



ANNO TERTIO

GULIELMI IV. REGIS.

Cap. lxx.

An Act for enabling the *Stratford and Moreton Railway Company* to make a new Branch of Railway to *Shipston-upon-Stour* in the County of *Worcester*.
[10th June 1833.]

WHEREAS an Act was passed in the First and Second Year of the Reign of His late Majesty King *George the Fourth*, intituled *An Act for making and maintaining a Railway or Tramroad from Stratford-upon-Avon in the County of Warwick to Moreton-in-Marsh in the County of Gloucester, with a Branch to Shipston-upon-Stour in the County of Worcester*; and by the said Act certain Persons therein named, and their Successors, were united into a Body Politic and Corporate by the Name and Style of “*The Stratford and Moreton Railway Company*,” for making, completing, and maintaining such Railway and Tramroad and Branch therefrom, and other Works necessary for carrying the Purposes of such Act into execution: And whereas an Act was passed in the Sixth Year of the Reign of His said late Majesty King *George the Fourth*, intituled *An Act to amend an Act passed in the First and Second Year of the Reign of His present Majesty, intituled ‘An Act for making and maintaining a Railway or Tramroad from Stratford-upon-Avon in the County of Warwick to Moreton-in-Marsh in the County of Gloucester, with a Branch to Shipston-upon-Stour in the County of Worcester,’ and for making further Provisions touching the same*; and

1 & 2 G. 4. c. 63.
6 G. 4. c. 168.

[Local.] 18 R by

by the said Act so much of the first-mentioned Act as relates to the making and maintaining of a collateral Branch from the said Railway or Tramroad to *Shipston-upon-Stour* aforesaid was repealed; and the said Company of Proprietors were by the said last-mentioned Act authorized and empowered, in lieu of the said Branch to *Shipston-upon-Stour* aforesaid, to make a new Branch Railway or Tramroad at or near a certain Turnpike Road in the Parish of *Stretton-on-the-Fosse* in the County of *Warwick*, and passing into, through, and out of the Townships, Parishes, or Places of *Stretton*, *Ditchford*, and *Shipston-upon-Stour*, and terminating at the Turnpike Road leading from *Shipston-upon-Stour* aforesaid to *Long Compton*: And whereas the said Company have made the said Railway from *Stratford-upon-Avon* to *Moreton-in-Marsh* aforesaid, but the said Branch to *Shipston-upon-Stour* aforesaid has not been commenced, and the Term of Ten Years from the passing of the said first-recited Act having expired, the Powers contained in the said last-mentioned Act, so far as they relate to the said Branch to *Shipston-upon-Stour*, have ceased and determined: And whereas a better and more convenient Line of Communication between the said Main Railway and *Shipston-upon-Stour* having been recently found, the said Company of Proprietors are desirous that the same should be adopted, and that the said proposed Branch should be made in the Situation and in manner herein-after mentioned: And whereas the Sum of Eight thousand nine hundred Pounds will be requisite and necessary to complete the said Branch Railway and the other Works and Conveniences appurtenant thereto, and it is proposed to raise the same upon Mortgage of the said Undertaking: And whereas the said several Purposes cannot be accomplished without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Acts passed in the First and Second and Sixth Years of the Reign of His said late Majesty King *George* the Fourth, and all and every the Powers, Provisions, Exemptions, Penalties, Forfeitures, Payments, Remedies, Matters, and Things therein respectively contained, (save and except such Parts thereof as are expressly varied, altered, or repealed,) shall respectively be as good, valid, and effectual for carrying this Act into execution as if the same had respectively been repeated and re-enacted in the Body of this Act.

Powers of
recited Acts
extended to
this Act.

Company
empowered
to make
Branch Rail-
way.

