ANNO TRICESIMO SEPTIMO

Georgii III. Regis.

CAP. LIV.

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. [9th *May* 1797.]

WHEREAS by an Act of Parliament, made and paſſed in the Thirty-third Year of the Reign of His preſent 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, certain Perſons therein named, and their ſeveral and reſpective Succeſſors, Executors, Adminiſtrators, and Aſſigns, together with ſuch Perſon or Perſons as ſhould at any Time thereafter be poſſeſſed of One or more Share or Shares, as therein-after mentioned, of and in the ſaid Navigation, were incorporated by the Name of *The Glouceſter and Berkeley Canal Company*, with Powers to make a Navigable Canal for the Paſſage of Ships of large Burden, as well as Boats, Craft, and other Veſſels, from the River *Severn*, near the City of *Glouceſter*, to *Berkeley Pill* aforeſaid, in ſuch Line as is deſcribed and ſet forth in a Map or Plan, and Book of Reference, ſigned by *Thomas Pearce* and *James Croome*, on Behalf of the Owners of the Lands through which the ſaid Canal was propoſed to be made, and alſo by *Francis Welles* and *Thomas Commeline*, on Behalf of the Sub- Preamble.

ſcribers to the ſaid Undertaking, and depoſited with the Clerk of the Peace for the County of *Glouceſter*, agreeably to the Directions of the ſaid Act; And whereas conſiderable Progreſs hath been already made in cutting and forming the ſaid Canal, and making the Baſon, Docks, and other Works authorized to be made by the ſaid Act, at a very great Expence: And whereas, by a Deviation from the ſaid Line, the deep Cutting in the ſeveral Pariſhes of *Slimbridge*, *Frampton-upon-Severn*, *Fretherne*, *Saul*, *Wheatenhurſt*, *Moreton-Valence*, and *Standiſh*, might be avoided, Advantages would accrue to the Land Owners, the Line of the Canal would be ſhortened, the Navigation thereof improved, a conſiderable Expence to the ſaid Canal Company would be ſaved, and the Completion of the ſaid Canal would be much expedited; but, by virtue of a Clauſe in the ſaid Act, the ſaid Canal Company are reſtrained from making ſuch Deviation without the Conſent of the Owners of the Lands through which the ſame might be made: And whereas it is proper that the ſaid Clauſe, ſo far as it reſpects ſuch Deviation as aforeſaid, ſhould be repealed, and that ſome other Alterations and Amendments ſhould be made in the ſaid Act: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That ſo much of the ſaid recited Act as reſtrains the ſaid Canal Company from making a Deviation in the Line of the ſaid Canal, without the Conſent, in Writing, of the Perſon or Perſons through whoſe Lands or Grounds ſuch Deviation ſhall be made, ſhall, from and after the paſſing of this Act, ſo far only as relates to the Lands within the Pariſhes of *Slimbridge*, *Frampton-upon-Severn*, *Fretherne*, *Saul*, *Wheatenhurſt*, *Moreton-Valence*, and *Standiſh*, in the County of *Glouceſter*, be repealed; and that it ſhall and may be lawful for the ſaid Canal Company, and they are hereby authorized and empowered to deviate from the Line deſcribed and ſet forth, and ſigned as aforeſaid, within the ſaid Pariſhes of *Slimbridge*, *Frampton-upon-Severn*, *Fretherne*, *Saul*, *Wheatenhurſt*, *Moreton-Valence*, and *Standiſh*, and to make the ſaid Canal through ſuch Part of the ſaid Pariſhes of *Slimbridge*, *Frampton-upon-Severn*, *Fretherne*, *Saul*, *Wheatenhurſt*, *Moreton-Valence*, and *Standiſh*, in ſuch Line as is deſcribed in a Map or Plan and Book of Reference, which were depoſited in the Office of the Clerk of the Peace for the ſaid County of *Glouceſter*, on the Thirtieth Day of *September* One thouſand ſeven hundred and ninety-ſix: Provided always, that it ſhall not be lawful for the ſaid Canal Company, upon any Account or Pretence whatſoever, to deviate from the Line deſcribed in the ſaid laſt mentioned Map or Plan and Book of Reference, within the ſaid ſeveral Pariſhes of *Slimbridge*, *Frampton-upon-Severn*, *Fretherne*, *Saul*, *Wheatenhurſt*, *Moreton-Valence*, and *Standiſh*, without the Conſent in Writing of the Owner of the Land or Ground where ſuch Deviation ſhall be made: Provided further, that no Advantage ſhall be taken of or againſt the ſaid Canal Company, or any Interruption be given to the making of the ſaid intended Canal, on Account of any Error or Omiſſion in the ſaid laſt mentioned Book of Reference, in caſe it ſhall appear to any Five or more of the Commiſſioners appointed or to be appointed under or by virtue of the ſaid recited Act, and be certified by Writing under their Hands, that ſuch Error or Omiſſion proceeded from Miſtake.

Part of recited Act repealed.

Company empowered to deviate from the Line of the Canal.

II. And be it further enacted, That the ſaid recited Act, and the ſeveral Powers, Authorities, Privileges, Advantages, Rights, Proviſions, Matters, and

Powers of former Act extended to this Act.

and Things, therein contained, ſo far as the Nature and Circumſtances of the Caſe will admit, (except ſuch as are by this Act varied, altered, or repealed), ſhall be uſed, enjoyed, and exerciſed, by the ſaid Canal Company, for making, completing, preſerving, maintaining, directing, and managing, ſuch Part of the ſaid Canal as ſhall be made by virtue of this preſent Act, and for ſupplying the ſaid Canal with Water, and alſo for making, executing, performing, ſupporting, and preſerving, all ſuch Works, Matters, and Things, as the ſaid Canal Company ſhall think neceſſary or expedient to be done for the Benefit of the ſaid Canal Company, in ſuch and the like Manner, and as fully and effectually in all Reſpects, and to all Intents and Purpoſes, as if the ſaid ſeveral Powers, Authorities, Privileges, Advantages, Rights, Proviſions, Matters, and Things, contained or enacted in the ſaid recited Act, were re-enacted and given by this preſent Act, and as if ſuch Part of the ſaid Canal, and the other Works by this Act intended to be made, completed, and maintained, had been deſcribed in and by the ſaid recited Act as Part of the Canal and Works to be made and done by the ſaid Canal Company, by virtue of the ſaid recited Act.

