hereditaments as last aforesaid, as shall be so set out and ascertained for the Purpose, 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



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 shall be made according to the following Form; *videlicet*,

I A. B. of \_\_\_\_\_ in Consideration of the Sum of \_\_\_\_\_ Form of  
to me paid by "The Hereford Railway Conveyance.  
Company," do hereby, by virtue of the Powers contained in an  
Act of Parliament passed in the Seventh Year of the Reign of  
King George the Fourth, 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  
the said Act. In Witness whereof I have hereunto set my Hand  
and Seal the \_\_\_\_\_ Day of \_\_\_\_\_  
in the Year of our Lord

And if the Premises are Leasehold for Years, they shall be assigned by a Form answerable to the above, only substituting the Words applicable to the Assignment of a Chattel; and all such Conveyances and Assignments respectively 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 for every One hundred Words, exclusive of the Stamp Duty.

XIV. 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 Railway or Tram Road shall be less than One Acre in Quantity or less than Forty 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, or Pieces or Parcels of Ground so left on each or either Side of the said Railway or Tram Road, being less than One Acre in Quantity or less than Forty Yards in Breadth as aforesaid, and shall pay for the same after the Rate and in the Manner 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.

XV. And be it further enacted, That in all Cases where, in making the said Railway or Tram Road or other Works hereby authorised, there shall be occasion to cut through, take, or use any Part of any Commons Waste Lands to be conveyed by Lords of Manors.



mons or Wastes, the Conveyance of such Parts 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; and the Lord or Lords, Lady or Ladies of such Manor or Manors respectively, are hereby authorised and required to make and execute such Conveyances accordingly, and the Compensations for such Parts of such Commons or Wastes as shall be required to be taken for making the said Railway or Tram Road shall be paid by the said Company of Proprietors to the Churchwardens of the respective Parishes wherein such Commons or Wastes shall be, and shall by such Churchwardens be received and applied for such general and public Purposes within such Parishes respectively as a Vestry of every such Parish, to be convened by such Churchwardens for that Purpose, shall direct, except as is herein otherwise provided.

Satisfaction  
to be made  
in Money.

XVI. Provided always, and be it further enacted, That all and every Body or Bodies Politic, Corporate, or Collegiate, Trustees, and other Person or Persons hereinbefore capacitated to sell or convey Lands, Tenements, or Hereditaments, and any other Owner or Owners, Occupier or Occupiers of any Lands, Tenements, or Hereditaments, through, in, or upon which the said Railway or other Works hereby authorised and intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, or Hereditaments, and for the Damages to be sustained by making or completing the said Works hereinbefore directed, in such a gross Sum as shall be agreed upon by and between the said Parties interested respectively or any of them and the said Company; and in case the said Company and the said Parties interested in such Lands, Tenements, or Hereditaments cannot agree as to the Amount or Value of such Satisfaction, the same shall be ascertained and settled by the Verdict of a Jury in Manner hereinafter mentioned.

If Parties  
cannot agree  
Price to be  
settled by  
a Jury.

If Parties are  
dissatisfied,  
Value to be  
ascertained  
by a Jury.

XVII. Provided always, and be it further enacted, That in case of any Difference between the said Company or their General Committee for the Time being and any such Body Politic, Corporate, or Collegiate, Trustee or Trustees, or other Person or Persons so interested or entitled as aforesaid, relative to the Price or Value, Damage or Recompence to be made or given for any Lands, Tenements, or Hereditaments; 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 or Recompence as shall be offered to be paid by the said Company of Proprietors, 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, Tenements, or 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



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 are or shall be in Possession of, and to the Interest which they claim therein; then and in every such Case the said Company of Proprietors shall and are hereby empowered and required to issue a Warrant under their Hands and Seals to the Sheriff of the County in which the Lands in question shall be situated, and in case such Sheriff or his Under Sheriff shall be one of the said Company, or enjoy any Office of 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 and Liberty shall be so interested, then to one of the last Persons who filled the Office of Sheriff of such County and shall not be interested as aforesaid, 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 Eighteen sufficient and indifferent Men, qualified according to the Laws of this Realm to be returned for Trials of Issues in His Majesty's Courts at *Westminster*, to appear before the Justices of the Peace for such County at some General or Quarter Sessions or some Adjournment thereof, at such Time and Place as in such Warrant shall be appointed, such Time not being less than Ten or more than Fourteen Days next after such Warrant shall, be so 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 and they had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Westminster*; and all Parties concerned may have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array; and the Clerk of the Peace for such County or his Deputy is hereby empowered and required to summon or call before such Jury all and every Person or Persons who shall be thought necessary to be examined as a Witness or Witnesses touching the Matter in question, and may also order and authorise the said Jury, or any Six or more of them, to view the Place or Places or Matter or Matters in question; and such Jury upon their Oaths (which Oaths, as well as the Oaths of such Person or Persons as shall be called upon to give Evidence, the said Justices or any of them is or are hereby empowered to administer,) shall enquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or the Recompence to be made for the Damages that shall or may be sustained as aforesaid, and shall assess separate Da-

[*Local.*]

31 D

mages



mages for the same; and the said Justices shall give Judgment for the Purchase Money, Recompence, or Damage, according to the Verdict of such Jury; which said Verdict, and the Judgment thereupon pronounced as aforesaid, 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 making Default, and for Persons refusing to appear, &c.

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

Respecting Juries and Witnesses.

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

By whom Expences of Juries shall be paid.

XX. And be it further enacted, That in every Case where a Verdict shall be given by any such Jury for more Money than shall have been previously offered for or on Behalf of the said Company of Proprietors as a Recompence or Satisfaction for any such Lands, Tenements, or Hereditaments as aforesaid, or for any such Estate, Right, or Interest therein, or for any Damages that may have been sustained by any Person or Persons as aforesaid, all the Costs and Charges incurred in summoning, impannelling, and returning such Jury, taking such Inquisition, and the Attendance of Witnesses, and recording



recording the Verdict or Judgment thereon, shall be borne by the said Company of Proprietors out of the Monies to be raised by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same within Fourteen Days after Demand made thereof from the said Company, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Company, or of any Goods or Chattels of the Treasurer or Treasurers of the said Company, (unless such Treasurer or Treasurers shall pay such Costs and Charges out of any Monies received by him by virtue of this Act, which he is hereby authorised to do,) under a Warrant to be issued for that Purpose by any Justice of the Peace for the said Counties of *Hereford* or *Monmouth*, which Warrant any such Justice is hereby authorised and required to issue under his Hand and Seal, on Application made to him for the Purpose by the Party or Person entitled to receive such Costs and Expences; and in every Case where a Verdict shall be given by any such Jury for no more or for less Money than shall have been previously offered by or on Behalf of the said Company as such Recompence or Satisfaction as aforesaid, all the Costs and Charges incurred as aforesaid shall be borne in equal Proportions by the Party or Parties refusing or neglecting to treat or agree as before mentioned, and by the said Company; but in Cases where any Person or Persons, Party or Parties, shall have been prevented by Absence from treating with the said Company, the Costs and Charges so incurred shall be borne by the said Company in Manner aforesaid; and in all Cases where any Difference shall arise touching the Amount of the said Costs and Charges, the same shall be settled and ascertained by any Justice of the Peace for the said Counties of *Hereford* or *Monmouth* not interested in the Matter in question, who is hereby authorised and required to examine into and settle the same, and to appoint a Time and Place for Payment thereof; and where the Costs shall be payable by the Party or Parties having had any such Disagreement or Dispute with the said Company as aforesaid, the Amount thereof having been first paid by the said Company may be deducted by them out of the Monies awarded to be paid to such Party or Parties, as so much Money advanced for his, her, or their Use, and the Payment or Tender of the Balance of such Money shall be deemed and taken, to all Intents and Purposes whatsoever, to be a Payment or Tender of the whole Money awarded and adjudged to such Party or Parties; or otherwise, if such Costs and Charges be not paid upon Demand, after being so ascertained as aforesaid, the same may be recovered by the said Company from the Party or Parties liable to the Payment thereof by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Westminster*, together with full Costs of Suit.

XXI. And be it further enacted, That all and every Person or Persons with whom the said Company of Proprietors shall have any such Controversy or Dispute as aforesaid, shall, before the said Company shall be obliged to issue out their Warrant or Warrants for the summoning of such Jury, first enter into a Bond with Two sufficient Sureties, to the Treasurer of the said Company of Proprietors, Persons requesting Juries to enter into Bonds to prosecute.  
in



in a Penalty of One hundred Pounds, to prosecute his, her, or their Complaint, and to bear and pay all the Costs and Expences of summoning and returning such Juries and taking such Inquest, and of the summoning and of the Attendance of Witnesses, in case such Costs and Expences shall fall upon him, her, or them, to be paid according to the true Intent and Meaning of this Act.

Compensation Money to be apportioned.

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

Verdicts to be recorded.

XXIII. And be it further enacted, That all the said Verdicts and Judgments shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen, among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same or true Copies thereof shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling and no more, and also to take and make Copies thereof, paying for each Copy after the Rate of Sixpence for every One hundred Words.

Damages not provided for how to be settled.

XXIV. And be it further enacted, That if any Person or Persons shall sustain any Damage in his, her, or their Lands, Tenements, or Hereditaments, by reason of the Execution of any of the Powers given by this Act, and through or by Means not herein provided for, then and in every such Case such Damages shall be so settled by the said Company of Proprietors, or by a Jury as herein mentioned, and the Amount of such Damages may be recovered and applied in Manner herein directed with regard to other Damages.

Notice of Injury to be given to Company before Complaint made.