II. And be it further enacted, That it shall be lawful for the said Company of Proprietors, and they are hereby authorized and empowered, to make, complete, and maintain a new Branch Railway or Tramroad to *Shipston-upon-Stour* aforesaid, commencing from the Line of the Main Railway or Tramroad at or near the Nine and a Half Mile Post in the Hamlet of *Darlingscot* in the Parish of *Tredington* in the County of *Worcester*, and passing into, through, and out of the Hamlets, Townships, Parishes, or Places of *Longdon*, *Darlingscot*, *Tredington*, and *Shipston-upon-Stour*, and terminating in a certain Close in the Husbandman's End of *Shipston-upon-Stour* aforesaid called the *Brick-kiln Close*, and also to make, erect, execute, and perform all requisite Works, Matters, and Things for making and maintaining the said last-mentioned Branch

Branch Railway or Tramroad ; and the said Company shall have such Powers and Authorities, and be subject to such Provisions and Directions, in respect thereof, as are contained in the said recited Act of the First and Second Year of the Reign of His late Majesty King *George* the Fourth for and in respect of the Branch to *Shipston-upon-Stour* aforesaid in such Act mentioned, in the same Manner as if the same were enacted and declared in this Act.

III. And be it further enacted, That the Distance between the inside Edges of the said Branch Railway shall not be less than Four Feet, and the Distance between the outside Edges of the Rails thereof shall not be more than Five Feet Three Inches.

Prescribing the Width between the Rails of the Railway.

IV. And be it further enacted, That where the said Branch Railway shall cross any Turnpike Road or public Highway the Ledge or Flanch of such Branch Railway for the Purpose of guiding the Wheels of the Carriages thereupon shall not rise above nor sink below the Level of such Turnpike Road or public Highway more than One Inch : Provided always, that in case any locomotive or other Engine to be worked by the Power of Steam, or any other Power than that of Horses or other Cattle, shall be used upon the said Branch Railway, then and in such Case the said Branch shall be carried either over or under any such Turnpike Road by means of a Bridge or Tunnel, at the Expence of the said Company, and such Bridge, if any, shall be of such Construction as is herein-after mentioned.

Railway not to rise above or sink below the Level of Roads more than One Inch.

V. And be it further enacted, That where any Bridge shall be erected by the said Company for the Purpose of carrying the said Branch Railway over or across any Turnpike Road or public Carriage Road, the Span of the Arch of such Bridge shall be formed, and shall at all Times be and be continued, of such Width as to leave a clear and open Space under every such Arch of not less than Fifteen Feet, and of a Height from the Surface of such Turnpike Road or public Carriage Road to the Centre of such Arch of not less than Sixteen Feet, and the Descent under any such Bridge shall not exceed One Foot in Thirteen Feet.

As to Width and Height of Bridges for carrying Branch Railway over public Roads.

VI. And be it further enacted, That where any Bridge shall be erected for carrying any Turnpike Road or public Carriage Road over the said Branch Railway, the Road over such Bridge shall be formed and shall at all Times be continued of such Width as to leave a clear and open Space between the Fences of such Road of not less than Fifteen Feet, and the Ascent of every such Bridge for the Purpose of such Turnpike Road or public Carriage Road shall not be more than One Foot in Thirty Feet, and with respect to any private Carriage Road, not more than One Foot in Thirteen Feet ; and 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.

Regulating Ascent of Bridges for carrying public Roads over Railway.

VII. And be it further enacted, That the Map or Plan describing the Line of the said new Branch Railway or Tramroad, and the Lands in and through which the same is intended to be carried, together with the

Book

Plan and Book of Reference to remain with the Clerk of

the Peace,
and be open
to Inspection.

Limiting
Deviation
from Plan.

Uninten-
tional Errors
in the Plan
&c. not to
vitiate this
Act.

No Building
&c. to be
taken with-
out Consent,
except cer-
tain Premises
belonging to
D. and S.
Plumb, and
S. Parker.

Limiting
Period of
purchasing
Property.

Book of Reference thereto, containing the List of the Names of the Owners or reputed Owners and Occupiers of such Lands, deposited with the Clerk of the Peace of the County of *Worcester*, shall remain in his Custody, to the end that all Persons may at seasonable Times inspect and peruse the same, and take Copies thereof or Extracts therefrom, paying to the said Clerk One Shilling for each Inspection, and after the Rate of Sixpence for every One hundred Words of such Copies or Extracts from the said Book of Reference; and the said Map or Plan and Book of Reference, or true Copies thereof, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and the said Company of Proprietors, in making the said intended Branch Railway or Tramroad, shall not deviate more than One hundred Yards from the Course or Direction specified on the said Map or Plan, and set forth in the said Book of Reference.