Rates of Tonnage to be the ſame.

III. And be it further enacted, That ſuch and the like Rates of Tonnage and Wharfage as would have been payable to the ſaid Canal Company, by virtue of the ſaid recited Act, if the Line of the ſaid Canal had not been varied, ſhall be paid to the ſaid Canal Company upon the deviated Line to be made through the ſaid Pariſhes of *Slimbridge*, *Frampton-upon-Severn*, *Fretherne*, *Saul*, *Wheatenhurſt*, *Moreton-Valence*, and *Standiſh*.

Land to be paid for at the ſame Prices as expreſſed in the recited Act.

IV. And be it further enacted, That the ſaid Canal Company ſhall pay to the Owners of the Lands, through which the ſaid deviated Line ſhall be made, the ſame Prices *per* Acre for the Land to be taken for the Uſe of the ſaid Canal, by virtue of this Act, and to be aſcertained in the ſame Manner as by the ſaid recited Act is directed.

After 100,000*l.* ſhall have been raiſed, Power to raiſe the Remainder of the Money by new Shares, Mortgages, &c.

V. And whereas, in and by the ſaid recited Act, the ſaid Canal Company was authorized and empowered to raiſe and contribute amongſt themſelves, in ſuch Proportions as to them ſhould ſeem meet and convenient, a competent Sum of Money for making and completing the ſaid intended Canal, and other the Purpoſes of the ſaid recited Act, not exceeding in the Whole the Sum of One hundred and forty thouſand Pounds, (except as therein and herein-after mentioned), and it was thereby enacted, that the ſaid Sum of One hundred and forty thouſand Pounds, or ſuch Part thereof as ſhould be raiſed in purſuance of the ſaid Act, ſhould be divided into One thouſand four hundred equal Shares or Parts, at a Price not exceeding One hundred Pounds *per* Share; and that in caſe the ſaid Sum of One hundred and forty thouſand Pounds ſhould be found inſufficient for the making, completing, and maintaining of the ſaid Canal, and other the Purpoſes of the ſaid Act, then and in ſuch Caſe it ſhould be lawful for the ſaid Canal Company to raiſe and contribute amongſt themſelves, in ſuch Shares and Proportions as to them ſhould ſeem meet, or by the Admiſſion of new Subſcribers, or by Mortgage of the ſaid Undertaking, any further or other Sum of Money, for completing and perfecting the ſame, not exceeding the Sum of Sixty thouſand Pounds: And whereas, previous to the obtaining of the ſaid recited Act, it was ſtipulated on Behalf of the Owners of Lands through which the ſaid Canal was intended to be made, that One Fifth Part of the Shares into which

the ſaid Sum of One hundred and forty thouſand Pounds ſhould be divided, ſhould be reſerved for ſuch Owners of Lands, in caſe they ſhould think proper to become the Proprietors thereof; but the greater Part of the Land Owners for whom ſuch Shares were reſerved, have declined taking the ſame; and by reaſon thereof, and in conſequence of the preſent Scarcity of Money, the ſaid Canal Company have hitherto been unable to raiſe the Whole of the ſaid Sum of One hundred and forty thouſand Pounds, and ſome of the ſaid Shares remain undiſpoſed of: And whereas Doubts have ariſen whether the ſaid Canal Company are authorized, by the ſaid recited Act, to raiſe the further Sum of Sixty thouſand Pounds in the ſaid Act mentioned, or any Part thereof, until the ſaid Sum of One hundred and forty thouſand Pounds ſhall have been actually advanced: For obviating which Doubts, and enabling the ſaid Canal Company to complete the ſaid Undertaking, be it further enacted, That when and as ſoon as the Sum of One hundred thouſand Pounds ſhall have been advanced and paid, upon Calls made under or by virtue of the ſaid recited Act, or of this preſent Act, it ſhall and may be lawful for the ſaid Canal Company, and they are hereby authorized and required, if they ſhall find it neceſſary for the Purpoſes of the ſaid recited Act, or of this preſent Act, to raiſe the Remainder of the ſaid Sum of One hundred and forty thouſand Pounds, and alſo the ſaid Sum of Sixty thouſand Pounds, by the ſaid recited Act authorized to be raiſed, or ſo much or ſuch Part thereof as ſhall be wanted or found neceſſary for the Purpoſes aforeſaid, either by the Admiſſion of new Subſcribers or Proprietors, for One or more Share or Shares of One hundred Pounds each, or Half Shares of Fifty Pounds each, or Quarter Shares of Twenty-five Pounds each, or to raiſe the ſame, or any Part thereof, by Way of Mortgage of the ſaid Undertaking, or upon Bond as herein-after mentioned, any Thing in the ſaid recited Act contained to the contrary notwithſtanding; and the Money ſo to be raiſed, is hereby directed to be laid out and applied for and towards the completing and maintaining of the ſaid intended Canal, and other the Purpoſes of the ſaid recited Act, and of this preſent Act; and the ſeveral Powers, Directions, Penalties, and Proviſions, contained in the ſaid recited Act, and not hereby altered, ſhall extend to the raiſing, calling for, and recovering of the Money to be raiſed as aforeſaid by virtue of this Act, or ſuch Part thereof as ſhall be wanted or found neceſſary for the Purpoſes aforeſaid, as fully and effectually, to all Intents and Purpoſes, as if the ſaid ſeveral Powers, Directions, Penalties, and Proviſions, contained in the ſaid recited Act, were repeated and re-enacted in this preſent Act: Provided, that nothing herein contained ſhall authorize the ſaid Canal Company to raiſe any more or greater Sum in the Whole than they are by the ſaid recited Act authorized to raiſe.