XXV. And be it further enacted, That the said Company of Proprietors 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 Notice shall have been given in Writing in relation thereto by or on Behalf of such Person or Persons to the said Company, and within the Space of Six Calendar Months after the Time of such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

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

XXVI. 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 Parties, or assessed by such Juries in Manner aforesaid, for the Purchase of any such Lands, Tenements, or Hereditaments, or as a Compensation for Damages as herein mentioned to the Proprietor or Proprietors of such Lands, Tenements,

or



or Hereditaments, or to such other Person or Persons as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month after the same shall have been so agreed for, determined, or awarded, or upon Payment of the said Sum or Sums of Money into the Bank of *England* as hereinafter directed and required, for the Use of the Person or Persons entitled thereto, but not before, it shall and may be lawful to and for the said Company of Proprietors, and their Agents, Workmen, and Servants, immediately to enter upon such Lands, Tenements, or Hereditaments respectively, and then and thereupon such Lands, Tenements, and Hereditaments, together with the Yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall thenceforth be vested in and become the sole Property of the said Company of Proprietors to and for the Purposes of this Act for ever; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail, and other Estates in Reversion and Remainder of his, her, or their Issue, and of every other Person whomsoever therein; provided nevertheless, that before such Payment as aforesaid it shall not be lawful for the said Company of Proprietors, or any Person acting under their Authority, to dig or cut the Lands, Tenements, or Hereditaments of the Person or Persons entitled to such Payment, for the Purpose of making the said Railway or Tram Road and Works, without the Leave and Consent of such Person or Persons respectively.

XXVII. And be it further enacted, That every Tenant at Will or Lessee for a Year, or any other Person or Persons in Possession of any Lands, Tenements, or Hereditaments, or any Part thereof, which shall be taken or used for the Purposes of this Act, and who shall have no greater Interest in the Premises than as Tenant at Will or Lessee for a Year or from Year to Year, shall deliver up the Possession of such Premises to the Company of Proprietors, or to such Person or Persons as they shall appoint to take Possession of the same, upon having Two Calendar Months Notice to quit such Possession from the said Company, or from the Person or Persons so authorised by them; and such Person or Persons in Possession shall at the End of the said Two Calendar Months, whether such Notice be given with reference to the Time or Times of such Tenants Holding or not, or so soon after as he, she, or they shall be required, peaceably and quietly to deliver up the Possession of the said Premises to the said Company, or to the Person or Persons authorised by them to take Possession thereof; and in case any such Person or Persons so in Possession as aforesaid shall refuse to give such Possession as aforesaid, it shall be lawful for the said Company to issue their Precept or Precepts to the Sheriff of the County in which the Premises shall be situate, to deliver Possession of the said Premises to such Person or Persons as shall in such Precept or Precepts be nominated to receive the same; and the said Sheriff is hereby required to deliver Possession of the said Premises accordingly, and to levy such Costs as shall accrue from the issuing and Execution of such Precept or Precepts.

Tenants at Will or for Years to quit Lands, &c. after Notice.



on the Person or Persons as aforesaid, by Distress and Sale of his, her, or their Goods.

Interest of  
such Tenants  
may be set-  
tled by a  
Jury.

XXVIII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up the Possession of any Premises so occupied by him to the said Company of Proprietors, or to the Person or Persons authorised by them to take Possession thereof as aforesaid, before the Expiration of the Term or Interest of such Tenant or Lessee as aforesaid in the said Premises, the said Company of Proprietors shall and they are hereby directed to make or tender unto such Tenant or Lessee Satisfaction or Compensation for the Value of his unexpired Term or Interest in the said Premises; which Satisfaction or Compensation, in case of Difference, shall be settled and ascertained in Manner hereinbefore directed with regard to any other Satisfaction or Compensation in and by this Act provided for and directed to be made and assessed.

Mortgages  
to be con-  
veyed to the  
Company  
after Tender.

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



deemed to be in the actual Possession of the Premises comprised in such Mortgage or Mortgages to all Intents and Purposes whatsoever.

XXX. And be it further enacted, That if any Money shall be agreed or assessed 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 Collegiate, 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 Court of Exchequer, to be placed to his Account there *ex parte* "The Company of Proprietors of the *Hereford* Railway," pursuant to the Method prescribed by an Act made in the First Year of the Reign of King George the Fourth, intituled *An Act for the better securing Moneys and Effects paid into the Court of Exchequer at Westminster on account of the Suitors of the said Court, and for the Appointment of an Accountant General and Two Masters of the said Court, and for other Purposes*, and the General Orders of the said Court, without Fee or Reward; 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 authorise to be paid, affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited to, or 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 mean time 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* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the mean time 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

Application  
of Compen-  
sation Mo-  
ney when  
amounting to  
or exceeding  
200*l*.



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 and Settlement were made.

When less  
than 200%.  
and amount-  
ing to 20%.

XXXI. Provided always, and be it further enacted, That if any Money so agreed or assessed 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 said Lands, Tenements, or Hereditaments so purchased, taken, or used, or for 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 hereinbefore 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 thereon may be applied in Manner hereinbefore directed, so far as the Case may be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Exchequer.

When the  
Money is less  
than 20%.

XXXII. Provided always, and be it further enacted, That where such Money so agreed or assessed to be paid as hereinbefore mentioned shall be less than Twenty Pounds, then and in any 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 or for the Use and Benefit of such Person or Persons so entitled respectively.

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

XXXIII. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be agreed or assessed to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make out a good Title to the Premises to the Satisfaction of the said Company, or in case such Person or Persons to whom such Sum or Sums of Money shall be so assessed to be paid as aforesaid cannot be found, or if the Person or Persons entitled to such Lands, Tenements, or Hereditaments be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Company to order the said Sum or Sums of Money so ordered or assessed as aforesaid to be paid into the Bank of *Eng-land*



*land* in the Name and with the Privy of the Accountant General of the Court of Exchequer, 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, Controul, and Disposition of the said Court; which said Court of Exchequer, 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 or 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.

XXXIV. And be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privy of the Accountant General of the said Court of Exchequer, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, 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 or 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 Exchequer; 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.

Where Questions shall arise, Persons in Possession shall be deemed entitled.

XXXV. 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 Exchequer, 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 Exchequer to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of the Ex-

Court of Exchequer may order Expences to be paid by Company.

[*Local.*]

31 F

pences



pences 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 Sums of Money for such Purposes as the said Court shall direct.

Enabling the Company of Proprietors to sell Land not wanted.

To give the first Offer to the Persons possessing adjoining Lands.

XXXVI. 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 seised of more Land or Ground than will be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall and may 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 Owner or Owners of the adjoining Land or Ground, and an Affidavit 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 where the said Lands lie, 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 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 and not agree with respect to the Price thereof, in such Case the Price or Prices thereof shall be ascertained by a Jury in Manner hereinbefore 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 Expences of hearing and determining such Difference shall be borne and paid in like Manner as hereinbefore 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 in 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 Nonapplication of such Money.

The Word "Grant" in Conveyances from the Company of Proprietors to amount to certain Covenants.

XXXVII. And be it further enacted, That in all Conveyances to be made by the said Company of Proprietors under or by virtue or in pursuance of the several Powers and Authorities to them hereby given, the Word "Grant" shall amount to and be and adjudged in all Courts of Judicature to be express Covenants to the Grantee or other Purchasers, his, her, or their Heirs, Executors, Administrators, or Assigns, from the said Company of Proprietors, for themselves and their Successors, that the said Company of Proprietors, notwithstanding any Act done by them, were at the Time of the Execution of such Conveyance



veyance seised of the Lands, Tenements, or Hereditaments thereby granted, of an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances, for quiet Enjoyment thereof against the said Company of Proprietors, their Successors and Assigns, and all claiming under them, indemnified and saved harmless by the said Company of Proprietors and their Successors from all Incumbrances committed by the said Company, and also for further Assurance of such Lands, Tenements, or Hereditaments thereby granted, to be made by the said Company of Proprietors and their Successors and Assigns, and all claiming under them, unless the same shall be restrained and limited by express particular Words contained in such Conveyances or any of them; and that such Purchasers or Grantees, and his, her, and their several Heirs, Executors, Administrators, and Assigns, respectively, shall and may, in any Action or Actions to be brought, assign a Breach or Breaches thereupon, as they might do in case such Covenants were expressly inserted in such Conveyances.

XXXVIII. And whereas the probable Expence of making the said Railway or Tram Road and other Works hereby authorized to be made will amount to the Sum of Twenty-three thousand two hundred Pounds, and which Sum has been already subscribed by several Persons, under a Contract binding themselves, their Heirs, Executors, Administrators, and Assigns, for the Payment of the several Sums by them subscribed respectively; be it therefore enacted, That from and after the passing of this Act it shall be lawful for the said Company to proceed in the Execution hereof.

XXXIX. And be it further enacted, That it shall be lawful for the said Company to raise and contribute amongst 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 Twenty-three thousand two hundred 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 to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising and contributing to the same, and their several and respective Executors, Administrators, 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 (at such Time and Times as the said Company of Proprietors shall, at a 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, out of the Net Profits and Advantages that shall and may arise and  
accrue

Company to  
proceed in  
the Execu-  
tion of the  
Act.

Proprietors  
to raise Mo-  
ney amongst  
themselves  
for making  
Tram Road.



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 or 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.

Shares to be  
Personal  
Property.

XL. Provided always, and be it enacted, That 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 be transmissible as such, and not of the Nature of Real Property.

To compel  
Payment of  
Subscrip-  
tions.

XLI. And be it further enacted, That the several Persons who have subscribed, or who shall hereafter subscribe or 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 Company 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 in Manner hereinafter 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.

Application  
of Money  
to be raised.

XLII. And be it further enacted, That all the Money to be advanced or 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 for making, completing, and maintaining the said Railway or Tram Road, Bridges, and other Works, and other the Purposes of this Act.

Subscribers  
to have a  
Vote for  
every Share.

XLIII. And be it further enacted, That all and every Body and Bodies Politic, Corporate, or Collegiate, and other Person or Persons, who shall by virtue of this Act have subscribed for or shall become entitled to be and 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 Meetings to be held as hereinafter 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, and in case of the Infancy, Idiocy, or Lunacy of any such Person or Persons, then for his, her,



her, or their Guardian or Guardians, Committee or Committees, by Writing under the Hand of such Guardian or Guardians, Committee or Committees, to constitute and appoint any other Proprietor or Proprietors entitled to vote in respect of his, her, or their own Share or Shares in the said Undertaking, their, his, or her Proxy or Proxies, to vote at such Meetings of the said Company of Proprietors; 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 produced, discussed, or considered in any Meeting of 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; that is to say,

I *A. B.* of *Hereford* Railway Company, do hereby nominate, constitute, and appoint *C. D.* of *Hereford* 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 Company that shall be mentioned or proposed at any Meeting of the Company of Proprietors thereof, in such Manner as he the said *C. D.* shall think proper, according to his Opinion and Judgment, for the Benefit of the said Company, or any thing appertaining thereto. In Witness whereof I have hereunto set my Hand the *Day* of *the* in the Year of our Lord One thousand eight hundred and *the*

Form of  
Proxy.

