



ANNO SECUNDO & TERTIO

GULIELMI IV. REGIS.

Cap. cxi.

An Act for consolidating the several Shares of the Proprietors of the *Gloucester* and *Berkeley* Canal Company, and for converting the Interests of the several Parties holding Debentures, Annuities, and Optional Notes into Shares; and for altering and enlarging the Powers of the several Acts passed for making and maintaining the said Canal. [11th July 1832.]

WHEREAS an Act was passed in the Thirty-third Year of the Reign of His Majesty King George the Third, intituled *An Act for making and maintaining a navigable Canal from the River Severn at or near the City of Gloucester into a Place called Berkeley Pill, in the Parish of Berkeley, and also a Cut to or near the Town of Berkeley in the County of Gloucester, whereby certain Persons were incorporated by the Name of "The Gloucester and Berkeley Canal Company," with Powers to make a navigable Canal for the Passage of Ships of large Burthen, as well as Boats, Craft, and other Vessels, from the River Severn near the City of Gloucester to Berkeley Pill aforesaid; and the said Company were authorized and empowered to raise and contribute* 33G.3. c.97.

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tribute amongst themselves, in such Proportions as to them should seem meet and convenient, or by the Admission of new Subscribers, a competent Sum of Money for making and completing the said Canal and other Works, not exceeding the Sum of One hundred and forty thousand Pounds; which said Sum of One hundred and forty thousand Pounds, or so much thereof as should be so raised, should be divided into Shares, at a Price not exceeding One hundred Pounds *per* Share, as therein is mentioned; and in case the said Sum of One hundred and forty thousand Pounds should be found insufficient for making, completing, and maintaining the said Canal and other the Works by the said Act authorized to be made, and also the necessary Charges and Expences relating thereto, then the said Company were authorized to raise any further Sum of Money for the Purposes of the said Undertaking, not exceeding the Sum of Sixty thousand Pounds, either by Contributions amongst themselves, or by Mortgage of the said Undertaking, as to them should seem meet: And whereas another Act was passed in the Thirty-seventh Year of the Reign of His said Majesty King *George* the Third, intituled *An Act for authorizing the Company of Proprietors of the Gloucester and Berkeley Canal Navigation to vary the Line of a certain Part of the said Canal, so as to render the Execution thereof more easy, expeditious, and less expensive; and for altering and amending the Act passed in the Thirty-third Year of the Reign of His present Majesty for making the said Canal*, whereby the said Company were authorized and empowered to deviate from the original Line of the said Canal: And whereas another Act was passed in the Forty-fifth Year of the Reign of his said Majesty King *George* the Third, intituled *An Act to enable the Company of Proprietors of the Gloucester and Berkeley Canal to vary and alter the Line of a certain Part of the said Canal, and to enable the said Company to raise a further Sum of Money for carrying into execution the several Acts for making the said Canal*, whereby the said Company were authorized and empowered to deviate from the Line authorized by the hereinbefore recited Acts, and to carry the Line of the said Canal in the Direction therein particularly described; and the said Company were thereby also authorized and empowered, in order to enable them to make and complete the said Canal, to raise any Sum or Sums of Money not exceeding Eighty thousand Pounds over and besides the Sums which they were by the said first-recited Act authorized and empowered to raise in the Manner in the said Act particularly mentioned: And whereas another Act was passed in the Fifty-eighth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to enable the Gloucester and Berkeley Canal Company to vary and alter the Line of their Canal, and for altering and enlarging the Powers of several Acts passed for making and maintaining the said Canal*, whereby so much of the said recited Acts as authorized the said Company to make the said Canal from an Inelôsure near *Branwood* unto *Berkeley Pill* aforesaid, and unto the said Town of *Berkeley*, was repealed, and in lieu thereof the said Company was thereby authorized and empowered to make the said Canal to communicate with the Channel of the River *Severn* at or near to a Place called *Sharpness Point*; and it was in the said last-mentioned Act provided, that in case the said intended Variation should not be completed within the Space of Five Years from the passing of the said Act, then and in such Case the Powers given by the said Act should cease and determine (except only as in the said Act is excepted): And whereas another Act was passed in the Third Year of the Reign of His late Majesty

Majesty King George the Fourth, intituled *An Act for enabling the Gloucester and Berkeley Canal Company to raise a further Sum of Money to discharge their Debts, and to complete the said Canal, and for amending the several Acts passed for making the said Canal*, whereby the said Company were authorized and empowered to raise a further Sum of Money not exceeding the Sum of One hundred and fifty thousand Pounds in the manner in the said Act particularly mentioned: And whereas another Act was passed in the Sixth Year of the Reign of His said late Majesty King George the Fourth, intituled *An Act for enabling the Gloucester and Berkeley Canal Company to raise a further Sum of Money, and for altering, amending, and enlarging the Powers and Provisions contained in the several Acts for making the said Canal*, whereby the said Company were authorized and empowered to raise a further Sum of Money not exceeding the Sum of Fifty thousand Pounds, in the Manner in the said Act particularly mentioned: And whereas the said Canal Company, under the Powers of the said recited Acts, have raised the Sum of Four hundred and fifty thousand one hundred and fifty-one Pounds Fourteen Shillings and Nine-pence, and have expended the same in making the said Canal, and in incidental Expences relating thereto, One hundred and sixty thousand Pounds, Part of the said Sum of Four hundred and fifty thousand one hundred and fifty-one Pounds Fourteen Shillings and Nine-pence so raised by the said Canal Company having been advanced by the Commissioners for the Issue of Exchequer Bills, under the Powers of an Act passed in the Fifty-seventh Year of the Reign of His said Majesty King George the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*; and under the Powers of certain other Acts passed in the said Fifty-seventh Year of the Reign of His said Majesty King George the Third, and in the First, First and Second, Third, and Seventh and Eighth Years of the Reign of His late Majesty King George the Fourth: And whereas the said Canal Company have proceeded in the making and completing the said Canal and Works, so far as to make the same complete to admit large Ships and Vessels up to the City of Gloucester for the first Time on the Twenty-sixth Day of April One thousand eight hundred and twenty-seven, and the said Canal has since remained open for the Navigation of Sea-borne Ships and Vessels up to and from the said City of Gloucester: And whereas the said Canal Company stand indebted to the said Commissioners for the Issue of Exchequer Bills, under the several hereinafter recited Indentures, in the Sum of One hundred and fifty seven thousand five hundred and sixty-two Pounds Ten Shillings, Principal Money, with a large Arrear of Interest due thereon: And whereas the said Canal Company are desirous to make some arrangement with the said Commissioners in regard to the Debt and Interest so due to them from the said Company: And whereas from the various Classes of Interests of the said Proprietors of the said Canal, and Holders of Debentures, Annuities, and Optional Notes, which Interests are hereinafter particularly stated, great Difficulties have arisen and still exist in regard to raising Money to offer in Payment to the said Commissioners for the Issue of Exchequer Bills under the Powers of the said recited Acts or some or One of them, and to defray the Expence of improving and extending

3 G. 4. c. 53.

6 G. 4. c. 113.

57 G. 3. c. 34.

57 G. 3.

c. 124.

1 G. 4. c. 60.

1 & 2 G. 4.

c. 111.