Power to raiſe Money on Bond.

VI. And be it further enacted, That it ſhall be lawful for the ſaid Canal Company, or the Committee of ſuch Company, and they are hereby authorized to raiſe from Time to Time, upon the Bond of any Two or more of the Proprietors who may be willing to become Surety for the ſame, all or any Part or Parts of the Money which by virtue of this Act they are authorized to raiſe, and the Money ſo to be raiſed on Bond, and the Intereſt thereof, ſhall be repaid out of the Income and Rates ariſing from the ſaid Navigation, in Preference to any Dividends or Diſtribution of Profits amongſt the Proprietors thereof; and that the Perſon or Perſons who ſhall enter into ſuch Bond or Bonds, ſhall be fully

indemnified and ſaved harmleſs by the ſaid Canal Company, againſt the Payment of the Principal Money and Intereſt for which ſuch Bond or Bonds ſhall be given, and all Damages, Coſts, Charges, and Expences, by Reaſon thereof.

Shares 100*l.* each.

VII. And be it further enacted, That all and every the Shares already ſubſcribed for in purſuance of the ſaid recited Act, ſhall be conſidered as Shares of One hundred Pounds each; and that all and every Perſon and Perſons who have already ſubſcribed, or ſhall hereafter ſubſcribe, for One or more Share or Shares, or Part or Parts of any Share or Shares, in the ſaid Navigation, under or by virtue of the ſaid recited Act, or of this preſent Act, ſhall be entitled to receive, in reſpect thereof, ſuch proportionable Part of the Profits and Advantages ariſing to the ſaid Canal Company, under or by virtue of the ſaid recited Act, or of this preſent Act, as the Share or Shares, or Part or Parts of a Share or Shares, belonging to ſuch Perſon or Perſons as aforeſaid, ſhall bear to the whole Amount of the Shares or Parts of Shares belonging to all and every the Proprietors in the ſaid Navigation, and ſuch Perſon or Perſons ſhall, in reſpect of any ſuch Share or Shares, or Part or Parts of a Share or Shares as aforeſaid, be ſubject to the like Regulations and Proviſions as the Proprietors of Shares in the ſaid Navigation are now ſubject and liable to; and that in the Qualification of Proprietors to vote in the General or other Aſſemblies or Meetings of the ſaid Company, ſo many of ſuch Parts of Shares as make together One whole Share of One hundred Pounds, ſhall be conſidered as equal to ſuch laſt-mentioned Share in the ſaid Navigation; but no Proprietor ſhall be entitled to give any Vote in reſpect of any ſingle Half, or other Part or Parts of any Share or Shares which ſhall not be equal to One whole Share.

Proprietors may hold Fifty Shares.

VIII. Provided always, and be it further enacted, That, from and after the paſſing of this Act, it ſhall and may be lawful to and for any Perſon or Perſons already poſſeſſed of any Share or Shares, or who ſhall become a Proprietor or Proprietors of any Share or Shares, or Part or Parts of a Share or Shares in the ſaid Navigation, to hold any Number of ſuch Shares or Parts of Shares, not exceeding Fifty whole Shares; any Thing in the ſaid recited Act contained to the contrary notwithſtanding.

For more eaſy recovering Calls.

IX. And, in order to render more eaſy and effectual the Mode of recovering the Monies called for, or to be called for, in purſuance of the ſaid recited Act, or of this preſent Act, and to remove all Doubts and Difficulties therein; be it further enacted, That if any Perſon or Perſons, upon whom any Call or Calls for Money hath or have been, or ſhall or may be hereafter made, under or by virtue of the ſaid recited Act, or of this preſent Act, hath or have neglected or refuſed, or ſhall or may neglect or refuſe to pay his, her, or their rateable or proportionable Share or Shares, or Part or Parts of a Share or Shares of the ſaid Money at the Time and Place appointed for the Payment thereof, (of which One Calendar Month's Notice at the leaſt hath been given in purſuance of the ſaid recited Act, or ſhall or may be given by publiſhing the ſame in the *Glouceſter* and *Worceſter* Weekly Newſpapers, or by cauſing the ſame to be demanded perſonally, or at the laſt or moſt uſual Place of Reſidence of ſuch Perſon or Perſons, or in ſuch other Manner as the ſaid Canal Company

Company ſhall, at any General Aſſembly, direct or appoint), it ſhall be lawful for the ſaid Canal Company to ſue for and recover the ſame in any of His Majeſty's Courts of Record by Action of Debt, wherein it ſhall be ſufficient for the ſaid Canal Company to declare and alledge, that the Defendant or Defendants, being a Proprietor or Proprietors of ſuch or ſo many Share or Shares, or ſuch and ſo many Part or Parts of ſuch or ſo many Share or Shares (as the Caſe may happen to be) of and in the ſaid Navigation, is or are indebted to the ſaid Canal Company in ſuch Sum or Sums of Money as the Call or Calls in Arrear ſhall amount unto, for ſuch or ſo many Call or Calls of ſuch or ſo many Sum or Sums of Money, upon ſuch or ſo many Share or Shares, or Part or Parts of ſuch or ſo many Share or Shares, belonging to ſuch Defendant or Defendants, (as the Caſe may happen to be), duly made upon him, her, or them, according to the Authority of the ſaid recited Act, or of this preſent Act, whereby an Action hath accrued to the ſaid Company by virtue of the ſaid Acts, or either of them, without ſetting forth the ſpecial Matter; any Thing herein-before, or in the ſaid recited Act, contained to the contrary thereof notwithſtanding.

To declare Shares forfeited, or proceed to recover Calls.