And that every Election of Committees and Officers, and Questions, Matters, and Things whatsoever, which shall be proposed, discussed, or considered in any Meeting 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 Meeting One of the Proprietors 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: Provided always, nevertheless, that no Person shall have more than Ten Votes in his or her own Right, nor more than Fifty other Votes in Right of any Proxy or Proxies.

All Questions to be decided by a Majority of Votes.

XLIV. And be it further enacted, That in case the Money hereby authorised 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 authorised 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 any further or other Sum of Money for completing and perfecting the said Undertaking, not exceeding the Sum of Twelve thousand Pounds, by Mortgage of the said Undertaking; and it shall be lawful for the said Company of Proprietors, by an Order of any General Meeting of the said Company, to borrow and take up at Interest all or any Part of the said Sum of Twelve thousand Pounds on the Credit of the

Power to raise a further Sum by Mortgage.

[*Local.*]

31 G

said



said Railway or Tram Road and Undertaking, as to them shall seem meet and convenient; and the said Company of Proprietors, after an Order of any General Meeting, are hereby fully authorised and empowered to assign the Property of the said Railway or Tram Road, and the Rates arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rates), as a Security for any such Sum or Sums of Money to be borrowed as aforesaid, with Interest, to such Person or Persons, or to his 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, in the Words or to the Effect following; that is to say,

Form of  
Mortgage.

‘ BY virtue of an Act made in the Seventh Year of the Reign of  
 ‘ King George the Fourth, intituled [*here set forth the Title of*  
 ‘ *this Act*], “The Hereford Railway Company,” incorporated by  
 ‘ and under the said Act, in Consideration of the Sum of  
 ‘ to us in Hand paid by A. B.  
 ‘ of do assign unto the said A. B. his  
 ‘ [or her] Executors, Administrators, and Assigns, the said Railway,  
 ‘ and all and singular the Rates arising by virtue of the said Act, and  
 ‘ all the Estate, Right, Title, and Interest of us the said Company  
 ‘ of, in, and to the same; to hold unto the said A. B. 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 all and every Person and Persons to whom such Mortgage or Assignment shall be made shall be equally entitled one with the other to his, her, or their Proportion or Proportions of the said Rates, 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, Name or Names of the Persons to whom made, the Sum of Money borrowed and Rate of Interest, shall be entered in a Book or Books to be kept by the Clerk or Clerks to the said Company; which said Book or Books shall and may be perused at all seasonable Times by any of the Proprietors or Creditors of the said Railway, or other Persons interested therein, without Fee or Reward.

Power to  
transfer  
Mortgage.

XLV. And be it further enacted, That 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 made in the Words or to the Effect following:

‘ I [or



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

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

XLVI. And be it further enacted, That the Interest of the Money Interest on  
 which shall be borrowed by Mortgage as aforesaid shall be paid Half- Mortgage to  
 yearly to the several Persons entitled thereto, in Preference to any be paid.  
 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 shall be 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 for the Space of Twenty-one  
 Days next after the same shall become due and payable as aforesaid,  
 and after Demand thereof made, then it shall be lawful for any Two  
 or more Justices of the Peace for the said Counties of *Monmouth* or  
*Hereford*, and they are hereby required, on Request to them made by  
 any Creditor whose Interest shall be in arrear, by any Order under  
 their Hands to appoint One or more Person or Persons to receive  
 the Whole, or such Part or Parts of the said Rates or Duties as are  
 liable to pay such Interest so due and unpaid as aforesaid; as 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 said Rates and Duties, shall be fully paid and  
 satisfied; and after such Interest and Costs shall be paid and satisfied  
 the Power and Authority of such Receiver or Receivers, for the  
 Purposes aforesaid, shall cease and determine; or otherwise the  
 Interest so due and unpaid as aforesaid shall be sued for and re-  
 covered, with Costs, by Action of Debt in any of His Majesty's  
 Courts of Record at *Westminster*.

XLVII. Provided always, and be it further enacted, That no Person Mortgagees  
 to whom any such Assignment shall be made or transferred as afore- not to be  
 said deemed Pro-  
 prietors.



said 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 Assignment.

First and  
other General  
Meetings.

XLVIII. And be it further enacted, That the first General Meeting of the said Company of Proprietors for putting this Act in Execution shall be held at *Hereford* aforesaid within Six Weeks after the passing of this Act, and the Second and every other General Meeting shall be held at such Times and Places as shall at such first or any subsequent General Meeting be appointed; and one General Meeting shall be holden on the first *Monday* in the Month of *June* in every Year; and the said Company of Proprietors at such Annual General Meeting in the Month of *June*, together with such Proxies as shall be held by Proprietors present, shall choose or elect a Committee to manage the Affairs of the said Company, which Committee shall consist of not less than Five Persons, whereof Three shall at all Meetings of the said Committee be a Quorum; provided always, that each Person so chosen or elected shall be possessed of Five Shares at least in the said Undertaking; and the said Company of Proprietors shall also have Power and Authority at any such General Meeting to remove and displace any Officer or Officers under them, and to choose and elect others in their Stead, and shall also have Power and Authority to make such Rules, Bye-laws, and Orders, for the good Government of the said Company of Proprietors, and for regulating all Officers, Workmen, Agents, and Servants to be employed in or about the Affairs or Business of the said Company, and for the well and orderly using of the said Railway or Tram Road, Wharfs, Cranes, Warehouses, and other Works thereunto belonging, and the conveying of all Goods, Wares, and Merchandize which shall be conveyed upon the said Railway or Tram Road, Wharfs and other Works, and for the orderly Behaviour of all Persons who shall be employed in carrying or conveying any such Goods, Wares, and Merchandize, and for the Superintendence and Management of the said Railway or Tram Road and other Works in all other respects whatsoever, 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 Meeting 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 hereinafter mentioned; which said Rules, Bye-laws, and Orders, being reduced into Writing under the Common Seal of the said Company of Proprietors, shall be painted on Boards and affixed upon the several Toll Houses to be erected upon the said Railway or Tram Road and Wharfs, and renewed when obliterated or defaced, 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



to Appeal in Manner hereinafter mentioned ; and every such General Meeting 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 thereunto belonging, 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.

XLIX. Provided always, and be it further enacted, That if at any General Meeting there shall not be Persons present who shall be possessed of or entitled to at least Twenty-five Shares 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 Meeting of the said Company of Proprietors at the same Place at the Expiration of Three Weeks ; and if a sufficient Number of Proprietors as Principals or by Proxies shall not then attend, the said General Meeting shall stand adjourned to that Day Three Weeks next following ; each of such Meetings to be advertised in some Newspaper usually circulated in the Counties of *Monmouth* and *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 greater Number of Proprietors having such Shares or Subscriptions as Principals or Proxies at such first General Meeting, every Proprietor who shall not attend such second Meeting in Person or by Proxy shall forfeit to the said Company of Proprietors, unless he shall have a sufficient Excuse for his Nonattendance, for every Share which he or she shall possess in the said Undertaking, the Sum of Five 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 Two Calendar Months next after the making of such Default, then the Payment of the said Forfeiture of Five Shillings may be recovered and enforced by the Ways and Means hereinafter appointed for the Recovery of any of the Penalties or Forfeitures imposed by this Act.

General Assembly for choosing Committees to consist of Twenty-five Shares.

L. And be it further enacted, That if it shall at any Time appear that for the more effectual putting this Act into Execution a Special General Meeting of the said Company of Proprietors is necessary to be held, it shall be lawful for any Five or more of the said Proprietors to cause Twenty-one Days Notice at the least to be

Meetings of Proprietors may be specially convened.

[*Local.*]

31 H

given



given to each Proprietor, or leaving at his or her usual Place of Abode a Notice in Writing, signed by such Proprietors, or by the Clerk to the said Company of Proprietors for the Time being, or in such other Manner as the said Company of Proprietors shall at any General Meeting direct or appoint, specifying in such Notice the Reason and Intention of requesting such Special General Meeting, and the Time when and the Place where the same shall be held; and the said Company are hereby authorised to meet in pursuance of such Notice, and such of them as shall be present shall proceed to the Execution of the Powers by this Act given to the said Company, with respect to the Matters so specified only; and all Acts of the Proprietors, or the major Part of them, met together at every such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice, as if the same had been done at a General Meeting at the Time hereinbefore appointed for holding the same.

General  
Meetings to  
appoint Offi-  
cers.

Treasurer,  
&c. to give  
Security.

LI. And be it further enacted, That it shall be lawful for the said Company at any General Meeting, and they are hereby authorised and required, from Time to Time to nominate and appoint a Treasurer or Treasurers, and One or more Receiver or Receivers, Collector or Collectors of the said Rates, and also One or more Clerk or Clerks to the said Company, and to such Committee, and to such other Officers, as they shall think proper, with such Salaries or Salary, or Remuneration, as shall to the said Company seem proper; and the said Company shall and they are hereby required to take sufficient Security from every such Treasurer, Receiver, Collector, and other Officer having the Care or Custody of any Money to be raised or received by virtue of this Act, for the due Execution of their respective Offices, as the said Company shall think proper; and from Time to Time to 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 Meetings of the said Company, 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 every Proprietor of the said Undertaking shall and may, at all convenient Times, have recourse to and peruse, and inspect the same *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 Sixpence; and if any such Clerk or Clerks to the said Company shall refuse to permit any Proprietor to inspect or peruse any such Book or Books of Proceeding 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



it shall be lawful for the said Company, at any Special General Meeting, 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.

LII. Provided always, and be it further enacted, That it shall not be lawful for the said Company of Proprietors 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, or the Clerk of or other Person in the Service or Employ 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, or the Clerk of or other Person in the Service or Employ of any such Treasurer, the Clerk to the said Company; 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, or the Clerk of or other Person in the Service or Employ of such Clerk, shall act as Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of any such Treasurer, shall act as Clerk in the Execution of this Act, or if any Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Clerk and  
Treasurer  
not to be the  
same Person.