3 G. 4. c. 86.

7 & 8 G. 4.

c. 47.

tending the Works of the said Canal : And whereas the said Canal Company consists of the following Classes or Descriptions of Proprietors ; (that is to say,) first, Proprietors or Holders of Shares of One hundred Pounds each, which Shares amount in Number to One thousand and eighty-seven; secondly, Holders of Shares of Sixty Pounds each, having the same Advantage as the first-mentioned Shares, and which Shares amount in Number to One hundred and twenty ; and, thirdly, of Holders of Shares called Ten Pounds *per Centum* Dividend Shares, of One hundred Pounds each, and which Shares amount in Number to Eight hundred and ninety-nine, the Holders or Proprietors of which said Ten Pounds *per Centum* Dividend Shares are entitled to receive, out of the clear Revenues of the said Canal, Ten Pounds *per Centum per Annum* upon each Share, before any Dividend can be paid to the Holders of the other Shares of One hundred Pounds and Sixty Pounds each, and before any Interest or Annuity can be paid to the said Holders of Debentures, Annuities, and Optional Notes : And whereas it is expedient, for the Benefit of the said Proprietors and Holders of Debentures, Annuities, and Optional Notes, and to enable the said Canal Company to raise Money for compounding with the said Commissioners for the Issue of Exchequer Bills, and to extend and improve the Works of the said Canal, to consolidate their several Shares and Interests in the said Canal Company, and to convert all the said Shares in the said Canal, and the Principal Monies advanced on Debentures, Annuities, and Optional Notes, into Shares of One hundred Pounds each : And whereas some of the Powers of the said Acts require to be altered and enlarged : 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 several recited Acts for making and maintaining the *Gloucester* and *Berkeley* Canal, and all and every the Powers, Provisions, Pains, Penalties, Forfeitures, Matters, and Things therein contained (except such Parts thereof as are varied, altered, or repealed), shall extend and be construed to extend to this Act in as full, ample, and beneficial a Manner, to all Intents and Purposes whatsoever, as if the same had been repeated and re-enacted in this Act.

Powers of former Acts extended to this Act.

Original Shareholders to retain their Shares.

II. And be it further enacted, That the Holders or Proprietors of the said One thousand and eighty-seven One hundred Pound Shares in the said Canal, granted under or by virtue of the said Act first herein-before recited, shall hold and enjoy such Shares in such and the like Manner as they now respectively hold the same.

Authorizing the Company to cancel the 60% and 10% Shares and certain Securities, with Consent of Holders, and issue 100% Shares in lieu thereof.

III. And be it further enacted, That the said Company of Proprietors of the said Canal shall have full Power and Authority and are hereby empowered to accept, receive, and cancel, in manner hereinafter mentioned, all or any of the said Shares in the said Canal called Sixty Pounds Shares, and also all or any of the said Shares in the said Canal called Ten Pounds *per Centum* Dividend Shares of One hundred Pounds each, and also all or any of the said Debentures, Annuities, and Optional Notes, which the Owners, Proprietors, or Holders thereof respectively shall and may, under the Powers and Provisions hereinafter mentioned, be willing and consent to deliver up to the said Company to be cancelled ; and also that it shall be lawful to and for the said Company

Company of Proprietors, in lieu and stead of such Sixty Pounds Shares, Ten Pounds *per Centum* Dividend Shares, Debentures, Annuities, and Optional Notes, so to be delivered up and cancelled, to issue Shares in the Capital Stock of the said Company of One hundred Pounds each, to the several Parties entitled thereto under the Provisions hereinafter contained in that Behalf; and all such Shares of One hundred Pounds each, so to be issued by the said Company of Proprietors by virtue of the Powers, and Provisions of this Act, in lieu and stead of such Sixty Pound Shares, Ten Pounds *per Centum* Dividend Shares, Debentures, Annuities, and Optional Notes delivered up and cancelled as hereby authorized, shall thenceforth be Part of the Capital Stock of the said Company of Proprietors, and the Holders thereof shall, subject to the Securities to the Exchequer Bill Loan Commissioners hereinafter mentioned, thenceforth be entitled to receive a distributive Share of the Dividends, Interests, and Proceeds of the said Canal, rateably and proportionably with the Holders of the said original One thousand and eighty seven One hundred Pounds Shares of the Capital Stock of the said Canal.

IV. And be it further enacted, That it shall and may be lawful to and for the Holders or Proprietors of the said One hundred and twenty Sixty Pound Shares, and they and each and every of them are fully authorized and empowered, at any Time within Two Years from the passing of this Act, to cancel and deliver up to the said Canal Company their present Shares of that Class or Description; and that thereupon the Holders or Proprietors of such of the said last-mentioned Shares as shall be so cancelled and delivered up shall have and receive from the said Canal Company One new Share of One hundred Pounds in the said Canal Navigation and Undertaking for each and every such Share so cancelled and delivered up.

Sixty Pound Shareholders to receive 100% Shares in lieu of those given up.

V. And be it further enacted, That such of the Holders or Proprietors of the said Eight hundred and ninety-nine Shares called Ten Pounds *per Centum* Dividend Shares, of One hundred Pounds each, as have already consented to deliver up their present Shares of that Class or Description to be cancelled, and such other of the Holders or Proprietors of the said Eight hundred and ninety-nine Shares as shall at any Time within Two Years from the passing of this Act consent to deliver up their Shares of that Class or Description to be cancelled, shall deliver up their said Shares to be cancelled, and that thereupon the Holders or Proprietors of such of the said Shares as shall be so delivered up and cancelled, shall have and receive from the said Canal Company Three Shares of One hundred Pounds each in the said Canal Navigation and Undertaking for each and every such Ten Pounds *per Centum* Share so delivered up and cancelled.

Ten per Cent. Shareholders to be entitled to Three 100% Shares for every 10% per Centum Share delivered up.

VI. And be it further enacted, That the Holders or Proprietors of Debentures, Annuities, and Optional Notes granted or made payable by the said Canal Company shall have full Power and Authority, and are hereby empowered at any Time within Two Years from the passing of this Act to convert the Principal Sums of Money advanced by them, respectively into Shares of One hundred Pounds each, and that the Holders or Proprietors of such Debentures, Annuities, and Optional Notes shall re-

Holders of Debentures, Annuities, and Optional Notes to have Two Shares for every 100% advanced.

spectively, by cancelling the Debentures, Annuities, and Optional Notes by them respectively held, thereupon have and receive from the said Canal Company Two Shares of One hundred Pounds each in the said Canal Navigation and Undertaking for every One hundred Pounds Principal Money advanced by him, her, or them to the said Company.

All Arrears of Interest on Securities, &c. to be released.

VII. And be it further enacted, That all Arrears of Dividend, Interest, and Annuities now due or hereafter to become due from the said Canal Company to the several Holders of Debentures, Annuities, and Optional Notes, in respect of such Debentures, Annuities, and Optional Notes so by them consented to be cancelled and converted into Shares as aforesaid, shall, upon such cancelling and Conversion, be released and extinguished, and the said Two new Shares of One hundred Pounds each so to be granted by the said Canal Company to the Holders of such Debentures, Annuities, and Optional Notes, in respect of each One hundred Pounds Principal Money advanced by him, her, or them, shall be accepted by him, her, or them respectively in full Satisfaction and lieu of all his, her, or their present existing Shares and Interests, Claims and Demands whatsoever, in or upon the said Company, for or in respect of such Debentures, Annuities, and Optional Notes respectively.

Provision as to fractional Part of a Share.

VIII. And be it further enacted, That in case any Holder or Proprietor of a Debenture, Annuity, or Optional Note shall hold any Security for a fractional Part of a Sum less than Fifty Pounds by him, her, or them advanced to the said Company, then and in every such Case it shall be lawful for every such Holder or Proprietor either to receive such fractional Part of a Sum of Fifty Pounds from the said Canal Company, or to add to such fractional Part of a Sum of Fifty Pounds such an Amount as will make the same Fifty Pounds, by Payment of such Amount to the said Company so as to entitle such Holder to take a Share of One hundred Pounds for the same Sum of Fifty Pounds in the said Canal Navigation and Undertaking, which Share the said Company are hereby authorized to grant accordingly.