X. Provided always, and be it further enacted, That in caſe any ſuch Perſon or Perſons hath or have neglected or refuſed, or ſhall or may neglect or refuſe, to pay his, her, or their rateable and proportionable Share or Shares, or Part or Parts of a Share or Shares, of the ſaid Money ſo called for, or to be called for as aforeſaid, by the Space of Three Calendar Months after the Time, and at the Place appointed for Payment thereof, whereby he, ſhe, or they, hath or have, or ſhall, according to the ſaid recited Act, become liable to forfeit his, her, or their Share or Shares, or Part or Parts of a Share or Shares, and Intereſt in the ſaid Navigation, and all the Profits and Benefit thereof, and all Monies advanced by him, her, or them, to or for the Uſe or Benefit of the other Proprietors of the ſaid Navigation, it ſhall be in the Election of the ſaid Canal Company to take Advantage of the ſaid Forfeiture, and proceed thereon as in the ſaid recited Act is mentioned, or to waive the ſame, and proceed in Manner and Form aforeſaid, for the Recovery of ſuch rateable or proportionable Share or Shares, or Part or Parts of a Share or Shares, of the ſaid Money ſo called for, or to be called for as aforeſaid; any Thing in the ſaid recited Act contained to the contrary in anywiſe notwithſtanding.

Proprietors not to vote while Calls are in Arrear.

XI. Provided always, and be it further enacted, That no Proprietor or Proprietors who ſhall be in Arrear in the Payment of any Sum or Sums of Money due or payable for or by Reaſon of any Call or Calls made or to be made by virtue of the ſaid recited Act, or of this preſent Act, ſhall be entitled to vote in any publick Meeting or Aſſembly to be held under the Powers of the ſaid Acts, or either of them, during the Time that ſuch Call or Calls ſhall be ſo in Arrear and unpaid.

Compenſation for *Slimbridge Warth* Common.

XII. And whereas it was in and by the ſaid recited Act enacted and declared, That ſo much of the Purchaſe Money for the ſeveral Commons and Commonable Lands through which the ſaid Canal would paſs, as ſhould be deemed to be the Value of the Intereſt of the Lord of the Manor, and of the Perſons entitled to the Right of Common in ſuch Commons, ſhould be paid to the Surveyors of the Highways of the reſpective Pa-

riſhes, Tythings, or Hamlets, and be applied by ſuch Surveyors to the Repairs of the Highways within the ſaid reſpective Pariſhes, Tythings, or Hamlets, in ſuch Manner as ſhould be directed by any Order or Orders of Veſtry which might be made for that Purpoſe, and that the Receipt or Receipts of ſuch Surveyors ſhould, and were thereby declared to be a full and effectual Diſcharge to the ſaid Canal Company for the ſeveral Sums ſo paid by them, or on their Behalf, for the Purchaſe of ſuch Commons: And whereas the ſaid Canal, at the Time of paſſing the ſaid Act, was intended to be cut in ſuch a Direction that only ſmall Parts of any Commons or Commonable Lands would have been taken into or for the Uſe of the ſaid Canal, but inaſmuch as the ſaid Canal is, under the Authority of this Act, intended to paſs through a Common of conſiderable Extent, called *Slimbridge Warth*, (Two Third Parts of which ſaid Common, or of the Rights of Common thereon, belong to the Inhabitants of the Pariſh of *Slimbridge*, and the remaining Third Part of the ſaid Common, or of the Rights of Common thereon, belongs to the Inhabitants of the Pariſh of *Frampton-upon-Severn*); and as a conſiderable Part of ſuch Warth will be taken into or for the Uſe of the ſaid Canal, it hath been thought expedient that ſo much of the ſaid recited Act as affects the Application of the Money to be paid by the ſaid Canal Company for the Purchaſe of ſuch Part of the ſaid Warth called *Slimbridge Warth* as will be uſed for the Purpoſes of the ſaid Canal; ſhould be repealed; be it therefore further enacted, That ſo much of the ſaid recited Act as affects the Application of the Money to be paid by the ſaid Canal Company for the Purchaſe of ſuch Part of the ſaid Warth called *Slimbridge Warth* as will be uſed for the Purpoſes of the ſaid Canal, ſhall be, and the ſame is hereby repealed; and that the Purchaſe Money which ſhall be paid for ſuch Part or Parts of the ſaid Common called *Slimbridge Warth* as ſhall be taken into or for the Uſe of the ſaid Canal, ſhall be paid to the Perſons, and upon the Truſts following; (that is to ſay), Two Third Parts of ſuch Purchaſe Money ſhall be paid to the Right Honourable *Frederick Auguſtus* Earl of *Berkeley*, (Lord of the Manors of *Slimbridge*, *Hurſt*, and *Sages*), the Rector of the ſaid Pariſh of *Slimbridge* for the Time being, the Reverend *William Davies* junior, Clerk, *Thomas Purnell Purnell* Eſquire, *William Underwood* Edge Tool Maker, and *Edward Phillimore* Yeoman, (Truſtees nominated by and on the Behalf of the Pariſh of *Slimbridge*), or to the Survivors or Survivor of them, (whoſe Receipt or Receipts ſhall, and is and are hereby declared to be a full and effectual Diſcharge to the ſaid Canal Company for the ſame), upon Truſt to be by ſuch Truſtees, or the Survivors or Survivor of them, laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, in the County of *Glouceſter*, which Lands, Tenements, or Hereditaments, when purchaſed, ſhall be conveyed to the ſaid Truſtees, or the Survivors or Survivor of them, or to the Truſtees for the Time being, and to their Heirs, upon Truſt for them the ſaid Truſtees, or the Survivors or Survivor of them, or the Truſtees for the Time being, to let and ſet the ſaid Lands, Tenements, or Hereditaments, and the Rents, Iſſues, and Profits thereof to receive, and the ſame Once in every Year from Time to Time for ever to give and diſtribute to and amongſt ſuch poor Inhabitants of the ſaid Pariſh of *Slimbridge* as do not receive Parochial Relief, in ſuch Parts and Proportions as to the Truſtees for the Time being ſhall ſeem meet; and until ſuch Lands, Tenements, or Hereditaments, ſhall be ſo purchaſed as aforeſaid, upon Truſt for the ſaid Truſtees, or the Survivors