LIII. And be it further enacted, That every Officer and Person who shall be appointed or employed by virtue of this Act shall from Time to Time, when thereunto required by the said Company by Writing under their Common Seal, make out and deliver to the said Company, or to such Person or Persons as they shall for that Purpose appoint, a true and perfect Account in Writing under his or her Hand, of all Monies which shall have been by him or her had, collected, or received, and how and to whom and for what Purpose the same and every Part thereof hath or have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer or Person shall and is hereby required to pay all such Monies as upon the Balance of such Account shall appear to be owing from him or her to such Person or Persons as the said Company shall appoint to receive the same; and if any such Officer or Person shall refuse or neglect to render and deliver such Account, or to produce and deliver up the Vouchers and Receipts relating to the same, or to pay the Balance thereof when thereunto required in Manner afore- said, or shall refuse or neglect to deliver up to the said Company, or to such Person or Persons as they shall appoint, within Ten Days after being thereunto required by the said Company or by such other Person or Persons, all Books, Papers, and Writings in his or her Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by any of the said Company, or by any Person on their Behalf, to any Justice of the Peace

Officers to  
account.

4030000001  
5000000000  
1000000000  
1000000000



Peace for the Counties of *Monmouth* or *Hereford*, as the Case may be, such Justice may and he is hereby authorised and required, by Warrant under his Hand and Seal, to cause such Officer or Person to be brought before him, and upon his or her appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account if produced, in such Manner as the said Company might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or if appearing shall refuse or neglect to make out and deliver to such Justice such Account in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby authorised and required, by Warrant under his Hand, to commit such Officer or Person to the Common Gaol or House of Correction of the said Counties of *Monmouth* or *Hereford*, as the Case may be, there to remain without Bail or Mainprize until he or she shall have delivered up the Vouchers and Receipts relating thereto, and shall have paid all the Money which shall appear to be in the Hands of or owing from him or her, and the reasonable Charges of such Distress and Sale, if any, as shall in that respect have been made, or until he or she shall have compounded with the said Company for such Money and Charges, and paid the Composition Money to the said Company (and which Composition the said Company are hereby empowered to make), and shall have delivered up all such Books, Papers, and Writings as aforesaid, or have given Satisfaction in respect thereof to the said Company; provided always, that no Person who shall be committed for Want of sufficient Distress shall be detained in Prison for any longer Space of Time than Three Calendar Months.

Powers of the  
Committee,  
and Regu-  
lations.

LIV. And be it further enacted, That 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 Meetings, and if required, to the said Special General Meeting of the Proprietors, and shall obey their Orders and Directions; but no Person holding any Place, Office, or Employment under the said Company, or be concerned  
or



or interested in any Contract under the said Company, except as a Member thereof, or furnishing or supplying any Goods, Articles, or Things for the Use of the said Company, shall be capable of serving on any such Committee during the Time of his Continuance in such Place, Office, or Employment, or during the Time he shall be concerned or interested in any such Contract, or shall furnish or supply any Goods, Articles, or Things for the Use of the said Company; 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 Meetings; 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 or 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 and 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 thereunto, as hereinbefore mentioned, for his or her 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 Ten Pounds *per Centum* 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 Sixty Days at the least from each other, and Fourteen Days Notice at the least shall be given of all such Calls as aforesaid by Advertisement in some Newspaper usually circulated in the said Counties of *Monmouth* and *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 such Committee shall, until the next General Meeting to be holden in Manner aforesaid, meet at such Times and at such Places, and from Time to Time adjourn themselves to such other Time and Place as they shall think fit, within Fifteen Miles of some Part of the said Railway; 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

[*Local.*] 31 I appoint;

Power of  
Committee  
to make Calls.



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

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 so 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 Imparlane, shall be allowed; or the said Company may and they are hereby authorised at any General Meeting to declare the Shares belonging to any Persons refusing or neglecting to pay any such Calls in Manner aforesaid to be forfeited; 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 applied and disposed of in Manner by this Act directed: 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, or 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 Meeting of the said Company which shall be held after the End of Two Calendar Months from the Day on which such Notice of Forfeiture shall have been given.

If Purchase Money of Shares shall be more than sufficient to pay Arrears, Surplus to be paid to Owners.

LV. Provided also, and be it further enacted, That in case the Money produced by the Sale of any Share or Shares shall be more than sufficient to pay all such Arrears of Call as aforesaid, and lawful Interest thereon, with the Expences attending such Sale or Sales, the Surplus of such Money shall be paid on Demand to the Person or Persons to whom such Share or Shares shall have belonged; but the said Company shall not sell or transfer, or direct to be sold or transferred, any more of such Shares of such Defaulter or Defaulters than shall be sufficient, as near as may be, at the Time of such Call, to pay the Arrears due from such Defaulter or Defaulters for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after the Payment of all such Calls, and the Interest and Expences as aforesaid, any Share or Shares so vested in such Company as aforesaid, which shall remain in their Hands unsold, shall revert to and again become the Property of the Person or Persons to whom such Share or Shares shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Calls had been duly and regularly paid.

Proceedings in Actions for Calls.

LVI. 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



shall amount to, for such and so many Call and 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, and the said Company shall thereupon be entitled to recover what shall appear due, unless it shall appear that any such Call exceeded Ten Pounds for every Sum of One hundred Pounds, or was made within the Distance of Sixty Days from the last preceding Call, or without Notice given as aforesaid.

LVII. And be it further enacted, That 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 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 Lands, 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 every Owner or Owners of any Share or Shares in the said Undertaking.

LVIII. 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.

LIX. And be it further enacted, That it shall be lawful for the several Proprietors of the said Undertaking, and his, her, or their respective Executors or Administrators, from and after Payment of his, her, or their 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 shall be in the following Words, or Words to the like Effect; (that is to say),

' I *A. B.* of \_\_\_\_\_ in Consideration of \_\_\_\_\_ Form of  
 ' \_\_\_\_\_ paid to me by *C. D.* of \_\_\_\_\_ Conveyance.  
 ' do hereby bargain, sell, assign, and transfer to the said *C. D.*  
 ' \_\_\_\_\_ Share [or Shares,] numbered \_\_\_\_\_ of and  
 ' in the Undertaking called "*The Hereford Railway*," to hold unto  
 ' the said *C. D.*, his Executors, Administrators, and Assigns, subject  
 ' to \_\_\_\_\_



‘ to the same Rules, Orders, and Regulations, and on the same Con-  
 ‘ ditions 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 Share [or Shares] subject to the  
 ‘ same Rules, Orders, Restrictions, and Conditions. As witness our  
 ‘ Hands and Seals the Day of  
 ‘ in the Year of our Lord One thousand eight hundred and

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 Five Shillings exclusive of the Stamp Duty 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.

Regulations  
as to the Ac-  
quisition of  
Shares.

By Marriage,

or Will, or  
in course of  
Administra-  
tion.

LX. And whereas much Inconvenience may arise by the frequent Change of the Right and Title to the Shares of and in the said Undertaking by the Marriage and Death of Proprietors, and it may be difficult in such Cases to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid and do belong; be it therefore further enacted, That before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking in right of Marriage shall be entitled to receive the same, an Affidavit containing a Copy of the Register of such Marriage or the Effect of such Register shall be made and sworn to by some credible Person before One of the Judges at *Westminster*, or before a Master or Master Extraordinary in Chancery, or any One of His Majesty's Justices of the Peace for the said Counties of *Monmouth* or *Hereford*, or either of them; and the said Judge, Master or Master Extraordinary in Chancery, and Justice of the Peace, is hereby authorised and empowered to swear any such Person to such Affidavit; and such Affidavit shall be transmitted to the Clerk or Clerks of the said Company for the Time being, who shall file the same, and make an Entry thereof in the Book or Books which shall be kept by the said Clerk or Clerks for the Entry of Transfers and Sale of Shares in the said Undertaking; and that before any Person or Persons who shall claim any Part or Share of the Profits of the said Undertaking by virtue of any Bequest or Will, or in course of Administration, shall be entitled to receive the same, the said Will or the Probate thereof, or such Letters of Administration, shall be produced and shewn to the Clerk of the said Company, or an Affidavit containing a Copy of so much of such Will as shall relate to the Share or Shares of the Testator, or  
of



of the Letters of Administration in case the Proprietor shall have died intestate, shall be made and sworn to by the Executor or Executors of such Will, or by the Administrator or Administrators of the Estate and Effects of the Proprietor dying intestate (as the Case may happen to be), before One of the Judges, at *Westminster*, or before a Master or Master Extraordinary in Chancery, or One of His Majesty's Justices of the Peace of the said Counties of *Monmouth* or *Hereford*, or either of them, and shall also be transmitted to the said Clerk or Clerks, who shall file and enter the same in Manner hereinbefore mentioned.

**LXI.** 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 Meeting, to cause the Names and proper Additions of the several Persons, who shall then be entitled to Shares in the said Undertaking, with the Number of the Shares and 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 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 to in the said Undertaking, every such Proprietor paying to the Clerk Two Shillings and Sixpence, and no more, for every 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; that is to say,

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

THESE are to certify, That *A. B.* of \_\_\_\_\_ is a Proprietor of \_\_\_\_\_ Form of  
the Share Number \_\_\_\_\_ of the *Hereford* Railway, subject to the Ticket.  
Rules, Regulations, and Orders of the said Company, and that the said  
*A. B.* or his [*or her*] Executors, Administrators, or Successors,  
and Assigns, is and are entitled to the Profits and Advantages of  
such Share. Given under the Common Seal of the said Company  
the \_\_\_\_\_ Day of \_\_\_\_\_ in the Year of our Lord One thousand  
eight hundred and \_\_\_\_\_.

**LXII.** And be it further enacted, That if any of the Tickets for or respecting the Shares of the Company of Proprietors aforesaid shall be worn out or damaged, then upon the same being brought and shown at some General Meeting of the said Company of Proprietors, such Tickets may be cancelled and destroyed, and other similar Tickets given under the Seal of the said Company of Proprietors, to the Person or Persons in whom the Property of such Tickets and the Shares therein mentioned shall be at that Time vested ; or in case

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

[Local.] 31 K such



such Tickets shall be burnt or totally destroyed, then, upon due Proof thereof, like Tickets shall be given to the Person or Persons who was or were the Owner or Owners of or entitled to such Tickets so burnt or destroyed; and a due Entry of the Transfer of such Ticket or Tickets, if any such have been made, shall be entered by the Clerk of the said Company of Proprietors in Manner herein directed.