Act not to affect Holders of Ten per Cent. Shares who may not assent.

IX. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to compel the Holders or Proprietors of any of the said Eight hundred and ninety nine Shares called Ten Pounds *per Centum* Dividend Shares, who have not consented to deliver up their said Shares to be cancelled, or who shall not within Two Years from the passing of this Act consent to deliver up their said Shares to be cancelled, to deliver up the same for that Purpose, but that the Holders or Proprietors of all such Shares shall have and enjoy the same Privileges and Advantages they were possessed of or entitled to prior to the passing of this Act, and shall (subject to the Payment of the Money to be raised and borrowed under the Provisions of this Act for Payment to the Commissioners for the Issue of Exchequer Bills, and the Interest thereon, and to all other prior Demands upon the surplus Revenues of the said Canal,) have and receive their Interest or Dividends in the same Manner to all Intents and Purposes as though this Act had not been passed.

Provision for Persons who shall omit to

X. Provided also, and be it further enacted, That in case any or either of the Holders or Proprietors of the said Eight hundred and ninety-nine Shares

Shares called Ten Pounds *per Centum* Dividend Shares, or of Debentures, Annuities, or Optional Notes, shall neglect or refuse to surrender and cancel his, her, or their said Ten Pounds *per Centum* Dividend Shares, Debentures, Annuities, or Optional Notes, and to take new Shares in lieu thereof, under the Provisions herein-before contained, for the Space of Two Years from and after the passing of this Act, then and in such Case it shall and may be lawful for the said Canal Company, and the several other Parties who shall so surrender and cancel their Shares, Debentures, Annuities, and Optional Notes as aforesaid, to receive, out of the surplus Revenues of the said Canal (after Payment of all Expences of Repairs and Management of the said Canal, and all other prior Demands upon the said surplus Revenue), all Arrears of Interest and Dividends now due and owing from the said Canal Company upon the said Eight hundred and ninety-nine Ten Pounds *per Centum* Dividend Shares, and all future Interest and Dividends to accrue and become due in respect of the same, in the same Manner, to all Intents and Purposes, as though this Act had not been passed, and to divide and pay all such Arrears of Interest and Dividends, and all such future Interest and Dividends to accrue and become due in respect of the same, in manner following; (that is to say,) such Proportion thereof to the Holders or Proprietors of such of the said Eight hundred and ninety-nine Ten Pounds *per Centum* Dividend Shares as have not consented to deliver up their said Shares to be cancelled, or as may not within Two Years from the passing of this Act consent to deliver up their said Shares to be cancelled, to which they are or may or would be severally and respectively entitled in case this Act had not been passed, and the Residue thereof unto and amongst the said Canal Company, and the several Parties who shall deliver up and cancel their Shares and Securities, and take new Shares in lieu thereof in manner herein-before provided and set forth, equally, Share and Share alike, according to their respective Shares and Interests therein, under the Terms and Provisions herein-before mentioned and enacted, before any Interest or Annuity is paid to the Holder or Holders of any Debenture or Debentures, Annuity or Annuities, or Optional Note or Notes, so omitting, neglecting, or refusing to deliver up and cancel their Securities as aforesaid, such Holders of Debentures, Annuities, and Optional Notes so omitting, neglecting, or refusing being left upon the same Footing they were prior to the passing of this Act, and to receive their Interest and Annuities in the same Order, next after all Arrears of Interest and Dividends, and accruing Interest and Dividends, are paid in respect of the said Ten Pounds *per Centum* Dividend Shares, and divided in manner herein-before mentioned; any thing herein-before contained to the contrary thereof in anywise notwithstanding.

take Shares
in lieu of
existing
Securities.

XI. And be it further enacted, That immediately after the passing of this Act new Shares of One hundred Pounds each shall be granted to the several Persons who shall be entitled thereto under the Provisions herein-before contained in lieu of the Shares and Interests herein-before mentioned or referred to which they now respectively hold in the said Canal and Undertaking; and that such new Shares shall be entered immediately in a Book to be provided by the said Canal Company for that Purpose; and a Certificate shall be granted by the said Canal Company for each new Share under their Common Seal, and signed by their Clerk; and upon the Grant and Certificate of such new Shares

New Shares
to be
granted.

To be
entered in
Book.

under

under the Terms herein-before mentioned, all the present Shares and Interests of the said several Persons to whom such new Shares shall be granted in lieu thereof shall cease, determine, and be void, except as herein-before mentioned and enacted.

Not to affect the Securities given to the Exchequer Loan Commissioners.

57 G. 3. c. 34. c. 124.

XII. And whereas the Commissioners acting in the Execution of the said Act passed in the Fifty-seventh Year of the Reign of His said Majesty King George the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in Great Britain, in manner therein mentioned*, and of the said Act passed in the same Year, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor*, did, on or about the Twenty-fourth Day of July One thousand eight hundred and eighteen, consent to advance and lend to the said Company a Loan of Sixty-five thousand Pounds in Exchequer Bills, by Four several Instalments of Sixteen thousand two hundred and fifty Pounds each: And whereas the said Instalments were respectively advanced to the said Company on the Twenty-fourth Day of July One thousand eight hundred and eighteen, the Second Day of August and the Seventh Day of December One thousand eight hundred and nineteen, and the Eleventh Day of August One thousand eight hundred and twenty, and were respectively secured to the said Commissioners by Four several Indentures of Mortgage under the Common Seal of the said Company, and bearing Date respectively the Twenty-fourth Day of July One thousand eight hundred and eighteen, the Second Day of August and Seventh Day of December One thousand eight hundred and nineteen, and the Eleventh Day of August One thousand eight hundred and twenty, whereby, for the Considerations therein respectively mentioned, the said Company assigned to *William Holden*, the then Secretary of the said Commissioners for the Issue of Exchequer Bills, all and every the Rates, Tolls, and Receipts whatsoever, accruing or arising, or which might at any Time thereafter accrue or arise, or which might at any Time thereafter be taken, collected, or received by the said Company, from or out or on account of the said Canal, or otherwise, by virtue of the herein-before recited Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of His said late Majesty King George the Third, or any other Act or Acts relating to the said Canal, and also the said Navigation and Undertaking, and all the Right, Title, and Interests of the said Company of Proprietors of, in, and unto the same, and all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, subject to Redemption upon Payment by the said Company of the said several Sums of Money secured by the said Indentures respectively, with Interest thereon, as therein mentioned, by such Instalments and at such Times as in the said Indentures respectively is particularly set forth: And whereas the said Commissioners for the Issue of Exchequer Bills did, under and by virtue of the said herein-before recited Act of the Third Year of the Reign of His late Majesty King George the Fourth, relating to the said Canal, and of another Act made and passed in the same Year, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His*