or Survivor of them, or the Truſtees for the Time being, to lay out and inveſt ſuch Two Third Parts of ſuch Purchaſe Money in the Three *per Centum* Conſolidated Bank Annuities, and the Intereſt, Dividends, and Proceeds thereof, to be from Time to Time applied by the ſaid Truſtees, or the Survivors or Survivor of them, or the Truſtees for the Time being, in the ſame Manner as the Rents, Iſſues, and Profits, of the Lands, Tenements, or Hereditaments, when purchaſed, are directed to be applied; and when and as ſoon as any One or more of the ſaid Truſtees ſhall happen to die, it ſhall and may be lawful to and for the remaining Truſtees or Truſtee, by Writing under their or his Hands or Hand, to elect and chuſe a new Truſtee or Truſtees in the Room of that or thoſe ſo deceaſed, (the Lord of the Manors of *Slimbridge*, *Hurſt*, and *Sages*, and the Rector of the ſaid Pariſh of *Slimbridge* for the Time being, always to be Two of the Truſtees), and ſo from Time to Time as often as the Caſe ſhall happen, and thereupon the ſaid Three *per Centum* Annuities, or the Lands, Tenements, or Hereditaments, which ſhall have been purchaſed, ſhall be transferred or conveyed to the ſaid new Truſtee or Truſtees jointly with the remaining Truſtees or Truſtee, and which new elected Truſtee or Truſtees ſhall from Time to Time have equal Power with the ſaid old Truſtees, as they would have had if they had been originally named and appointed by this Act; and the remaining One Third Part of ſuch Purchaſe Money ſhall be paid to *Nathaniel Winchcombe* Eſquire, *Samuel Peach Peach* Eſquire, *Richard King* Eſquire, and the Reverend *William Jenkin* Clerk, (Truſtees nominated by and on the Behalf of the Pariſh of *Frampton-upon-Severn*) or to the Survivors or Survivor of them, (whoſe Receipt or Receipts ſhall, and is and are hereby declared to be a full and effectual Diſcharge to the ſaid Canal Company for the ſame), upon Truſt to be by ſuch Truſtees, or the Survivors or Survivor of them, laid out, as ſoon as conveniently may be, in the Purchaſe of Lands, Tenements, or Hereditaments, in Fee Simple, in the County of *Glouceſter*, which Lands, Tenements, or Hereditaments, when purchaſed, ſhall be conveyed to the ſaid Truſtees, or the Survivors or Survivor of them, or to the Truſtees for the Time being, and to their Heirs, upon Truſt for them the ſaid Truſtees, or the Survivors or Survivor of them, or the Truſtees for the Time being, to let and ſet the ſaid Lands, Tenements, or Hereditaments, and the Rents, Iſſues, and Profits, thereof, to receive, and the ſame Once in every Year, from Time to Time for ever to give and diſtribute to and amongſt ſuch poor Inhabitants of the Pariſh of *Frampton-upon-Severn* aforeſaid, as do not receive Parochial Relief, in ſuch Parts and Proportions as to the Truſtees for the Time being ſhall ſeem meet; and until ſuch Lands, Tenements, or Hereditaments, ſhall be ſo purchaſed as aforeſaid, upon Truſt for the ſaid Truſtees, or the Survivors or Survivor of them, or the Truſtees for the Time being, to lay out and inveſt ſuch One Third Part of ſuch Purchaſe Money in the Three *per Centum* Conſolidated Bank Annuities, and the Intereſt, Dividends, and Proceeds thereof to be from Time to Time applied by the ſaid Truſtees, or the Survivor or Survivors of them, or the Truſtees for the Time being, in the ſame Manner as the Rents, Iſſues, and Profits, of the Lands, Tenements, or Hereditaments, when purchaſed, are directed to be applied; and when and as ſoon as any One or more of the ſaid Truſtees ſhall happen to die, it ſhall and may be lawful to and for the remaining Truſtees or Truſtee, by Writing under their or his Hands or Hand to elect and chuſe a new Truſtee or Truſtees in the Room of that or thoſe ſo deceaſed, and ſo from Time to Time as often as

as the Caſe ſhall happen, and thereupon the ſaid Three *per Centum* Annuities, or the Lands, Tenements, or Hereditaments, which ſhall have been purchaſed, ſhall be transferred or conveyed to the ſaid new Truſtee or Truſtees, jointly with the remaining Truſtees or Truſtee, and which new elected Truſtee or Truſtees ſhall from Time to Time have equal Power with the ſaid old Truſtees, as they would have had if they had been originally named and appointed by this Act.

Truſtees not to incur the Penalties of the Statutes of Mortmain.

XIII. And be it further enacted, That the Truſtees hereby named and appointed, or to be hereafter named and appointed, by or on the Part and Behalf of the ſaid Pariſh of *Slimbridge*, and alſo the Truſtees hereby named and appointed, or to be hereafter named and appointed, by or on the Part and Behalf of the ſaid Pariſh of *Frampton-upon-Severn*, ſhall and may have Power and Authority to purchaſe Lands, Tenements, or Hereditaments, to them and their Heirs or Succeſſors, (ſuch Succeſſors to be named and appointed in Manner herein-before mentioned), without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain; any Law, Uſage, or Cuſtom, to the contrary thereof in anywiſe notwithſtanding.

Owners of Lands in *Frampton* to go along the Towing Paths.