**Rates.**

LXIII. 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 authorised 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, or upon any Part thereof, the Rates, Tolls, and Duties hereinafter mentioned; that is to say,

For all Dung, Compost, Limestone, and all Sorts of Manure, and Materials for the Repair of Roads, Two-pence *per Ton per Mile* :

For all Lime, Chalk, Marl, Ashes, Peat, Clay, Bricks, and Sand, Three-pence *per Ton per Mile* :

For all Coals, Cinders, Coke, Culm, Charcoal, Tin, Copper, Lead Ore, Lead in Pigs or Sheets, Iron Stone or Ore, Iron in Pigs, Bar Iron, Timber, Tiles, Slates, Flag Stones, and other Stone, Four-pence *per Ton per Mile* :

And for all other Goods, Wares, Merchandize, and Things whatsoever, Sixpence *per Ton per Mile* :

Which said respective Rates to be fixed as aforesaid shall be the same along the whole Line of the said Railway.

**Regulations  
as to frac-  
tional Parts  
of a Ton or  
Mile.**

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, 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 End or Termination of the *Grosmont* Railway at or near *Llangua Bridge*, 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



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.

LXIV. And be it further enacted, That it shall and may be lawful to and for the said Company from Time to Time and at all Times for ever to ask, demand, take, and receive, to and for their own proper Use and Benefit, the several further Tolls following; that is to say, Company empowered to take Toll as herein specified.

For every Horse, Mule, Ass, or other Beast (not carrying or drawing any Goods, Wares, or Merchandize in respect whereof a Rate, Toll, or Duty is hereinbefore made payable,) which shall or may go or travel upon the said Railway, and shall pass through or by any Stop Gate or any other Gate or Toll House to be erected upon or across the same by the said Company of Proprietors or their Successors, and before such Horse, Mule, Ass, or other Beast shall be permitted to pass through or by the same, any Sum not exceeding Three-pence :

For all Cows and horned or neat Cattle (except Sheep and Swine) which shall or may go or be driven loose upon the said Railway, and shall pass through or by any such Stop Gate or other Gate or Toll House aforesaid, and before such Cows and horned or neat Cattle shall be permitted to pass through or by the same, any Sum not exceeding Two-pence each :

For all Swine and Sheep any Sum not exceeding Fifteen-pence *per* Score :

And for all Waggon and Carriages carrying Persons for Hire upon or along the said Railway any Sum not exceeding Two-pence *per* Mile for each Passenger or Person so travelling in such Waggon or Carriage upon or along the said Railway.

LXV. And be it further enacted, That within One Calendar Month after any Toll Gate shall be erected by virtue of this Act the said Company or their said Directors shall and they are hereby required to put up or cause to be put up, and afterwards to be continued, at every such Toll Gate, a Table painted in distinct and legible Black Letters on a Board with a White Ground, containing at the Top thereof the Name of the Gate at which the same shall be put up, and also a List of all the Tolls payable at every such Gate, distinguishing the several Tolls to be paid by virtue of this Act, and to renew such Boards whenever any of the Letters or Figures thereof shall be worn out, defaced, or obliterated, and also a List of the several Gates which shall be cleared by the Payment of Toll at the Toll Gate or Bar where such Table of Tolls shall be affixed ; and in case there shall at any Time or Times be more than one Gate, the said Company shall also provide Tickets denoting the Payment of Toll, and on such several Tickets shall be named and specified the Name of the Gate at which the same respectively shall be delivered, and also the Names of the several Gates freed by such Ticket, One of which Tickets shall be delivered *gratis* to the Person paying the Toll ; and on the Production of such Ticket at any Gate or Gates therein mentioned to be cleared as aforesaid by the Payment of the Toll at the Gate where such Ticket was delivered, the Person producing Company to put up a Table of Tolls.



ducing the same shall pass through the Gate or Gates therein mentioned without paying any further additional Toll.

Tolls only payable while Board remains.

LXVI. Provided always, and be it enacted, That it shall not be lawful for the said Company to demand or take, or cause to be demanded or taken, any Tolls for or in respect of any Passenger, Horse, Mule, Ass, or other Beast, at any Toll Gate, but for and during such Time as the Board so painted as aforesaid shall remain affixed at such Toll Gate.

Collector of such Tolls to deliver Tickets.

LXVII. Provided always, and be it further enacted, That the Collector or other Person appointed by the said Company to receive the said last-mentioned Tolls shall on Payment thereof give or deliver to the Person or Persons paying the same a Ticket specifying the Day when and the Number of Horses or other Beasts or Cattle, and of Persons travelling, for which the same shall be paid; and that such last-mentioned Tolls shall not be demanded or taken or be payable more than once in any one Day upon such Line of Railway (to be computed from Twelve of the Clock at Night to Twelve of the Clock in the succeeding Night) for the same Horse, Mule, Ass, Cow, or horned or neat Cattle, Pigs, Sheep, or other Beast, or Passenger, which shall pass or repass through or by all or any of the Stop Gates or other Gates or Toll Houses to be erected upon or across such Railway, so that the Person or Persons who shall be travelling with or attending such Horse, Mule, Ass, or horned or neat Cattle, Pigs or Sheep, or other Beast, Waggon, or Carriage, do and shall produce to the Collector or other Person appointed by the said Company to receive such Tolls at every such Stop Gate or other Gate or Toll House through or by which the same shall pass or repass (if demanded) the Ticket which he or they have received at the Stop Gate or other Gate or Toll House on the same Railway at which he or they shall have already paid such Toll.

Power to reduce the Tolls.

LXVIII. And be it further enacted, That it shall be lawful for the said Company of Proprietors from Time to Time, and as often as they shall think fit, to lessen, reduce, and vary the Rates, Tolls, and Duties granted by this Act for or in respect of all or any of the Articles or Things hereinbefore specified or mentioned, which shall be conveyed upon the said Railway or Tram Road or any Part thereof, and again to raise, advance, and vary the same, so as not at any Time to exceed the respective Amounts hereinbefore set forth and authorised to be collected; provided that the Consent of Proprietors of Twenty-five of the Shares in the said Railway or Tram Road be first given, and not otherwise, to such Reduction, Variation, or Advance, as the Case may be.

What Quantity of Goods shall be deemed a Ton.

LXIX. And for the better ascertaining the Tonnage of Stone, Timber, and other Goods to be charged with the Payment of such Rates as aforesaid, and the Contents or Burthen of the Waggon or other Carriages carrying and conveying such Stone, Timber, and other Goods, Matters, and Things on the said Railway; be it further enacted and declared, That One hundred and twelve Pounds shall for the Purposes of this Act be deemed, rated, or estimated as for One



One Hundred Weight, any Usage to the contrary notwithstanding; and if any Difference shall arise between any Collector of the said Rates and the Owner or other Person having the Care or Charge of any Waggon or other Carriage, or the Owner of any Goods, Wares, Merchandize, or other Things loaded therein, concerning the Weight or Quantity of the Goods, Wares, Merchandize, or other Things therein contained, 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, Wares, and Merchandize, or other Things as shall be therein contained; and in case the same shall upon such weighing, measuring, and gauging appear to be of greater Measure, Weight, or Quantity than the Account given thereof by such Owner or other Person, then the Owner or other Person giving such Account shall pay the Costs and Charges of such weighing, measuring, and gauging, all which Costs and Charges, upon Refusal of Payment thereof upon Demand, shall and may be recovered and levied in the same Manner as the said Rates are hereby appointed to be recovered and levied; but if such Goods, Wares, Merchandize, or Things shall appear to be of the same or less Weight or Quantity than the Account given thereof by the said Owner or other Person, then the said Collector shall pay the Costs and Charges for such weighing, measuring, and gauging, and shall also pay such Owner or other Person, or to the Owner or Owners of such Goods, Wares, and Merchandize or other Things, such Damages as shall appear to any Justice of the Peace for the Counties of *Hereford* or *Monmouth*, upon the Oath of any credible Witnesses (which Oath the said Justice is hereby empowered and required to administer), to have arisen from such Detention; and in Default of the immediate Payment thereof the same shall be recovered from the said Company by Distress and Sale of the Goods and Chattels of the said Company, by Warrant under the Hand and Seal of such Justice, rendering the Overplus, if any, upon Demand, after deducting the Costs and Charges of such Warrant, Distress, and Sale, to the said Company.

In case of Difference concerning the Weight, Collector may weigh them.

LXX. 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 of the said Company to be held as hereinbefore is directed, to make such Bye-law or Bye-laws for ascertaining and fixing the Price or Sum or Sums of Money 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 to 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 Stop Gate or Toll House on the said Railway or Tram Road, in some conspicuous Part there, a Table painted in large and legible Characters, containing a 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 or Prices, Sum and Sums of Money so allowed to be taken for the Carriage of all and every such Parcel and Parcels

Company empowered to regulate and fix the Price of small Parcels not exceeding Five Hundred Weight.

[*Local.*]

31 L

not



Persons demanding more, subject to Penalty.

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 and upon all Persons whomsoever.

Company empowered to lease the Rates.

LXXI. And be it further enacted, That it shall be lawful for the said Company, and they are hereby authorised and empowered, at any of their General Meetings, by Writing under their Common Seal, at any Time or Times to let to farm the Rates and Tolls hereby made payable, or any Part or Parts thereof, or the Whole or any Part or Parts of the said Railway, 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 all such Person or Persons as such Lessee or Lessees shall appoint to collect and receive the Rents and Tolls so let, shall, during the Continuance of any such Lease, be deemed Collectors of the Rates so let, but for the proper Use of such Lessee or Lessees, and shall have the same Power and Authority for collecting and recovering the same as if they had been appointed for that Purpose by the said Company of Proprietors; provided public Notice of the Intention to let the said Rates and Tolls or any Part thereof be given in Writing by the said Committee, or by the Clerk to the said Company, by Advertisement published in some Newspaper usually circulating in the Counties of *Monmouth* and *Hereford*, at least Three Weeks prior to any such General Meeting at which the said Rates and Tolls or any Part thereof are proposed to be let as aforesaid.

Recovery of Rates.

LXXII. And be it further enacted, That the Rate of Tonnage herein authorised and demanded to be taken shall be paid to such Person or Persons, at such Place or Places at, upon, or near the said Railway or Tram Road, in such Manner and under such Regulations, as the said Company of Proprietors at some General or Special Meeting or Meetings 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 may, and he or they is or are hereby authorised 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 if such Goods shall not be redeemed



redeemed within Five Days next from the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

LXXIII. And be it further enacted, That if any Person or Persons shall fraudulently carry or convey any Article or Thing 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 said Counties of *Monmouth* or *Hereford*, 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 Ten Shillings, 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.