3 G. 4. c. 86.

present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts, consent to advance and lend the said Company of Proprietors a further Loan of Sixty thousand Pounds in Exchequer Bills, by Two Instalments of Thirty thousand Pounds each, subject to certain Terms and Conditions; and the said Company having fulfilled the Conditions that entitled them to the Advance of the said Two Instalments of Thirty thousand Pounds each, the said Instalments were respectively advanced to the said Company on the Eighth Day of *June* One thousand eight hundred and twenty-four, and the Twentieth Day of *September* One thousand eight hundred and twenty-five, and were respectively secured to the said Commissioners by Two several Indentures of Mortgage under the Common Seal of the said Company, and bearing Date respectively the Eighth Day of *June* One thousand eight hundred and twenty-four, and the Twentieth Day of *September* One thousand eight hundred and twenty-five, whereby, for the Considerations therein respectively mentioned, the said Company of Proprietors assigned to the said *William Holden* all and every the Rents, Tolls, and Receipts whatsoever accruing or arising, or which might at any Time thereafter accrue or arise, or be taken, collected, or received by the said Company of Proprietors, by virtue of the said Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of His said late Majesty King *George* the Third; and the Third Year of His said late Majesty King *George* the Fourth, or any other Act or Acts relating to the said Canal; and also the said Canal Navigation and Undertaking, and all the Right, Title, and Interest of the said Company of, in, and unto the same, and all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, subject to Redemption upon Payment by the said Company of the Balance remaining due of the said Four several Sums of Sixteen thousand two hundred and fifty Pounds, and Interest, in manner provided by the several Indentures of Mortgage hereinbefore recited, mentioned, and referred to, and also upon the Payment of the said Two several Sums of Thirty thousand Pounds and Thirty thousand Pounds, secured by the said Indentures of Mortgage now in recital, bearing Date respectively the Eighth Day of *June* One thousand eight hundred and twenty-four, and the Twentieth Day of *September* One thousand eight hundred and twenty-five, with Interest due thereon, as therein mentioned: And whereas the said Commissioners for the Issue of Exchequer Bills did, under and by virtue of the said herein-before recited Act of the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts, of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor, and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts*, and under and by virtue of the said herein-before recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, relating to the said Canal, consent to advance and lend the said Company of Proprietors a further Loan of Thirty-five thousand Pounds in Exchequer Bills, subject to certain Terms and Conditions; and the said Company having fulfilled the Conditions that entitled them to the Advance of the said Sum of Thirty-five thousand Pounds, the said Sum of Thirty-five thousand Pounds was advanced to

3 G. 4. c. 86.

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the said Company on the Thirteenth Day of *June* One thousand eight hundred and twenty-six, and the same was secured to the said Commissioners by a further Indenture of Mortgage under the Common Seal of the said Company, and bearing Date the Thirteenth Day of *June* One thousand eight hundred and twenty-six, whereby, for the Considerations therein mentioned, the said Company of Proprietors assigned unto the said *William Holden* all and every the Rents, Tolls, and Receipts whatsoever accruing or arising, or which might at any Time thereafter accrue or arise, or be taken, collected, or received by the said Company of Proprietors, by virtue of the said Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of His late Majesty King *George* the Third, and Third Year of the Reign of His late Majesty King *George* the Fourth, or any other Act or Acts relating to the said Canal, and also the said Canal Navigation and Undertaking, and all the Right, Title, and Interest of the said Company of, in, and unto the same, and all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, subject to Redemption on Payment by the said Company of the said Sum of Thirty-five thousand Pounds and Interest, in manner therein mentioned, and upon Payment by the said Company of the Balances remaining due of the said several Sums of Sixteen thousand two hundred and fifty Pounds, Sixteen thousand two hundred and fifty Pounds, Sixteen thousand two hundred and fifty Pounds, Thirty thousand Pounds, and Thirty thousand Pounds, and the Interest of the same respectively, upon or at the Days or Times in the said Indentures of Mortgage respectively mentioned; be it enacted and declared, That nothing in this Act contained shall extend or be construed to extend to invalidate, defeat, make void, or in any Manner incumber or affect the said several Indentures bearing Date respectively the Twenty-fourth Day of *July* One thousand eight hundred and eighteen, the Second Day of *August* and Seventh Day of *December* One thousand eight hundred and nineteen, the Eleventh Day of *August* One thousand eight hundred and twenty, the Eighth Day of *June* One thousand eight hundred and twenty-four, the Twentieth Day of *September* One thousand eight hundred and twenty-five, and the Thirteenth Day of *June* One thousand eight hundred and twenty-six, or any Proceedings which may have been taken at any Time before the passing of this Act, or which shall or may be taken at any Time after the passing of this Act, by the said Commissioners, with respect to the said several Indentures or any of them; or for the Recovery of the Money secured thereby, or any Part thereof, and that the same shall have Priority over and shall precede any new Share or Shares to be granted by the said Company by virtue of this Act, or any Mortgage, Annuity, Bond, Debenture, Optional or other Note, or other Security whatsoever already granted or entered into by the said Company, or which shall or may hereafter be granted or entered into by the said Company under or by virtue of the said several Acts first herein-before recited or this Act, or any of them, or any other Act or Acts relating to the said Canal, and also shall have Priority over and shall precede all other Liabilities, Claims, and Securities whatever chargeable on the Property included in the said recited Indentures and Assignments, and all Dividends and Division of Profits or Interest upon any Sum or Sums advanced or contributed, or which shall or may hereafter be advanced or contributed, for the carrying on or completing the said Canal,

Canal, or otherwise howsoever, until the several Instalments of Principal Money and Interest secured to the said Commissioners or their Secretary for the Time being, under the said several Indentures, or which shall hereafter be secured by any future Mortgage, Charge, or other Security to be granted or entered into by the said Company to the said Commissioners, or their Secretary for the Time being, shall be fully paid and satisfied, compounded, liquidated, or otherwise discharged; any thing contained in the Acts herein-before recited or referred to, or this Act, or any of them, or in the said Indentures respectively, to the contrary thereof notwithstanding.

XIII. And be it further enacted, That it shall be lawful for the said *Gloucester* and *Berkeley* Canal Company, and they are hereby authorized and empowered, to raise the Sum of Two hundred thousand Pounds, for the Purposes hereinafter mentioned or referred to, by all or any of the Ways and Means hereinafter mentioned, as shall from Time to Time be found necessary; and for that End, Intent, and Purpose it shall and may be lawful to and for the said Canal Company, and they are hereby authorized and empowered, to raise and borrow such Sum or Sums of Money not exceeding the said Sum of Two hundred thousand Pounds, as may be required for the Purposes herein-before mentioned, of any Body or Bodies Politic or Corporate, or public or private Company or Companies, or of any other Person or Persons willing to advance the same or any Part or Parts thereof, on the Security of the said Canal, and of the Rates, Rents, Tolls, Dues, Duties, and Profits thereof, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*; subject nevertheless to the Priority now possessed by the Commissioners for the Issue of Exchequer Bills as aforesaid.

Power to borrow 200,000*l.* on Security of the Canal;

XIV. And be it further enacted, That the Repayment of such Sum or Sums of Money so to be raised and borrowed by the said Canal Company for the Purposes aforesaid may be secured by the said Canal Company, subject to such Priority of the Commissioners for the Issue of Exchequer Bills as aforesaid, to the Body or Bodies Politic or Corporate, public or private Company or Companies, or to any other Person or Persons so lending or advancing the same as aforesaid, by a Mortgage or Mortgages of the said Canal Navigation and Undertaking, and of all the Messuages, Lands, and Premises belonging thereto, or to the said Company of Proprietors in respect thereof, and of all and every Rates, Rents, Tolls, Dues, Duties, Receipts, and Profits whatsoever, accruing or arising, or which may at any Time thereafter accrue or arise, or which may at any Time thereafter be taken, collected, or received by the said Company of Proprietors, from or out or on account of the said Canal or otherwise, by virtue of the said recited Acts of the Thirty-third, Thirty-seventh, Forty-fifth, and Fifty-eighth Years of the Reign of His said late Majesty King *George* the Third, and the Third and Sixth Years respectively of the Reign of His late Majesty King *George* the Fourth, or any other Act or Acts relating to the said Canal; and that such Mortgage or Mortgages, when taken, shall in every respect be entitled to and have Priority over and shall precede all Bonds, Notes, Debentures, Annuities, Dividends, Profits, Proceeds, or Interests, of what Nature or Kind soever, except the several Mortgages made to *William Holden* the Secretary of the Commissioners for the Issue of Exchequer Bills, as hereinbefore recited and set forth, and the Monies due thereon, or so much thereof as shall be

to be secured by Mortgage.

be then due and unpaid; and such Mortgage or Mortgages which shall or may be granted under the Powers of this Act may be given and granted in the Words following, in either of the Two Forms following which shall be most applicable; (that is to say,)

Form of
Mortgage.