VIII. Provided always, and be it further enacted, That no Advantage shall be taken of or against the said Company of Proprietors, or any Interruption be given to the making of the said Branch Railway or Tramroad and other Works hereby authorized to be made, on account of any Error or Omission in the said Plan and Book of Reference, in case it shall appear to any Two or more Justices of the Peace acting for the said County of *Worcester*, and be certified in Writing under their Hands, that such Error or Omission proceeded from Mistake only.

IX. Provided also, and be it further enacted, That nothing herein contained shall extend to authorize or empower the said Company of Proprietors, or any Person or Persons acting by or under their Authority, to take, use, injure, or damage, for the Purposes of the said Branch Railway or Tramroad or other Works, or for any other of the Purposes aforesaid, any House or other Building which was erected or built on or before the First Day of *January* One thousand eight hundred and thirty-three, or any Land or Ground which was then set apart and used as and for a Garden, Orchard, Yard, Paddock, Plantation, planted Walk, or Avenue to a House, or any inclosed Ground planted and set apart as a Nursery for Trees, without the Consent in Writing of the Owners or Proprietors thereof and Persons interested therein respectively, other than and except a certain Piece of Paddock and Garden Ground numbered Seventeen in the Plan herein-before referred to, with a Stable, Shed, or other Building thereon, the Property of *Daniel* and *Samuel Plumb*, and also except a Piece of Ground numbered One in the said Plan, the Property of *Samuel Parker*.

X. And be it further enacted, That if the said Company shall not within the Space of Three Years from the passing of this Act agree for and cause to be valued and paid for the Buildings or other Premises which they are empowered to purchase, or so much thereof as shall be deemed necessary for the Purposes of this Act, then and from thenceforth all the Powers which are hereby granted to them for such Purpose only shall cease and determine and be utterly null and void.

XI. And

XI. And be it further enacted, That it shall be lawful for the said Company and they are hereby empowered to contract with any Person, or any Body Politic, Corporate, or Collegiate (who shall be willing to sell the same), for the Purchase of any Lands, Tenements, or Hereditaments, not exceeding in the whole Four Statute Acres, in addition to the Lands, Tenements, and Hereditaments herein-before authorized to be taken and used, in such Places as shall be deemed eligible for the Purpose of making and providing Stations, Yards, Wharfs, Waiting, Loading, and Unloading Places, Warehouses, and other Buildings and Conveniences for receiving, depositing, loading, or keeping any Cattle, or any Goods, Articles, Matters, or Things, conveyed or intended to be conveyed upon the said Branch Railway, or for making convenient Roads or Ways thereto, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized which the said Company shall judge requisite; and it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate and Sole, and all other Persons, to sell or grant and convey to the said Company and their Successors any Lands, Tenements, or Hereditaments whatsoever, for the Purposes herein-before mentioned or any of them, in the same Manner as is herein-before directed concerning the Lands, Tenements, and Hereditaments to be taken or used for the Purpose of making the said Branch Railway and other Works by this Act authorized.

Company empowered to purchase additional Land not exceeding Four Acres.

XII. And whereas the said Company are enabled to purchase Four Statute Acres of Land by virtue of this Act for the Purpose of providing Stations, Yards, Wharfs, Waiting, Loading, and Unloading Places, Warehouses, and other Buildings and Conveniences, in addition to the Lands, Tenements, and Hereditaments authorized to be used or taken for making the said Branch Railway and other Works, and all Corporations and all Persons whosoever are empowered to sell such Quantity or Number of Acres to the said Company: And whereas it is expedient to restrain the said Company from selling any such Lands so purchased from Corporations or from Persons being under legal Disability or Incapacity, and again purchasing other Lands from the same or from any other Corporations or Persons being under legal Disability or Incapacity, in lieu and stead of the Land so sold; be it therefore enacted, That it shall not be lawful for the said Company to purchase from any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or any other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Infant, Lunatic, Idiot, Feme Covert, or Cestuique Trust, or from any Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, more than such Four Statute Acres; and in case the said Company shall afterwards sell the Whole or any Part of such Four Statute Acres so purchased it shall not be lawful for the said Company to purchase of or from the same or of or from any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or any other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust,

Company restrained from purchasing more than Four Acres from incapacitated Persons.