XIV. And be it further enacted, That it ſhall and may be lawful to and for all and every Perſon and Perſons being Inhabitants, or an Inhabitant of, or an Owner or Occupier of Lands in the ſaid Pariſh of *Frampton-upon-Severn*, and to and for his, her, or their Servants or Agents, from Time to Time and at all Times hereafter to go, paſs, and repaſs, either with or without Cattle, for the Purpoſes of Communication with the ſaid Warth only, along the Towing Paths, from any Part of the ſaid Pariſh of *Frampton-upon-Severn*, to the ſaid Common called *Slimbridge Warth*, and to drive their Horſes, Cows, Sheep, or other Cattle, to and from the ſaid Warth, along the ſaid Towing Paths, without paying any Toll, or being liable to make any other Satisfaction to the ſaid Canal Company for the ſame.

Perſons deprived of Roads to uſe Towing Paths.

XV. And be it further enacted, That in all Caſes where the Owner or Owners, Occupier or Occupiers, of any Cloſe or Cloſes, or Piece or Pieces of Land or Ground adjoining or lying near to the ſaid Canal, ſhall, by Means of any Thing done in purſuance of the ſaid recited Act, or of this preſent Act, be deprived of as commodious an Acceſs to and from ſuch Cloſe or Cloſes, or Piece or Pieces of Land or Ground as they now enjoy, and who can or may have Acceſs to the ſame by Means of the Towing Path to be made on the Sides of the ſaid Canal, then and in ſuch Caſe it ſhall and may be lawful to and for ſuch Owner or Owners, Occupier or Occupiers, and to and for his, her, and their Servants or Agents, from Time to Time and at all Times hereafter to go, paſs, and repaſs, either with or without Horſes, Cattle, Carts, or other Carriages, along the ſaid Towing Path, to and from ſuch Cloſe or Cloſes, or Piece or Pieces of Land or Ground, and to drive their Horſes, Cows, Sheep, or other Cattle, to and from ſuch Cloſe or Cloſes, or Piece or Pieces of Land or Ground, along the ſaid Towing Path, for the Purpoſes of ſuch Communication only, without paying any Toll, or being liable to make any Satisfaction to the ſaid Canal Company for the ſame, ſo long as ſuch Owner or Owners, Occupier or Occupiers, ſhall be deprived of ſuch Acceſs by the Means aforeſaid.

XVI. And

Two Bridges to be made leading to *Slimbridge Warth.*

XVI. And be it further enacted, That the ſaid Canal Company ſhall not make the ſaid intended Canal down, through, or acroſs the ſaid Common called *Slimbridge Warth*, until they ſhall, at their own proper Charges, have made and perfected Two ſtrong and ſubſtantial Bridges over the ſame, to lead into the ſaid Warth, each Bridge to be of the Breadth of Twelve Feet, with proper Fences on each Side, for the Accommodation of Perſons having Rights of Common on the ſaid Common called *Slimbridge Warth*, and alſo for the Accommodation of the Owners and Occupiers of certain Lands called *The New Grounds*, and for the Accommodation of the Owners and Occupiers of all other Lands (if any) which may lie between ſuch Part of the ſaid Canal as is intended to go through the ſaid Common called *Slimbridge Warth*, and the River *Severn*; One of which ſaid Bridges ſhall be erected and ſet up oppoſite to the Road or Highway which now leads from *Slimbridge* Church into the ſaid Common called *Slimbridge Warth*, and the other ſhall be erected and ſet up oppoſite to the Road or Highway which now leads from *Cambridge* into the ſaid Common called *Slimbridge Warth*; and the ſaid Bridges ſhall from Time to Time be by the ſaid Canal Company ſupported, maintained, and kept in ſufficient Repair.

Proviſions of former Act to apply to deviated Line.

XVII. And be it further enacted, That all and every the Clauſes, Articles, Proviſoes, Proviſions, Powers, Privileges, Exemptions, Conditions, and Agreements, which are in the ſaid recited contained, and which apply to or for the Benefit or Advantage of the Land Owners or Mill Owners upon or near to the Line of the Canal thereby authorized to be made, or to any or either of them, or which are calculated or intended to compel the ſaid Canal Company to do or perform any particular Thing or Things, or Act or Acts, for the Benefit or Protection of the ſaid Land Owners or Mill Owners, or any or either of them, or to compel the ſaid Canal Company to make Satisfaction or Recompence to any Land Owner, Mill Owner, or other Perſon or Perſons, for any Damage or Injury which may or ſhall at any Time or Times be ſuſtained by any Land Owner, Mill Owner, or other Perſon or Perſons for or by Reaſon of the ſevering or dividing of any Lands, Grounds, Waters, or other Hereditaments, or of the making, maintaining, or repairing of the Canal, Aqueducts, Feeders, Trenches, Paſſages, Weirs, Culverts, Watercourſes, Roads, Bridges, Ways, Sluices, or other Works thereby authorized to be made, or of the ſupplying of the ſame, or of any of them, with Water, as in the ſaid recited Act is mentioned, or by the flowing, leaking, or oozing of the Water over or through the Banks of the Canal, Trenches, or Sluices, thereby authorized to be made, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers given by the ſaid recited Act, for conveying or communicating Water to or from the Canal thereby authorized to be made, or by not cleanſing the Watercourſes, Trenches, or Paſſages, thereby authorized to be made, or by turning, ſtopping, or diverting any Streams or Brooks into or under the ſame, or by Reaſon or Means of the Execution of any of the Powers contained in the ſaid recited Act, by the ſaid Canal Company, or by their Agents, Workmen, Officers, or Aſſiſtants, and which are not expreſsly varied, altered, or repealed by this Act, ſhall apply to, and the ſame ſhall be and continue in force for the Benefit of all and every the Land Owners and Mill Owners upon or near to the deviated Line to be made through the ſaid Pariſhes of *Slimbridge*, *Frampton-upon-Severn*, *Fretherne*,