BY virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, the *Gloucester and Berkeley Canal Company*, in consideration of the Sum of _____ to the Treasurer or Treasurers of the said Company in hand paid by the _____ Corporation [*or Company, as the Case may be*], do grant, bargain, sell, and demise unto the said _____ Corporation [*or Company, as the Case may be*], their Successors and Assigns, such Proportion of all and every the Rates, Tolls, Receipts, and Payments whatsoever accruing or arising, or which may at any Time hereafter accrue or arise, or which may at any Time hereafter be taken, collected, or received by the said Company, from or out of or on account of the *Gloucester and Berkeley Canal*, and also such Proportion of the Canal Navigation and Undertaking, and of all the Right, Title, and Interest of the said Company of, in, and unto the same, and of all Freehold and Leasehold Messuages, Lands, Tenements, Works, Warehouses, and other Buildings and Hereditaments belonging to the said Company, as the said Sum of _____ doth or shall bear to the whole Sum of Two hundred thousand Pounds now about to be raised by the said Company for the Purpose of paying off, liquidating, compounding, or otherwise discharging the Amount of Principal and Interest now due from the said Company to the Commissioners for the Issue of certain Exchequer Bills, to hold to the said _____ Corporation [*or Company, as the Case may be*], their Successors and Assigns, from the Day of the Date hereof for and during the Term of Five hundred Years, unless the said Sum of _____ with Interest at the Rate of _____ per Centum per Annum, shall be sooner repaid and satisfied. In witness whereof the said *Gloucester and Berkeley Canal Company* have hereunto affixed their Common Seal, the Day of _____ in the Year of our Lord _____

BY virtue of an Act passed in the Second Year of the Reign of His Majesty King *William* the Fourth, intituled [*here set forth the Title of this Act*], we, the *Gloucester and Berkeley Canal Company*, in consideration of the Sum of _____ to the Treasurer or Treasurers of the said Company in hand paid by _____, do grant, bargain, sell, and demise unto the said _____, his [*or her or their*] Executors, Administrators, and Assigns, such Proportion of all and every the Rates, Tolls, Receipts, and Payments whatsoever accruing or arising, or which may at any Time hereafter accrue or arise, or which may at any Time hereafter be taken, collected, or received by the said Company, from or out of or on account of the *Gloucester and Berkeley Canal*, and also such Portion of the Canal Navigation and Undertaking, and of all the Right, Title, and Interest of the said Company of, in, and to the same, and of all Freehold _____ and _____

‘ and Leasehold Messuages, Lands, Tenements, Works, Warehouses,
 ‘ and other Buildings and Hereditaments belonging to the said Company,
 ‘ as the said Sum of
 ‘ or shall bear to the whole Sum of Two hundred thousand Pounds
 ‘ now about to be raised by the said Company, for the Purpose of paying
 ‘ off and liquidating, compounding, or otherwise discharging the Amount
 ‘ of Principal and Interest now due from the said Company to the Com-
 ‘ missioners for the Issue of certain Exchequer Bills, to hold to the said
 ‘ , his [*or her or their*] Executors,
 ‘ Administrators, and Assigns, from the Day of the Date hereof for and
 ‘ during the Term of Five hundred Years, unless the said Sum of
 ‘ with Interest at the Rate
 ‘ of *per Centum per Annum*, shall be sooner repaid and satisfied.
 ‘ In witness whereof the said *Gloucester and Berkeley Canal Company*
 ‘ have hereunto affixed their Common Seal, the Day of
 ‘ in the Year of our Lord

And every such Grant or Mortgage shall be good and effectual in the Law to all Intents and Purposes whatsoever, and Copies of all such Mortgages shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Company, and which said Book or Books shall and may at all reasonable Times be perused and inspected without Fee or Reward by any Bodies Politic or Corporate, public or private Company or Companies, or any Person or Persons entitled to any such Mortgage, or holding any Share or Security in, upon, or affecting the said Canal; and all Bodies Politic or Corporate, public or private Company or Companies, or other Person or Persons to whom any Mortgage shall be made as aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time transfer his, her, or their Right, Title, or Interest in or to such Mortgage, and the Principal Money and Interest thereby secured to any Body or Bodies Politic or Corporate, public or private Company or Companies, or any other Person or Persons whomsoever, by indorsing or annexing to such Mortgage Security in the Presence of One or more Witness or Witnesses the following Words, or Words to the following Effect (that is to say);

Entry of all Mortgages to be made by the Clerk to the Company.

Mortgages to be transferable.

‘ WE the
 ‘ Corporation [*or Company, or I the within-named A. B. or C. D.*] Assignee, or Executor or Administrator of the within-named
 ‘ Corporation [*or Company, or of the*
 ‘ within named *A. B., as the Case may be*] do hereby transfer this Mortgage
 ‘ or Security, and all our [*or my*] Right and Title to the
 ‘ Principal Money thereby secured, and to all Interest now due upon the
 ‘ same, unto the
 ‘ Corporation [*or Company, or unto E. F., as the Case may be,*] their
 ‘ [*or his or her*] Successors, Executors, Administrators, and Assigns [*as*
 ‘ *the Case may be*]. Dated this Day of

Form of Transfer.

XV. And be it further enacted, That it shall be lawful for the said Canal Company and they are hereby further authorized and empowered to raise and borrow, subject to such Priority of the said Commissioners as aforesaid, all or any Part of the said Sum of Two hundred thousand Pounds upon Bonds or Debentures under the Common Seal of the said Company,
 [Local.] 30 A company,

Power to raise the Sum of 200,000*l.* by Bonds, Debentures,

Notes, or
other Secu-
rities.

pany, payable at a future Time, for the Purposes herein-before mentioned, of any Body or Bodies Politic or Corporate, public or private Company or Companies, or of any other Person or Persons willing to advance the same or any Part or Parts thereof, on the Security of the said Canal, and of the Rates, Rents, Tolls, Dues, Duties, and Profits thereof, at any Rate of Interest not exceeding Five Pounds *per Centum per Annum*.

Money ad-
vanced to
the Com-
pany to be
secured by
Bonds, &c.
on the
Security of
the said
Canal.