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or

or Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, nor for the same nor for any other Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Trustee or Feoffee in Trust for charitable or any other Purpose, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for any Infant, Lunatic, Idiot, Feme Covert, Cestuique Trust, or Tenant for Life or in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Person being under legal Disability or Incapacity, to sell to the said Company, any other Lands in lieu or in stead of such Four Statute Acres of Land or any Part thereof so sold or disposed of by the said Company.

For supply-
ing Deficien-
cies in Land
Tax.

XIII. And whereas by reason of taking down Buildings and making Alterations in pursuance of this Act there may be Deficiencies in the Assessments for Land Tax in the several and respective Hamlets, Townships, Parishes, or Places herein described, or some of them; be it therefore further enacted, That for preventing the same the said Company shall, from and after the said Company shall become seised or possessed of any Premises charged with the Land Tax, and until the Works hereby authorized 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 the said Hamlets, Townships, Parishes, or Places, out of the Monies to arise by virtue of this Act, all and every such Sums and Sum of Money as shall be deficient in the said several Assessments for Land Tax within the said Hamlets, Townships, Parishes, or Places by reason or means of taking down or using, for the Purposes of this Act, any Buildings or Premises liable to such Assessments, according to the Rental at which the same are valued or rated at the Time of the passing of this Act; and the Treasurer, Collector, or Receiver to be appointed under or by virtue of the said recited Acts or this Act, or either of them, shall be and is hereby authorized and required to pay all such Assessments, on Demand thereof, to the Collector or Collectors of the Land Tax Assessments of such Hamlets, Townships, Parishes, or Places respectively.

Power to
borrow
10,000*l*.

XIV. And be it further enacted, That it shall be lawful for the said Company of Proprietors and they are hereby empowered to borrow and take up at Interest, on the Credit of the Tolls to be received on the said Branch hereby authorized to be made, from any Bodies or Persons whomsoever, such Sum or Sums of Money, not exceeding in the whole the Sum of Ten thousand Pounds, as to them shall seem expedient for the Purposes of this Act; and the said Company are hereby empowered from Time to Time to assign the Rates and Tolls arising or to arise on the said Branch by virtue of the said recited Acts or of this Act, or of any of them, or any Part or Parts thereof, under the Common Seal of the said Company, as a Security or Securities for any Sum or Sums of Money so to be borrowed, with Interest thereon at such legal Rate or Rates as may from Time to Time be agreed upon, to such Person or Persons,
Body

Body or Bodies Politic or Corporate, or to his, her, or their Trustee or Trustees, as shall advance the same, by Mortgage or Mortgages or by Bond or Bonds respectively, in the like Manner and Form, and with, under, and subject to the like Powers, Provisions, and Directions for transferring and registering every such Mortgage or Bond and every Transfer thereof, and to the like Powers, Remedies, Regulations, and Provisions, as are in the said recited Acts or either of them contained concerning the borrowing of Money, or the securing or recovering the same or the Interest thereof; and all and every Persons and Person, Bodies and Body Politic and Corporate, to whom any Securities or Security shall be granted under this Act, shall be equally entitled one with another to the Rates or Tolls and Property thereby assigned in proportion to the Sum or Sums of Money for which any Securities or Security shall be executed, without any Preference by reason of Priority of Date of any such Security or otherwise howsoever; and the Money to be so borrowed as aforesaid by virtue of this Act shall be laid out and applied, in the first place, in Payment and Discharge of all Costs, Charges, and Expences incurred in applying for and obtaining this Act, and all other Expences preparatory or relating thereto; and the Residue of such Money shall be applied towards making, completing, and maintaining the said Branch Railway by this Act authorized to be made, and the several Works connected therewith.

XV. And be it further enacted, That the Rates or Tolls to be taken and received on the said Branch Railway by this Act authorized to be made shall be applied, in the first place, towards the necessary Repair and Maintenance of the same Branch, and in the next place in keeping down the Interest to accrue due in respect of the said Sum of Ten thousand Pounds hereby authorized to be borrowed, and next in repaying the Principal Money so borrowed; and the Remainder of the said Rates or Tolls, after making such Payments as aforesaid, shall be applied for the general Purposes of the Railway under the Provisions of the hereinbefore recited Acts. Application of Tolls.