therne, *Saul*, *Wheatenhurſt*, *Moreton-Valence*, and *Standiſh*, and to and for the Benefit of all and every other Perſon and Perſons who may or ſhall at any Time or Times ſuſtain any Damage or Injury for or by Reaſon of the ſevering or dividing of any Lands, Grounds, Waters, or other Hereditaments, or of the making, maintaining, or repairing of the Canal, Aqueducts, Feeders, Trenches, Paſſages, Weirs, Culverts, Watercourſes, Roads, Bridges, Ways, Sluices, or other Works in the ſaid deviated Line, or the ſupplying of the ſame, or of any of them, with Water, in ſuch Manner as in the ſaid recited Act is mentioned, or by the flowing, leaking, or oozing of the Water over or through the Banks of the Canal, Trenches, or Sluices, in the ſaid deviated Line, or over or through any Paſſages, Gutters, or Watercourſes, which ſhall be made purſuant to the Powers by the ſaid recited Act, or by this preſent Act, given for conveying or communicating Water to or from the Canal in the ſaid deviated Line, or by not cleanſing the ſaid Watercourſes, Trenches, or Paſſages, or by turning, ſtopping, or diverting any Streams or Brooks into or under the ſame, or by Reaſon or Means of the Execution of any of the Powers in the ſaid recited Act, or in this preſent Act contained, by the ſaid Canal Company, or by their Agents, Workmen, Officers, or Aſſiſtants, as fully, effectually, and particularly, to all Intents and Purpoſes whatſoever, as if the ſame Clauſes, Articles, Proviſoes, Proviſions, Powers, Privileges, Exemptions, Conditions, and Agreements, were herein repeated or re-enacted by this preſent Act.

Proviſions reſpecting the *Stroudwater* Navigation.

XVIII. Provided always, and be it hereby enacted and declared, That all and every the Proviſions, Clauſes, Powers, Reſervations, Regulations, Conditions, Reſtrictions, Penalties, Prohibitions, Exemptions, Savings, Matters, and Things, which in and by the ſaid recited Act were and are declared or enacted, granted, expreſſed, or provided, touching or in anywiſe concerning the Rights, Intereſts, Profits, Rates, Tolls, Dues, Eaſements, Emoluments, Members, Appurtenances, Property, Benefit, Advantage, Claim, Indemnification, or Demands whatſoever, of the Company of Proprietors of the *Stroudwater* Navigation, ſhall be and continue in full Force, Strength, and Effect, in no wiſe vacated, annulled, diſcharged, varied, or altered, by Means or Occaſion of the paſſing of this preſent Act, except only in reſpect to ſuch Particulars as are herein-after expreſſed and ſpecified in that Behalf.

Power to lengthen the upper Reach of *Stroudwater* Navigation.

XIX. And whereas the ſaid *Glouceſter* and *Berkeley* Canal, by Means of the ſaid intended Deviation from the Line or Courſe according to, and as the ſame was and is deſcribed, ſet forth, and expreſſed in the Map or Plan and Book of Reference mentioned in the ſaid above recited Act, will interſect, by the intended Line of Deviation deſcribed, ſet forth, and expreſſed, in and by the preſent Act, the ſaid *Stroudwater* Navigation, at a Point or Place on its loweſt Reach or Level, and it is expedient and neceſſary for the better making and maintaining, uſing, and Enjoyment of the ſaid *Glouceſter* and *Berkeley* Canal, and for the more convenient croſſing the Line of the ſaid *Stroudwater* Navigation, that the ſaid loweſt Reach or Level of the ſaid *Stroudwater* Navigation ſhould be raiſed and varied to ſome Point or Place, for the croſſing of both Navigations as aforeſaid, more to the Weſt, and below the intended and deſcribed Point of Junction in the ſaid recited Act; be it therefore, and it is hereby enacted and declared, That the ſaid *Glouceſter* and *Berkeley* Canal Company

pany ſhall and may, and they are hereby authorized and empowered, at their own proper Coſts and Charges, to lengthen and continue the upper Reach or Level of the ſaid *Stroudwater* Navigation, and to raiſe and vary ſo much of the loweſt Reach or Level as may be anſwerable thereto, for any Space or Extent not exceeding in the Whole One thouſand two hundred Yards, ſuch Space or Extent to be computed and meaſured from the upper Part of the Head of the *Whitminſter* Lock, downwards upon the ſaid Navigation towards the Weſt, and to do and perform all Works, Matters, and Things, requiſite and neceſſary thereto; and for the better carrying into Effect the Purpoſes aforeſaid, it ſhall and may be lawful to and for the ſaid *Glouceſter* and *Berkeley* Canal Company to change, divert, and turn the Courſe or Channel of the ſaid *Stroudwater* Navigation within the Limits aforeſaid, in the Manner and to the Extent, but no further or otherwiſe than as ſuch Diverſion or turning of the Line of the ſaid Navigation is deſcribed and marked upon the Plan or Map of the ſaid intended Line or Courſe of Deviation of the ſaid *Glouceſter* and *Berkeley* Canal as aforeſaid; and the ſaid laſt mentioned Company ſhall and may, and they are hereby empowered, to ſet up, erect, place, raiſe, and continue all ſuch Mounds, Embankments, and other Works, and do, execute, and perform, all and every ſuch other Works and Acts, Matters and Things, in and upon the Banks and Towing Path of the ſaid *Stroudwater* Navigation, within the Limits aforeſaid, as ſhall and may be neceſſary for the Purpoſes aforeſaid.

To repair Banks of diverted Line.