XVI. And be it further enacted, That the Repayment of such Sum or Sums of Money so to be borrowed by the said Canal Company for the Purposes aforesaid may, subject to such Priority of the said Commissioners as aforesaid, be secured by the said Canal Company to the Body or Bodies Politic or Corporate, public or private Company or Companies, or to any other Person or Persons so lending or advancing the same as aforesaid, by Bond or Bonds, Debenture or Debentures, on the Security of the said Canal, and of the Messuages, Lands, and Premises belonging thereto, or to the said Company of Proprietors in respect thereof, and of all and every Rates, Rents, Tolls, Dues, Duties, Receipts, and Profits whatsoever, accruing or arising, or which may at any Time thereafter accrue or arise, or which may at any Time thereafter be taken, collected, or received by the said Company of Proprietors from or out or on account of the said Canal, or otherwise, by virtue of the said recited Acts or any other Act or Acts relating to the said Canal; and that such Bond or Bonds, Debenture or Debentures, when taken, shall in every respect be entitled to and have Priority over all other Bonds, Notes, Debentures, Annuities, Dividends, Profits, Proceeds, or Interests, of what Nature or Kind soever, except the said recited Mortgages so made or granted by the said Canal Company unto the said *William Holden* as aforesaid, and the Monies due thereon, or so much thereof as shall be then due and unpaid, and except any Mortgage or Mortgages to be granted under the Powers of this Act; and every such Bond and Debenture shall be good and effectual in the Law to all Intents and Purposes; and Copies or Extracts of all such Bonds and Debentures shall be entered in a Book or Books to be kept for that Purpose by the Clerk or Clerks to the said Company, and which said Book or Books shall and may at all seasonable Times be perused and inspected, without Fee or Reward, by any Body or Bodies Politic or Corporate, public or private Company or Companies, or any Person or Persons entitled to any such Bond or Debenture, or holding any Share or Security in, upon, or affecting the said Canal; and all Body or Bodies Politic or Corporate, public or private Company or Companies, or other Person or Persons, to whom any Bond or Debenture shall be made or given as last aforesaid, or who shall be entitled to the Money thereby secured, may from Time to Time assign or transfer his, her, or their Right, Title, and Interest in or to such Bond or Debenture as last aforesaid, and the Principal Money and Interest thereby secured, to any Body or Bodies Politic or Corporate, public or private Company or Companies, or any other Person or Persons whomsoever, by indorsing such Bond or Debenture as last aforesaid only, with the Date of such Indorsement; and every such Transfer so made shall within Thirty Days after the same shall have been made be notified in Writing to the said Clerk or Clerks of the said Canal Company, who shall cause a Memorial to be made thereof in like Manner as of the original Security in the said Book or Books, for which Entry and Memorial

Bonds, &c.
to be
entered by
the Com-
pany's Clerk.

Bonds and
Debentures
transferable.

Memorial the said Clerk or Clerks shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry or Memorial made every such Transfer shall entitle the Holder of each such Security, and his, her, or their Executors, Administrators, and Assigns, to the full Benefit and Advantage thereof and Payment thereon; and every such Assignee may in like manner indorse, assign, or transfer the same again, and so *toties quoties*; and it shall not be in the Power of any Person or Persons, except the Person or Persons to whom such Mortgage, Bond, or Debenture as last aforesaid shall be last indorsed or transferred, to release, discharge, and make void the original Mortgage, Bond, or Debenture as last aforesaid, or the Monies due thereon, or any Part thereof; and all Persons to whom any Mortgage, Bond, or Debenture as last aforesaid, Indorsement or Transfer, shall be made as aforesaid, shall, in proportion to the Sum or Sums of Money thereby secured, be Creditors on the whole of the said Canal Navigation and Undertaking in equal Degree one with another, and shall have no Preference in respect of the Priority of advancing their Monies or of the Dates of their Securities.

XVII. And be it further enacted, That it shall and may be lawful for the said Canal Company to grant, under their Common Seal, to any Person or Persons who shall agree to advance Money towards raising the Sum hereby authorized to be raised, One new Share in the said Undertaking for each Sum of One hundred Pounds which every Person shall from Time to Time advance, which Share shall be called "A Preference Share;" and the Person or Persons to whom such new Share or like new Shares shall be granted, and his, her, or their Executors, Administrators, and Assigns, shall, from and after the granting of such new Share or Shares, have and be entitled to the same Right of voting at the General and Special Assemblies of the said Company, and also have all other Rights and Powers in the Regulation and Management of the Affairs of the said Company, and be subject to the same Regulations, Penalties, and Forfeitures as the Proprietors of the old or consolidated Shares under the Powers herein-before granted are by the said recited Acts and this Act entitled or subjected to.

Power to grant new Shares.

XVIII. And be it further enacted, That all and every the Shares to be granted under and by virtue of the Powers and Authorities herein-before contained shall be made under the Common Seal of the said Company, and the same shall be deemed to be Personal Estate, and not of the Nature of Real Property; and the Person or Persons to whom such new Share or new Shares shall be granted, and his, her, or their Executors, Administrators, and Assigns, shall, from and after the granting of such new Share or Shares, have and be entitled to the same Right of voting at the General and Special Assemblies of the said Company, and have all other Rights, Powers, and Privileges in the Regulation and Management of the Affairs of the said Company, and be subject to the same Regulations, Penalties, and Forfeitures, as the Proprietors of the old Shares granted under and by virtue of the firstly herein-before recited Act of the Thirty-third Year of the Reign of His Majesty King George the Third, and the other Acts herein-before recited relating to the said Canal.

New Shares to be under the Common Seal.

Holders of Shares to be entitled to the Right of voting, &c. at Meetings.

XIX. And

New Shares
to have a
Preference
of Five
per Cent.

XIX. And be it further enacted, That all and every the Person or Persons to whom any such new Share or Shares shall be granted by virtue of the Powers lastly herein-before contained, or who shall become Proprietor or Proprietors of such new Share or Shares, shall, subject to such Priority of the said Commissioners as aforesaid, from the Twenty-fifth Day of *March* One thousand eight hundred and thirty-two (provided the Sum of One hundred Pounds shall have been previously paid on each and every Share), or from the Day the Sum of One hundred Pounds shall be advanced and paid on each Share, to the said Canal Company, or their Treasurer or Treasurers for the Time being, or into the Bank of *England*, on account of the said Canal Company, on each such Share or Shares, be entitled to and shall have and receive, from the said Treasurer or Treasurers of the said Canal Company, in respect of all and every or any such new Share or Shares so to be granted as last aforesaid, the annual Sum or Dividend of Five Pounds *per* Share, to be paid by Two equal half-yearly Payments on the Twenty-fifth Day of *March* and the Twenty-fifth Day of *September* in each and every Year, before any other of the Proprietors or old or consolidated Shareholders in the said Canal, and before any Creditor or Creditors of the said Canal Company (except the said Commissioners for the Issue of Exchequer Bills in respect of their Securities as aforesaid, and also except all such Creditor or Creditors of the said Canal Company who may hereafter advance any Sum or Sums of Money upon any Mortgage, Bond, or Debenture to be given or granted by the said Canal Company under the Powers and for the Purposes in this Act mentioned), shall be entitled to receive any Dividend, Interest, or Payment in respect of any other Shares, or in respect of any Mortgage, Bond, Debenture, or other Security or Securities whatsoever.

15,000*l.*
raised under
6 G. 4. to be
subject to
Money
raised under
this Act.

XX. And be it further enacted, That after Payment or Satisfaction of the Debt due to the Commissioners for the Issue of Exchequer Bills, and of the Interest and Dividends on the said Sum of Two hundred thousand Pounds herein-before authorized to be raised, or so much thereof as shall be raised to discharge the Debt so due to the said Commissioners as aforesaid, then the Revenues and Proceeds of the said Canal shall be applied in Payment and Discharge of the Sum of Fifteen thousand Pounds, or so much thereof as the said Company have raised by Promissory Notes under their Common Seal, under and by virtue of the Powers and Provisions contained in the herein-before recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, with Interest now due and to accrue due thereon.

In case of
surplus Re-
venue, the
same to be
divided
between
Share-
holders.