XVI. And be it further enacted, That the said Company shall cause to be painted on Boards, and to be affixed and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any of the Tolls or Rates by the said recited Acts or this Act authorized shall be collected or received, in some conspicuous Place, in large and legible Characters, an Account or List of the several Rates and Tolls which the said Company shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of the said recited Acts or this Act, or any of them; and in case any Owner or Master of or Person having or assisting in the Charge of any Carriage passing upon the said Railway, or Collector of the Rates or Tolls aforesaid, shall, after and whilst such Account or List shall be affixed as aforesaid, demand or take more than the Amount thereon specified, such Owner, Master, Collector, or other Person as aforesaid shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence. A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

XVII. Pro-

Rates, Tolls,
&c. only pay-
able whilst
Boards re-
main.

XVII. Provided always, and be it further enacted, That it shall not be lawful for the said Company to demand or take any Rates or Tolls for or in respect of any Article, Matter, or Thing, or any Carriage, Passenger, or Cattle, except during the Time that the Board on which such Rates or Tolls shall be so painted as aforesaid shall remain affixed to such Toll House or Building at which such Rates or Tolls shall be received as aforesaid.

Penalty on
Persons de-
facing
Boards.

XVIII. And be it further enacted, That if any Person shall wilfully pull down, deface, or destroy any Board whereon any Rules, Orders, Bye Laws, Rates, or Tolls shall have been painted according to the Directions of the said recited Acts or this Act, or shall concur or aid therein, he shall on Conviction forfeit and pay a Sum not exceeding Five Pounds for every such Offence.

Justices may
proceed by
Summons in
the Recovery
of Penalties.

XIX. And be it further enacted, That in all Cases in which by the said recited Acts or this Act, or any of them, any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice before whom Complaint shall be made for any Offence committed against the said recited Acts or this Act, or any of them, to summon before him the Party complained against, 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 in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

Recovery
and Applica-
tion of Penal-
ties.

XX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by the said recited Acts or this Act, or any of them, or by virtue of any Bye Law, Rule, or Order made in pursuance thereof (the Manner of levying and recovering whereof is not herein otherwise particularly directed), may in case of Nonpayment thereof be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the said Counties of *Warwick*, *Gloucester*, or *Worcester* (as the Case may require), on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs (if any) of such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture, and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, One Moiety to the Informer, and the Remainder to the Treasurer of the said Company, for the Use and Benefit of the said Company, unless such Penalties or Forfeitures shall be incurred by the said Company, in which Case the same shall be paid, One Moiety to the Informer, and the Remainder to the Overseers

Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for such Justices and they are hereby required to order the Offender so convicted to be detained in safe Custody until Return can conveniently be made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices of the Peace for his Appearance before such Justices, or before some other Justices of the Peace having Jurisdiction, at such Time as shall be appointed for the Return of such Warrant of Distress (such Time being not more than Ten Days from the taking of such Security), and which Security any of the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress could be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not forthwith be paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he has not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant of Distress, but they are hereby required by Warrant under their Hands and Seals to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be paid and satisfied, together with all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justices, or until such Offender shall otherwise be discharged by due Course of Law.

XXI. And whereas inevitable Accidents have prevented the Completion of the said Railway and Tramroad; be it therefore further enacted, That all and every the Powers and Authorities which were given by the said recited Acts of the First and Second and Sixth Years of the Reign of His late Majesty, save and except such Powers and Authorities as were expressly repealed by the said Act of the Sixth Year of the Reign of His late Majesty, and save and except also such Powers and Authorities as were given to the said Company of Proprietors by the said Act of the Sixth Year of His said late Majesty's Reign, for making the said collateral Branch, or in anywise relating thereto, shall be and remain and the same are hereby vested in the said Company; provided the said Railway or Tramroad and collateral Branch to be made in pursuance of this Act shall be completed and made (unless prevented by inevitable Accidents) within the Space of Five Years, to be computed from the passing of this Act, the Completion of such Railway or Tramroad and the collateral Branch authorized by this Act to be declared and certified in the Manner provided by the said first-recited Act touching the Railway or Tramroad and collateral Branch in that Act mentioned.

Powers of recited Acts continued, provided the Branch Railway be made within Five Years.

1638

3° GULIELMI IV. *Cap.lxx.*

Public Act.

XXII. 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.

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