Penalty on  
Persons  
evading Pay-  
ment of the  
proper Tolls.

LXXIV. 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 by 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 said Counties of *Monmouth* or *Hereford*, who upon Application made to him or them for that Purpose shall examine the said Matter upon Oath of the Parties or other Witness or 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 Nonpayment 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.

Dispute  
about the  
Amount of  
Tolls, how to  
be settled.

LXXV. And be it further enacted, That every Collector of the said Rates, Tolls, or Duties shall and he is hereby required to place his Christian and Surname painted on a Board in legible Characters in the Front or some other conspicuous Part of the Wharf, Stop Gate, or Toll House, immediately on his coming on Duty, each of the Letters of such Name or Names to be at least One Inch in Length and of a Breadth in Proportion, and painted either in White Letters on a Black Ground, or Black Letters on a White Ground, and shall continue the same so placed during the whole Time he shall be upon Duty; and if any Collector of the same Rates, Tolls, or Duties shall not place such Board as aforesaid, and keep the same there during the Time he shall be such Collector as aforesaid, or shall demand or take a greater or less Rate, Toll, or Duty from any Persons than he shall be authorised to do by virtue of the Powers of this Act, or of the Orders and Regulations of the said Company made in pursuance thereof, or shall refuse to permit or suffer, or shall in anywise hinder any Person or Persons from reading the Inscriptions on the Board

For regu-  
lating Toll  
Collectors.

to



to be affixed and placed as aforesaid, or either of them, as shall refuse to tell his Christian or Surname to any Person or Persons who shall demand the same on having paid the said Rates, Tolls, or Duties, or any of them, or shall in Answer to such Demand give a false Name or Names, or upon the legal Toll being paid or tendered, shall unnecessarily detain, or wilfully obstruct, hinder, or prevent any Passenger or Passengers from passing through any Stop Gate or Toll Gate, or shall make use of any scurrilous or abusive Language to any Treasurer, Clerk, Surveyor, or other Officer, or any Person or Persons passing on the said Railway; then and in every such Case every such Toll Collector shall forfeit and pay for every such Offence any Sum not exceeding Forty Shillings.

Power to re-  
enter on  
Nonpay-  
ment of Rent  
for Tolls.

LXXVI. And be it further enacted, That in case all or any of the Tolls or Duties arising by virtue of this Act shall demise or let to farm to any Person or Persons in any Manner whatsoever, and the Lessee or Lessees, Farmer or Farmers thereof, shall neglect or refuse to perform the Terms and Conditions on which the same shall be so demised or let; or in case the Rent or Rents agreed to be paid by such Lessee or Lessees, Farmer or Farmers, or any Part or Instalment thereof shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease, Agreement, or Contract for demising or letting the same Tolls or Duties; or in case any temporary or other Collector of the said Tolls or Duties shall be discharged from his Office by virtue of this Act, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family or other Representatives of any Collector who shall die, abscond, absent himself, or be discharged, or any other Person or Persons, shall refuse to deliver up the Possession of any Toll House or Toll Houses, Weighing Machine or Weighing Machines, or other Building or Buildings, with the Garden and other Appurtenances thereto respectively belonging, to be erected, built, constructed, or set up by virtue of this Act, for the Space of Three Days after Demand thereof made in Writing given or left at such Toll House, Weighing Machine, or Building, or any One of such Toll Houses, Weighing Machines, or Buildings, which shall be or have been in the Possession or Occupation of such Collector or other Person or Persons, such Demand in Writing to be signed by the Clerk or Treasurer for the Time being of the said Company of Proprietors; or in case any such Lease, Agreement, or Contract shall in any other Manner become void; then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace for the said Counties of *Monmouth* or *Hereford*, upon Application made by the said Clerk or Treasurer for the Time being of the said Company of Proprietors, by Warrant under their respective Hands and Seals, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take Possession of every or any such Toll House, Weighing Machine, or other Building, with the Garden and all other the Appurtenances thereto belonging, and to remove and put such Lessee or Lessees, Farmer or Farmers, or other the Person or Persons who shall be found therein, together with his, her, or their Goods, from and out of the



the same and the Possession thereof, and from the Collection of such Tolls and Duties, and to put the said Company or Proprietors or any One of them, or their new Lessee, Farmer, or Collector, Lessees, Farmers, or Collectors, into the Possession thereof; and thereupon it shall be lawful for the said Company, if they shall see fit, to vacate and determine the Lease, Contract, or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes, save as to the Covenants and Agreements for Payment of the Rent or Rents thereby reserved, or other unperformed or broken Obligations, Covenants, or Agreements on the Lessee's Part, as if such Lease, Contract, or Agreement had never been made; and it shall be lawful for the said Company in every such Case again to demise or let to farm the said Tolls and Duties to any Person or Persons, or cause them to be collected in such and the same Manner as if no former Demise, Contract, or Agreement had been made relative thereto.

LXXVII. 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 and 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 Twenty Shillings for every Ton of Goods and other Things, and so in proportion for any less Quantity than a Ton, which shall be in such Waggon or other Carriage, of which such Account shall be so refused to be given, or which shall be fraudulently delivered out as aforesaid, as the Case shall happen to be, over and above the respective Rates, Tolls, and Duties directed to be paid for the same by virtue hereof.

Owners of Waggon to give an Account in Writing of Lading.

LXXVIII. And be it further enacted, That the Owner or Owners of every 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, or Black Letters on a White Ground, Two Inches high at the least and of a proportionate 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, when-

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

[*Local.*]

31 M

ever



ever 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 conduct the same upon the said Railway or Tram Road, without having such Waggon or other Carriage previously gauged, weighed, and measured, or without having such Names and Figures thereon respectively as hereinbefore directed, or who shall alter, erase, or deface such Names and Figures or any of them or any Part thereof, or shall fix thereon any false Name or Figure, 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 Forty Shillings.

Owners of  
Waggons to  
be account-  
able for Da-  
mage done  
by their  
Servants.

LXXIX. 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, she, and they is and are hereby respectively made answerable for any Trespass, Damage, Spoil, or Mischief that shall be done by his, her, or their Waggon or other Carriage, or 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, or 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 One Justice of the Peace for either of the said Counties, either by the Confession of the Party or Parties offending, or upon the Oath or Oaths of One or more credible Witness or Witnesses (which Oath or Oaths such Justice is hereby empowered and required to administer), pay the Person or Persons injured the Damages to be ascertained by such Justice, provided that such Damages do not exceed the Sum of Twenty Pounds, and also shall, over and above such Damages, forfeit and pay to the Informer any Sum not exceeding Forty Shillings, and all the Costs, Charges, and Expences attending such Conviction; which Damages, Penalties, and Costs, shall be levied by Distress and Sale of the Goods and Chattels of the Owner or Owners of any such Waggon or other Carriage, by Warrant or Warrants under the Hand and Seal of such Justice, and the Overplus (if any), after such Penalty, Damages, and the Costs and Charges of such Distress and Sale are deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels; or if the Damages shall exceed the Sum of Twenty Pounds, then and in such Case the Owner or Owners of such Waggon or other Carriage may be sued and 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 the same Railway or Tram Road shall be compelled to make any Satisfaction for any Damages by reason of any wilful Act, Neglect, or



or Default of his, her, or their Servant or Servants or Waggoners, then and in such Case every such Servant or Waggoner shall be liable to repay such Satisfaction for Damages, with the Costs attending the same, to such Owner or Owners; and in case of Nonpayment thereof on Demand, the same shall be recovered in like Manner as any Penalty can or may by virtue of this Act be recovered.

LXXX. 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 extend 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 Five 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 Five Pounds.

Penalty on Persons obstructing the Passage of Waggons.

LXXXI. And be it further enacted, That if any Person shall wilfully and maliciously, and to the Prejudice of the said Undertaking, break, throw down, destroy, steal, carry, 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 be thereof lawfully convicted, such Person shall be subject and liable to the like Pains and Penalties as in Cases of Felony; and the Court by and before whom such Persons shall be tried and convicted shall have Power and Authority to cause such Person to be transported for the Term of Seven Years, or in Mitigation of such Punishment such Court may, if they think fit, award such Sentence as the Law directs in Cases of Larceny.

Penalty on destroying Works.

LXXXII. And be it further enacted, That it shall be lawful for the said Company from Time to Time to make such Rules, Orders, and Regulations as they shall think proper for or relating to Waggons or other Carriages passing along or using the said Railway or Tram Road and other Works; and all such Rules, Orders, and Regulations shall be binding upon and be conformed to by the Owners or Persons having the Care or Conduct of such Waggons or other Carriages, upon pain of forfeiting a Sum not exceeding Forty Shillings for every Default.

Company to regulate the Passage on the Railway.

LXXXIII. Provided always, and be it further enacted, That neither the said Company of Proprietors, nor any Person or Persons whomsoever, shall be subject or liable to pay to the Trustees of any Turnpike Road

The Company not liable to pay Toll to the Road



Trustees of  
any Turn-  
pike Road.

Road or Roads any Toll whatsoever for any Waggons, Carts, Teams, or Carriages when passing and repassing upon the said Railway or Tram Road, or upon any Part thereof, or for the Horses, Mules, or Cattle when employed in drawing the same thereon, notwithstanding any such Waggons, Carts, Teams, or Carriages, Horses, Mules, or Cattle, shall or may pass or repass across any such Turnpike Road or Roads, any Law or Statute to the contrary notwithstanding.