XXI. And be it further enacted, That if at any Time hereafter the Revenue of the said Canal Company, after Payment or Satisfaction of the Debt due to the said Commissioners as aforesaid, and of the Expences of Management, Repairs, and other incidental Expences, and Interest and Dividends on the Loans and Shares to be raised and created under the Powers of this Act, and of the Sum of Fifteen thousand Pounds and Interest as last aforesaid, and after the Payment of a like Dividend of Five Pounds *per* Share *per* Annum by Two equal Half-yearly Payments on the Twenty-fifth Day of *March* and Twenty-fifth Day of *September* in each Year, on each and every of the old and consolidated Shares, there shall remain any surplus Revenue, the same shall for ever afterwards be equally divided,
Share

Share and Share alike, between and amongst the Holders and Proprietors of the said Preference Shares created under the Powers of this Act, and the Holders and Proprietors of the old and consolidated Shares, *pari passu*; and in case there shall in any Year be a falling off of the Revenue, so as a sufficient Sum cannot be provided for the Payment of the said Interest or Dividends on the Money to be advanced upon Loan, or upon the said Preference Shares, under the Powers of this Act, such Deficiency shall be made good from the surplus Revenue of the next or following Years before any further Dividend shall be paid to the Proprietors of the old and consolidated Shares; any thing in this Act contained, or any Usage, Custom, Law, or Statute to the contrary notwithstanding.

XXII. And be it further enacted, That if at any Time or Times hereafter it shall be found expedient or necessary for the said Canal Company to raise or borrow, of any Body or Bodies Politic or Corporate, public or private Company or Companies, or of any other Person or Persons, any Sum or Sums of Money to pay off any Loan or Loans raised or borrowed by the said Canal Company under the Powers and for the Purposes mentioned in this Act, that then and in every such Case, and as often as the same shall happen, the Body or Bodies Politic or Corporate, public or private Company or Companies, Person or Persons, who shall at any Time or Times hereafter advance and lend any Sum or Sums of Money to the said Canal Company for the last-mentioned Purpose or Purposes shall have and be entitled to the same Preference and Priority of the Receipt of the Interest upon all such Loan or Loans, and the Repayment of the Principal Money so to be lent and advanced, as is given to and vested in the said Body or Bodies Politic or Corporate, public or private Company or Companies, or any other Person or Persons who may first advance any Loan or Loans, Sum or Sums of Money to the said Canal Company under the Powers and Authorities of this Act.

Persons hereafter lending Money to pay off any Loan, entitled to same Preference as Persons advancing Money under this Act.

XXIII. Provided always, and be it further enacted, That it shall not be lawful for any General Meeting or Committee of the said Company to appoint the Person appointed or who may be appointed to act as their Law Clerk in the Execution of this Act, or the Partner of any such Clerk, or any Clerk of or other Person in the Service or Employ of any such Clerk or of the Partner of such Clerk, to be Treasurer or One of the Treasurers for the Purposes of this Act, or to appoint the Person appointed or who may be appointed Treasurer or One of the Treasurers, or the Partner of any such Treasurer, or any Clerk of or other Person in the Service or Employ of any such Treasurer or of the Partner of any such Treasurer, to be the Law Clerk of the said Company; and if any Person shall act in both Capacities of Law Clerk and Treasurer or One of the Treasurers for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of any other Person in the Service or Employ of such Clerk or of the Partner of such Clerk, shall act as Treasurer or One of the Treasurers, or as Deputy of any such Treasurer, or in any Manner officiate for any such 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 or of the Partner of any such Treasurer, shall act as Law Clerk in the Execution of this Act, or as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place or Office of Profit or Trust

The same Person not to be Clerk and Treasurer.

[Local.]

30 B

under

under the said Company other than that of Treasurer or One of the Treasurers, 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, or more than One Imparlance, shall be allowed.

Application
of Com-
pensation
Money
amounting
to 200*l*.

1 G. 4. c. 35.

XXIV. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be purchased, taken, or used by virtue of the Powers of the said recited Acts or any of them, which shall belong to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or which shall belong to any Trustee or Trustees or other Person or Persons who have no Power to give a valid Receipt for the same, or to sell and convey the same Premises, otherwise than by virtue of the said recited Acts or any of them, or if any Money shall be paid or agreed or awarded to be paid for any Estate of Freehold belonging to a Feme Covert, 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 *Gloucester* and *Berkeley* Canal, pursuant to the Method prescribed by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the better securing Monies 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, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court made upon a Petition to be preferred to the said Court 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, be applied either in the Purchase or Redemption of the Land Tax, or in or towards the Discharge of any Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments standing settled therewith to the same or the like Uses, Trusts, Intents, or Purposes as the said Court of Exchequer shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime and until such Order can be made the said Money may, 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*

per Centum Reduced Bank Annuities, or in Government or Real Securities; and in the meantime and until the said Bank Annuities or Government or Real Securities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends or Interest or Annual Produce of the said Consolidated or Reduced Bank Annuities or Government or Real Securities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased, conveyed, or settled.

XXV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments to be purchased, taken, or used for the Purposes of the said recited Acts or of this Act, belonging to any Corporation, or to any Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiocy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing under their Common Seal, be paid into the said Bank of *England* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the Person or Persons who for the Time being would be entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so to be purchased and settled, such Nomination to be approved of by the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Money so paid to such Trustees, and the Dividends and Produce arising thereon and therefrom, shall be by such Trustees applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *England* in the Name of the Accountant General of the Court of Exchequer, but without obtaining or being required to obtain any Order of the said Court touching the Application thereof.

Application of Compensation Money when less than 200%. and not less than 20%.

XXVI. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as last herein-before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be paid to 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 the Purposes of the said recited Acts or of this Act, for his, her, or their own Use and Benefit; or, in case of Infancy, Idiocy, Lunacy, or other Incapacity, then such Money shall be paid to his, her, or their Guardian or Guardians, Committee or Committees, Trustee or Trustees, to and for the Use and Benefit of such Person or Persons respectively entitled thereto.

When less than 20%.

XXVII. And be it further enacted, That in case the Person or Persons to whom any Sum of Money shall be awarded for the Purchase of

In case of not making out Titles, or Persons

entitled not being found, the Money to be paid into the Bank.

any Lands, Tenements, or Hereditaments to be purchased, taken, or used under or by virtue of the Powers of the said recited Acts or any of them shall refuse to accept the same, or shall not make out a good Title to the Premises to the Satisfaction of the said Company, or in case the Person or Persons to whom such Sum or Sums of Money shall be awarded 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 be lawful for the said Company to order the said Sum or Sums of Money so awarded as aforesaid to be paid into the Bank of *England* in the Name and with the Privity of the Accountant General of the said 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, on the Application of any Person 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, as to the same Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title, or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England* who shall receive such Sum or Sums of Money is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying therein for what and for whose Use the same is or are received, to such Person or Persons as shall pay any Sum of Money into the Bank of *England* as aforesaid.

Persons in possession presumptively entitled.

XXVIII. Provided always, and be it further enacted, That where any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *England* in the Name and with the Privity 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 of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be purchased in pursuance of the said recited Acts or any of them, for the Purposes aforesaid, or to any Bank Annuities or Government or Real Securities to be purchased with any such Money, or to the Dividends or Interest of any such Bank Annuities or Government or Real Securities, 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 shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities, or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to 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.

XXIX. Provided also, and be it further enacted, That where, by reason of any Disability or Incapacity in the Person or Persons or Corporation entitled to any Lands, Tenements, or Hereditaments to be purchased, taken, or used under the Authority of the said recited Acts or any of them, the Purchase Money for the same shall be required to be paid into the Bank of *England*, or 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 be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of the said recited Acts or any of them, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Company out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Court may order reasonable Expences of Purchases in certain Cases.

XXX. And whereas it is by the said recited Act of the Fifty-eighth Year of the Reign of His said Majesty King *George* the Third enacted, that all Notices to be served on the said Company may be served on their Clerk, or left at his last or usual Place of Abode, or upon any Collector of Tolls or known Agent of the said Company, or left at his or their last or usual Place of Abode: And whereas it is expedient to repeal the same, be it enacted, That the said Provision as to Service of Notices shall be and the same is hereby repealed.

Repealing Clause as to Service of Notices on Company.

XXXI. And be it further enacted, That in all Cases wherein it may be necessary or requisite for any Person or Party to serve any Summons or any Notice, or any Writ or other Proceedings at Law or in Equity upon the said Company, Service thereof respectively upon any Two of the Committee of the said Company, or left with some Inmate at their last or usual Places of Abode, or upon the Clerk or Treasurer of the said Company, or left at the Office of such Clerk or Treasurer, or with some Inmate at his last or usual 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 or Officer employed by the said Company, or left with some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Company.

Directing what shall be good Service of Notice on the Company.

XXXII. And whereas it is by the said recited Act of the Forty-fifth Year of the Reign of His Majesty King *George* the Third, amongst other things, enacted, that the Recompence and Satisfaction to be made by the said Canal Company for the Tithes of the Lands which should be taken or made use of by them should be estimated upon the average Value of such Tithes for the Four Years preceding the Time when such Lands should be taken or made use of: And whereas it is expedient to repeal the same; be it therefore enacted, That the said Provision shall be and the same is hereby repealed.

Repealing Provision respecting Tithes.

XXXIII. And be it further enacted, That in all Cases in which by the said recited Acts or any of them, or by this Act, any Penalty or Forfeiture is made recoverable by Information before any Justice of the Peace, it shall be lawful for the Justice of the Peace before whom Complaint shall be

Justices may proceed by Summons in the Recovery of Penalties.

made for any Offence committed 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 in the Recovery of the same, although no Information in Writing shall have been exhibited or taken before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing had been exhibited.

Recovery
and Appli-
cation of
Penalties.

XXXIV. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by the said recited Acts or any of them, or by this Act, or by any Rule, Order, or Bye Law made in pursuance thereof (the Manner of levying and recovering whereof is not herein or by the said recited Acts or either of them otherwise particularly directed), may, in case of Nonpayment thereof, be recovered in a summary Way, by the Order and Adjudication of some Two Justices of the Peace for the County or Place within which the Offence shall be committed, on Complaint to them for that Purpose made, upon the Oath or Affirmation of any Person or Persons, or on the Confession of the Party offending (which Oath or Affirmation such Justices are hereby authorized 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 Hands and Seals of such Justices, rendering the Overplus, if any, on Demand, to the Party or Parties whose Goods and Chattels shall be so distrained (the reasonable Charges of such Distress and Sale being first deducted); and in all Cases where no particular Application of any such Penalties shall be directed by the said recited Acts or any of them, one Moiety of the Penalties and Forfeitures, when recovered, and also one Moiety of such Penalties and Forfeitures as shall be incurred by the said Company, shall be paid to the Informer, and the other Moiety shall be paid to some one of the Overseers of the Poor, or to some other Officer of the Parish, Township, or Place in which the Offence shall have been committed, to be by such Overseer or Officer paid over to the Use of the General Rate of the County or Place within which the Offence shall be committed, whether the said Parish, Township, or Place shall or shall not contribute to such General Rate; and the Evidence of any Inhabitant of the said County or Place shall be admitted in Proof of the Offence, notwithstanding such Application of the Fine incurred thereby; and in case such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justices, and they are hereby authorized and required, to order the Offender or Offenders so convicted to be detained and kept in safe Custody until the Return can conveniently be made to such Warrant of Distress, unless the Offender or Offenders shall give sufficient Security, to the Satisfaction of such Justices, for his, her, or their Appearance before such Justices, or before some other Justice of the Peace for the County or Place within which the Offence shall be committed, on such Day or Days as shall be appointed for the Return of such Warrant of Distress (such Day not to be more than Eight Days from the taking of any such Security), and which Security the said first-mentioned 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 can be had whereupon to levy the said Penalty or Penalties,

Penalties, and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, 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, and thereupon it shall be lawful for such Justices, and they are hereby authorized and required, by Warrant under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the said County or Place, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner 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.

XXXV. And whereas the Weir now existing at or near to a certain Place called *Frampton Pill*, in the Parish of *Frampton-upon-Severn* in the County of *Gloucester*, is very injurious to the Proprietor of certain Grounds called the *New Grounds*, in the Parish of *Slimbridge* in the same County; be it therefore enacted, That the said *Gloucester* and *Berkeley* Canal Company shall, within Six Months from and after the passing of this Act, at their own proper Costs and Charges, in a proper and sufficient Manner, remove or close up the said Weir so as that no Water shall thenceforth be discharged at or run through, over, or under such Weir; and in default thereof the said Company shall for every Week's Delay from and after the Expiration of the said Six Months forfeit and pay to the Owner or Proprietor for the Time being of the said Grounds called the *New Grounds* the Sum of One hundred Pounds by way of liquidated Damages.

Weir at
Frampton
Pill to be re-
moved.

XXXVI. And whereas by the said recited Act passed in the Fifty-eighth Year of the Reign of King *George* the Third it was (amongst other things) enacted, that so much of the first therein and herein before recited Act as authorized the said Company to purchase or make Compensation for any Lands or Hereditaments to be used for the Purposes of the said Canal by an annual Payment should be repealed, and the said Company should in all Cases pay such Sum or Sums of Money in gross for the Purchase of all Lands, Tithes, or Hereditaments to be by them taken or used for the Purposes of the said Canal as should from Time to Time be ascertained and settled agreeably to the Provisions contained in the said first-recited Act: And whereas Doubts have arisen whether the said last-recited Enactment does not disable the said Company from purchasing or making Compensation for any Lands or Hereditaments to be used for the Purposes of the said Canal, by an annual Payment, even in Cases when the Owners of such Lands or Hereditaments may be Tenants in Fee Simple, and free from all Disability, and willing to contract for such Purchase or Compensation by an annual Payment: And whereas it is expedient that the said Enactment should be explained; be it therefore further enacted, That it shall be lawful for the said Company to purchase or make Compensation for any Lands or Hereditaments to be taken or used for the Purposes of the said Canal, or for any Purpose authorized by the said recited Acts or any of them, the Owner or Owners whereof is or are or may be seised of or entitled to the same as Tenant or

Power for
Company to
contract for
Purchases,
&c.

Tenants

Tenants in Fee Simple or Fee Tail, in possession or otherwise, for an absolute Interest for his, her, or their own Benefit, and is or are or may be under no legal Disability, and willing to contract for such Purchase or Compensation by any annual Sum or Sums of Money; in perpetuity, or for any other Estate, Term, or Interest, and to charge such annual Sum or Sums of Money upon and make the same payable out of the Tolls and Profits or other Income of the said Company; and every such Charge shall be good and effectual according to the Intent and Meaning thereof, any thing in the said recited Act of the Fifty-eighth Year of the Reign of King *George* the Third, or any other or others of the said recited Acts, to the contrary in anywise notwithstanding.

Expences of
Act to be
paid.

XXXVII. And be it further enacted, That the Costs, Charges, and Expences of obtaining and passing this Act, and all other Costs, Charges, and Expences relating thereto, shall, with the previous Sanction of the said Commissioners for the Issue of Exchequer Bills, be borne, paid, and defrayed out of the first Monies, Rates, Rents, Tolls, Dues, Duties, Profits, and Revenues to be collected, received, advanced, or raised by virtue of the said recited Acts or any or either of them, or of this Act.

Public Act.

XXXVIII. 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.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1832.