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

LXXXIV. And be it further enacted, That the said Company of Proprietors shall, at their own Expence, Costs, and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates in and upon the said Railway or Tram Road, and also all Bridges, Arches, Culverts, Fences, 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 any Two or more Justices of the Peace for the said Counties of *Monmouth* or *Hereford* 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 or Occupiers of the Lands or 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 the 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, Fences, Ditches, Drains, and Passages so to be made as aforesaid shall from Time to Time, and at all Times hereafter, 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, Fences, Ditches, Drains, and Passages as hereinbefore directed, or to maintain and support the same, or any of them when erected, set up, and made in Manner aforesaid; for the Space of Twenty 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 any Lands, Tenements, 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, Fences, Ditches, Drains, and Passages, as the said Justices shall have before directed or appointed to be made, erected, and set up as aforesaid, and to maintain, repair, and support the same from Time to Time as Occasion shall require, so that in making and maintaining such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, the said Railway or Tram Road, Buildings, and other Things hereby authorised 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, Tenements, and Hereditaments, who shall have so erected and made, repaired or maintained such Gates, Bridges, Arches, Culverts, Fences, Ditches, Drains, and Passages as aforesaid, by the said Company of Proprietors, within the Space of Ten Days



Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company of Proprietors; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Justices shall and they are hereby required, by Warrant under their Hands and Seals, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company of Proprietors, for the Use of such Person or Persons 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.

LXXXV. 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, Fences, Drains, and Passages respectively, which the said Justices shall have so directed or appointed to be made by the 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 in case of their Refusal for the Space of Twenty-one 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, Fences, 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 any other Manner than the same would necessarily have been if such Gates, Bridges, Arches, Culverts, Ditches, Fences, Drains, and Passages had been made or erected by the said Company of Proprietors.

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

LXXXVI. And be it further enacted, That it shall be lawful for the Owners or 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

Owners and Occupiers to pass across Railways without Payment of Tolls.

[*Local.*]

31 N

Grounds



Grounds respectively, and also along such Railway or Tram Road as far as the Lands in their respective Occupations shall extend, for the Purpose of occupying and tilling the same, such Person or Persons not damaging or obstructing the same, or the Passage thereof, without Payment of any Toll or Tonnage for the same, provided that they shall not pass along any other Part of the said Railway or Tram Road.

Passage  
upon Rail-  
way to be  
free on Pay-  
ment of  
Rates.

LXXXVII. 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 or Tram Road 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 hereinafter 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 Six 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 Ten in the Evening during the Months of *May, June, July, and August*, in every Year.

No Waggon  
to pass un-  
less con-  
structed as  
directed by  
the Com-  
pany.

LXXXVIII. 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 upon such Railway or Tram Road for the collecting of the Rates and Tolls by this Act imposed, (except in crossing or passing along the said Railway or Tram Road for the convenient Occupation of the adjacent Grounds, or in passing any public or private Carriage Road which may happen to cross the said Railway or Tram Road; and if any Person or Persons whomsoever shall pass along or upon any Part of the said Railway or Tram Road with any Waggon or other Carriage not constructed in the Manner hereinbefore directed or referred to (except as aforesaid), he, she, or they so offending shall for every such Offence forfeit to the said Company any Sum not exceeding Forty Shillings.

For fencing  
off Railway  
and making  
Bridges.

LXXXIX. And be it further enacted, That the said Company shall at their own Costs divide and separate and keep constantly divided and separated the said Railway from the adjoining Lands or Grounds, by Posts, Rails, Hedges, Ditches, Trenches, Banks,  
or



or other Fences sufficient to keep off Sheep and other Cattle, the same to be set out and made on the Lands or Grounds which shall be purchased by, conveyed to, or vested in the said Company as aforesaid; and the said Company shall at their own proper Costs and Charges from Time to Time maintain and support the said Posts, Rails, Hedges, Ditches, Trenches, Banks, and other Fences so set up and made as aforesaid, and also shall, at their own like Costs and Charges, make, erect, and set up, and from Time to Time maintain and support, such and so many convenient Gates, Bridges, Passages and Stiles in, over, and through all the Hedges and Fences to be by them so made on the Side of such Railway as aforesaid as the said Commissioners shall at any Time at their Public Meetings from Time to Time judge necessary and appoint, in case there shall be any Dispute about the same, for the Use of the said Owners and Occupiers of the Lands and Grounds or Hereditaments adjoining to such Railway or other Works or any of them respectively, and of all Persons who now have or hereafter may have a Right to any Way over or through the Lands or Grounds which shall be used for making the said Railway and other Works; and that the said Company shall also make such proper and convenient Watering Places for Cattle, where by means of the said Works hereby authorised to be made Cattle shall have been deprived of the Watering Places which they were heretofore accustomed to drink and water at, and at all Times supply the same with Water in such Manner as any Justice of the Peace for the Counties of *Monmouth* or *Hereford*, in case of any Dispute about the same, shall direct; and also that the said Company shall, whenever the Works to be made in pursuance of this Act shall interfere with any River or Watercourse heretofore used for watering the Farms or Grounds contiguous or adjoining thereto, convey and secure the same Water in such Manner that the Enjoyment thereof may be continued to such Farms and Grounds in as ample and beneficial a Manner as the same has been heretofore used and accustomed; and all such Gates, Stiles, Bridges, Arches, Passages, and other Works and Conveniences so to be made as aforesaid, shall from Time to Time and at all Times hereafter be supported, maintained, and kept in sufficient Repair by the said Company; and in case the said Company or their Agent shall refuse and neglect to divide and separate and to keep divided and separated the said Railway in Manner hereinbefore directed, or to maintain and support such Gates and Stiles when erected and set up, or such Bridges, Arches, Passages, and other Works as aforesaid, or to make such Watering Places for Cattle as hereinbefore directed, for the Space of Twenty Days next after the Time to be appointed for these Purposes by the said Justice of the Peace, or after Notice shall be given by or on Behalf of the Owners or Occupiers of any such Lands or other Hereditaments who may be aggrieved by any such Refusal or Neglect, then and in every such Case it shall be lawful for any or every of the Owners or Occupiers of the said adjacent Lands, Grounds, or Hereditaments, who shall find himself, herself, or themselves aggrieved by such Refusal or Neglect, to make, erect, and set up all such Fences, Gates, Stiles, Bridges, Arches, Culverts, Passages, Watering Places, and other Conveniences, as the said Justice of the Peace shall have before directed or appointed to be made and set up by the said Company



Company 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, Passages, Watering Places, and other Works as aforesaid, the said Railway shall not be stopped or injured for any longer Space of Time or in any other Manner than shall be absolutely necessary for the doing thereof; and all the reasonable Costs and Charges thereof (to be settled and allowed by the said Justice of the Peace) shall be repaid to the respective Owners or Occupiers of the said adjacent Lands, Grounds, or other Hereditaments, who shall have so erected and made, repaired or maintained, such Gates, Bridges, Arches, Culverts, Passages, Watering Places, and other Works as aforesaid, by the said Company, within the Space of Ten Days next after the same shall have been so settled and allowed, and an Account and Demand in Writing shall have been delivered and made thereof to and from the said Company or any of their Clerks for the Time being; and in Default of Payment of the said Costs and Charges within the Time aforesaid, the said Justice of the Peace shall and he is hereby required, by Warrant under his Hand and Seal, to levy the said Costs and Charges by Distress and Sale of any of the Goods and Chattels of the said Company, which shall be found in or upon the said Railway, or the Wharfs or Warehouses adjoining or near to the same belonging to the said Company, to be applied to and for the Use of such Person or Persons who shall have so incurred such Costs and Charges as aforesaid, rendering to the said Company or to some of their known Agents or Collectors, the Overplus (if any), after deducting the reasonable Charges of making such Distress and Sale, to be settled by the said Justice; and every or any of the said Owners or Occupiers, upon Refusal or Neglect of the said Company to pay the said Costs and Charges as aforesaid, shall and may also have such and the like Remedy against the said Company for the Recovery thereof by Action at Law, to be commenced and prosecuted in such Manner as in other Cases is in and by this Act directed.

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

XC. 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, she, 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 Twenty Shillings, to be levied and recovered as hereinafter mentioned; and the Money arising from such Forfeiture or Forfeitures shall be applied in the Manner following, that is to say, One Moiety thereof shall be paid to the Informer, and the Residue thereof to the Poor of the Township or Parish where such Offence shall be committed.

Allowing the Owners of Land to make Branches.

XCI. And be it further enacted, That it shall and may be lawful for the Owners and Occupiers of the respective Lands or Grounds lying adjoining or near to the said Railway or Tram Road, or any other Person or Persons whomsoever, to lay down, either upon their own Lands or upon the Lands of other Persons, with the Consent of such other Persons, any collateral Branch or Branches from their respective Lands or Grounds to communicate with the said Railway or Tram Road, or for



for making at their own Expence such Openings in the Ledges or Flanches of the said Railway or Tram Road as may be necessary and convenient for effecting such Communication; provided such collateral Branch or Branches, if made from a Point at a lower Level than the said Railway or Tram Road, shall be made on a level Line without any Fall, and if made from a Point at a higher Level than the said Railway or Tram Road, then that the said Branch or Branches shall join the said Railway or Tram Road in a direct Line, if that can be done, without a Fall exceeding Twenty-four Inches in a Chain, or if not, then at the nearest Point to the said Railway or Tram Road, taking a Fall not exceeding Twenty-four Inches in a Chain; and the said Company shall not receive any Tonnage for the passing of any Goods or other Things along such Branch or Branches so to be made by any Owner or Occupier or Person or Persons as aforesaid.

XCH. 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 any 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, Weigh Beams, or Warehouses in or upon his, her, or their respective Wastes, Lands, or Grounds adjoining to 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, Weigh Beams, and Warehouses respectively shall be and the same are hereby accordingly vested in the Lord or Lady, Lords 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.

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

XCH. And be it further enacted, That if any such Lord or Lords, Lady or Ladies, Owner or Owners, 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 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 or 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 *Monmouth* shall think

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



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 Houses or other Buildings stand, or a Garden, Orchard, Yard, Park, planted Walk, or an Avenue to a House (except as hereinbefore mentioned or referred to), 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, agreeably to such Notice to be delivered as aforesaid.

Compensation to be made for Lands taken for Wharfs.

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

Regulations respecting private Wharfs.

XCV. And be it further enacted, That nothing herein contained shall authorise or empower the said Company of Proprietors, or any other Person or Persons, to make use of any Wharfs, Quays, Landing Places, Cranes, Weigh Beams, or Warehouses, which shall be set out, erected, or made by the Lord or Lords, Lady or Ladies of any Manor, or the Owner or Owners of any Lands or Grounds adjoining or near to the said Railway or Tram Road, for his, her, or their 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.

Wharfinger not to give Preference.

XCVI. 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 show any Partiality in loading and unloading any Goods or other Things at any of the Wharfs, Warehouses, Weigh Beams, Cranes, or other Machines belonging to the said Company of Proprietors, any Person so offending shall forfeit and pay any Sum not exceeding Five Pounds.

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

XCVII. And be it further enacted, That no more than the Sum of Two-pence *per* Ton shall be demanded or taken by any such Lord or Lords, Lady or Ladies, 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, Iron Stone, Lead Ore, or any other Ores, Timber, Stone, Brick, Tiles, Slates, Gravel, or other Things; nor more than Four-pence for the warehousing of every Package not exceeding Fifty-six Pounds; nor more than Sixpence for the warehousing of every



every Package above Three hundred Pounds Weight, and not exceeding Six hundred Pounds Weight; and not more than Eight-pence *per* Ton for the warehousing any Package exceeding One thousand Pounds Weight, which shall be respectively placed upon any of the Wharfs or Warehouses hereby authorised 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 One Month; 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 Two-pence *per* Ton for Wharfage and Four-pence *per* Ton for warehousing for the next Seven Days, and the like Sum of Two-pence or Four-pence respectively *per* Ton for every further Seven Days which such Articles shall remain upon such Wharfs, Quays, or Warehouses, after the Expiration of the said first-mentioned One Month; 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 Six Calendar Months after they shall have received Notice in Writing for that Purpose from the said Company of Proprietors, or when so erected, shall neglect or refuse to keep the same in repair; any thing in this Act contained to the contrary thereof notwithstanding.

XCVIII. 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 authorised 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 authorised 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.

XCIX. And be it further enacted, That in all Cases where it may be necessary or requisite for any Person or Persons, Party or Parties, to serve any Notice or Notices, or any Writ or Writs, or other legal Proceedings upon the said Company, Service thereof respectively upon any One of the Members of the said Committee, or left at his last or usual Place of Abode, or upon the Clerk of the said Company, or left at the Office of such Clerk, or at his last or usual Place

Company  
may contract  
for the  
Works.

Service of  
Notices on  
Company.



Place of Abode, or at the Office of the said Company; or in case the same respectively shall not be found or known, then Service upon any other Agent of or Officer employed by the said Company, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

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

C. 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 Accidents) within the Space of Five Years, to be computed from the passing of this Act, then from and after the Expiration of the said Term of Five Years all the Powers, Authorities, and Privileges given by this Act shall cease and determine, save only and except as to so much (if any) of the said intended Railway or 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 the said Counties of *Monmouth* or *Hereford* assembled at any Quarter Sessions of the Peace to be holden in and for the said Counties, at any Time before the Expiration of the said Term of Five Years, or within Six Calendar Months next after the Expiration thereof, upon the Evidence of One or more Witness or Witnesses upon Oath, to be produced before them for that Purpose.

Provision for Deficiencies of Land Tax.

CI. And whereas by reason of taking down Houses and Buildings, and making Alterations in pursuance of this Act, there may be Deficiencies in the Assessments for Land Tax in the several Parishes herein mentioned; be it therefore enacted, That for preventing the same the said Company shall from and after the said Company shall become seised and possessed of any Premises charged with the Land Tax, and until the Works hereby authorised to be made shall be completed and assessed to such Land Tax, (unless the said Company shall think fit to redeem the same, under the Powers of the Acts for the Redemption of the Land Tax,) be subject and liable from Time to Time to pay and make good to or in aid of any such Parish, out of the Monies to arise by virtue of this Act, all such Sum and Sums of Money as shall be deficient in the said several Assessments for Land Tax within such Parish, by reason or means of taking down or using for the Purposes of this Act any Houses, Buildings, or Premises liable to such Assessments, according to the Rental at which the same were valued or rated at the Time of passing this Act; and the Treasurer, Collector, or Receiver to be appointed under this Act shall be and is hereby authorised and required to pay all such Assessments on Demand thereof to the Collector or Collectors of the Land Tax Assessments.

Damages and Charges, in Cases of Dispute, to be settled by Justices.

CII. And be it further enacted, That where by this Act any Damages or Charges are directed or authorised to be paid or recovered in addition to any Penalty or Penalties for any Offence or Offences, the Amount of such Damages or Charges, in case of Dispute respecting the same, shall be settled, ascertained, and determined by the Justice or Justices of the Peace by or before whom any Offender shall be convicted of any such Offence or Offences, who is hereby authorised and required, on Nonpayment thereof, to levy such Damages or Charges



Charges by Distress and Sale of the Offender's Goods and Chattels, in Manner hereby directed for levying of any Penalties or Forfeitures.

CIII. And be it further enacted, That when and so often as any Sum or Sums of Money shall be directed or ordered to be paid by any Justice or Justices of the Peace, in pursuance of this Act, as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Company, or any Person or Persons acting by or under their Authority, and such Sum or Sums of Money shall not be paid by the said Company to the Party or Parties entitled to receive the same within Ten Days after Demand in Writing shall have been made from the said Company in pursuance of the Direction or Order made by such Justice or Justices, and in which Demand the Order of such Justice or Justices shall be stated, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels vested in the said Company by virtue of this Act, or of the Goods and Chattels of their Treasurer for the Time being, under a Warrant to be issued for that Purpose by such Justice or Justices; which Warrant any such Justice or Justices is and are hereby authorised and required to grant under his Hand and Seal or their Hands and Seals, on Application made to him or them for that Purpose by the Party or Parties entitled to receive such Sum or Sums of Money as or by way of Compensation or Satisfaction for any such Materials, Costs, Damages, Spoil, or Injury as aforesaid; and in case any Overplus shall remain after Payment of such Sum or Sums of Money, and the Costs and Expences of hearing and determining the Matter in Dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned on Demand to the said Company, or to their Treasurer for the Time being, as the Case may be; provided always, that it shall be lawful for such Treasurer to retain out of any Monies which he shall have received or shall receive in pursuance of this Act all such Damages, Costs, Charges, and Expences as he shall have sustained or be put unto by virtue of any such Warrant as aforesaid.

In case of Nonpayment of Compensation for Damages, &c. the same to be levied by Distress of the Goods of the Company or their Treasurer.

CIV. And be it further enacted, That all Penalties and Forfeitures for all and every the Offences in this Act mentioned, in relation to which the Manner of convicting the Offenders is not particularly mentioned or directed, or against any Rules, Bye-laws, or Orders made in pursuance of this Act, shall be adjudged by and recovered before any Justice or Justices of the Peace for the said Counties of *Monmouth* or *Hereford* in a summary Way, who is and are hereby authorised and empowered to convict the Offender or Offenders upon the Oath of any credible Witness or Witnesses, or on the Confession of the Party offending, (which Oath such Justice is hereby authorised to administer); and in Default of Payment of such Penalties or Forfeitures the same shall be levied by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of such Justice or Justices, rendering the Overplus (if any), on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the remaining Charges of such Distress and Sale being first deducted); and One

Recovery and Application of Penalties.

[*Local.*]

31 P—Q

Moiety



Moiety of the Penalties and Forfeitures when recovered shall be paid to the Informer, and the other Moiety thereof shall be paid to the Treasurer of the said Company of Proprietors, for the Use and Benefit of the said Company; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorised and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justice or Justices for his, her, or their Appearance before such Justice or Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day or Days not being more than Five Days from the taking of any Security), and which Security the said Justice or Justices is and are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no such Distress can be had thereupon, or in case it shall appear to the Satisfaction of any such Justice, upon the Confession of the Offender or Offenders, or otherwise, that he, she, or they hath or have not sufficient Goods and Chattels whereupon such Penalties, Inflictions, Costs, and Expences can be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress; and thereupon it shall be lawful for such Justice or Justices of the Peace, and he and they is and are hereby authorised and required, by Warrant under his or their Hand and Seal or Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County or Place where such Offence shall be committed, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty or Forfeiture shall be sooner paid and satisfied.

Justices may proceed by Summons in the Recovery of Penalties.

CV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall and may be lawful for any Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing was exhibited.

Persons aggrieved by Irregularity in Distress to recover Damages.

CVI. 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 Proceedings 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



grieved by such Irregularity shall and may recover full Satisfaction for the Special Damage in an Action upon the Case.

CVII. And whereas Persons guilty of Offences against this Act may be transient Persons, unknown to the Collectors, Surveyors, and other Persons under this Act; be it further enacted, That it shall and may be lawful to and for the said Collectors and Surveyors and other Officers respectively to seize and detain any such unknown Person or Persons guilty of any Offence against this Act, and to convey him, her, or them before any One or more of the Justice or Justices of the Peace for the said Counties of *Monmouth* or *Hereford*, without any Warrant or Authority than this Act for so doing; and such Justice or Justices of the Peace respectively is and are hereby respectively empowered and directed to proceed immediately to the Conviction or Acquittal of such Offender or Offenders.

For securing  
transient  
Offenders.

CVIII. And for the more easy 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 any other Form to the same Effect, as the Case shall happen; that is to say,

‘ BE it remembered, That on the \_\_\_\_\_ Day of \_\_\_\_\_  
in the Year of our Lord One thousand \_\_\_\_\_ Form of  
Conviction.  
‘ eight hundred and \_\_\_\_\_ *A. B.* is convicted  
‘ before me, *C. D.* One of His Majesty’s Justices of the Peace for  
‘ the County of [*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 Seventh Year of the Reign of King George  
‘ the Fourth, intituled [*here set forth the Title of this Act*], for which  
‘ I [or we] do adjudge the said *A. B.* to [*here specify the Penalty, or*  
‘ *other Punishment*]. Given under my Hand and Seal the Day and  
‘ Year first above written.’

CIX. And be it further enacted, That any Person or Persons thinking 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 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 Three 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 said Company, as the Case may be,) and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned 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

Persons ag-  
grieved may  
appeal to  
the Quarter  
Sessions.



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 pursuance of such 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 judge 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 Process 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.**

CX. And be it further enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted against any Person or Persons, for any Thing done or to be done in pursuance of this Act, or in execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Fourteen Days previous Notice shall be given by the Person or Persons intending to commence and prosecute such Action, Suit, or Information, to the Defendant or Defendants, nor unless such Action, Suit, or Information shall be brought or commenced within Three Calendar Months next after the Fact committed, or in case there shall be a Continuation of Damages, then within Four 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 have Treble 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.

**Public Act.**

CXI. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such, by all Judges, Justices, and others, without being specially pleaded.

---

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN,  
Printers to the King's most Excellent Majesty. 1826.