XX. Provided always, and it is hereby declared and enacted, and the aforeſaid Powers and Authorities are hereby given and granted to the ſaid *Glouceſter* and *Berkeley* Canal Company upon theſe expreſs Conditions following; (that is to ſay), that the ſaid Company ſhall and will, from and after the altering, diverting, and turning, of the Courſe or Channel of the ſaid *Stroudwater* Canal in Manner aforeſaid, and alſo from and after the raiſing and making of ſuch Mounds, Embankments, and other Works, upon the Banks and Towing Path of the ſaid *Stroudwater* Navigation, for the Purpoſes herein-before mentioned, from Time to Time for ever thereafter, when and as often as Occaſion ſhall require, at their own Coſts and Charges, well and ſufficiently repair, uphold, maintain, amend, puddle, and keep in Repair, the Mounds, Embankments, and other Works appertaining thereto, ſo to be placed, ſet up, raiſed, and made, upon the ſaid Banks and Towing Path of the ſaid *Stroudwater* Navigation, and alſo the Banks and Towing Path of the ſaid *Stroudwater* Navigation throughout the whole Limits of its diverted Line or Channel, and alſo of the Mounds, Embankments, and other Works, which ſhall or may be raiſed or made in purſuance of the Powers hereby granted, in, by, and with all and all Manner of needful and neceſſary Reparations, Amendments, maintaining, and puddling, whatſoever.

To drain Lands, alter Bridges, and erect a Lock.

XXI. And be it further enacted, That the ſaid *Glouceſter* and *Berkeley* Canal Company ſhall, and they are hereby directed and required, from Time to Time for ever, when and as often as Occaſion ſhall require, at their own Coſts and Charges, well and ſufficiently to drain, and cauſe and procure to be drained, the Lands and Grounds lying contiguous, adjacent, or near to the ſaid diverted Line or Channel, Mounds, Embankments, and other Works to be raiſed and made in Manner aforeſaid; and for the more effectually draining of ſuch Lands and Grounds, ſhall and do build, erect,

erect, raiſe, and place acroſs, through, and under the ſaid intended Mounds and Embankments, One or more good and ſufficient Culvert or Culverts, under the Direction and with the Approbation of the ſaid Company of Proprietors of the *Stroudwater* Navigation, and ſhall and do for ever thereafter repair, maintain, and keep in Repair, ſuch Culvert or Culverts; and that the ſaid *Glouceſter* and *Berkeley* Canal Company ſhall alſo, at their own proper Coſts and Charges, alter, build, erect, and complete, the Two Bridges over and acroſs the ſaid *Stroudwater* Navigation, within the Space and Extent aforeſaid, ſo as to anſwer and correſpond to the new Level ſo raiſed and altered as aforeſaid; and alſo to build, erect, and ſet up, One good and ſufficient Lock upon the ſaid *Stroudwater* Navigation, in the Place and in lieu of the ſaid Lock called *The Whitminſter Lock*, upon the ſaid Navigation; which ſaid Bridges and Lock reſpectively ſhall be altered, erected, ſet up, completed, and made, according to ſuch Direction, and with ſuch Approbation as aforeſaid; and in caſe the ſaid *Glouceſter* and *Berkeley* Canal Company ſhall neglect or refuſe well and ſufficiently to do, execute, and perform, all and every or any of the ſeveral Acts, Matters, and Things, herein-before ſpecified, to the Satisfaction, and according to the Direction and Approbation of the ſaid Company of Proprietors of the *Stroudwater* Navigation, within a reaſonable Time after Requeſt made in that Behalf by or on the Part of the ſaid laſt mentioned Company, then and in every ſuch Caſe it ſhall and may be lawful to and for the ſaid laſt mentioned Company to do, execute, and perform, all and every or any of the ſeveral Acts, Matters, and Things, herein-before in that Behalf ſpecified, and which ought to have been done, executed, or performed, by the ſaid *Glouceſter* and *Berkeley* Canal Company; and the ſaid *Stroudwater* Canal Company ſhall and may ſue for and recover, from and againſt the ſaid *Glouceſter* and *Berkeley* Canal Company, the Coſts, Charges, and Expences, of the doing, executing, and performing of the ſame, and of every Part thereof, by Action or Suit in any of His Majeſty's Courts of Record at *Weſtminſter*, together with full Coſts, or the ſame ſhall and may be recovered and levied by any other of the Ways and Means expreſſed or mentioned in the ſaid recited Act, touching the proſecuting, ſuing for, obtaining, or levying of Claims or Demands againſt the ſaid *Glouceſter* and *Berkeley* Canal Company.

Payment to the *Stroudwater* Company for Interruptions.

XXII. And be it further enacted, That the ſaid *Glouceſter* and *Berkeley* Canal Company ſhall pay to the ſaid Company of Proprietors of the ſaid *Stroudwater* Navigation the Sum of Five Pounds and Five Shillings, from Day to Day, for each and every Day during which the Navigation upon the ſaid *Stroudwater* Canal ſhall be interrrupted or impeded by Means of the altering, diverting, or turning of the Courſe or Channel of the ſaid Canal in Manner aforeſaid, or by Means of the ſetting up, raiſing, or erecting of the ſaid intended Mounds, Banks, and other Works appertaining thereto, or of the doing or performing of all and every or any of the ſeveral Acts, Matters, and Things, which ſhall or may be done or performed by virtue or under the Authority of this Act, and ſo from Time to Time, and at all future Times, whenever the Navigation upon the ſaid *Stroudwater* Canal ſhall be interrupted or impeded by Means or by Occaſion of the Excution of all and every or any of the Powers and Authorities hereby granted; and the ſaid *Glouceſter* and *Berkeley* Canal Company ſhall from Time to Time, for ever hereafter, indemnify and keep harmleſs the ſaid Company of Proprietors of the *Stroudwater* Navigation, from and againſt

againſt all and all Manner of Action and Actions, Cauſe and Cauſes of Action, Suits, Claims, Moleſtations, Demands, Damages, and Loſſes whatſoever, which ſhall or may in anywiſe be ſued, proſecuted, or recovered, againſt the ſaid laſt-mentioned Company by Occaſion of the Execution of the ſeveral Powers and Authorities hereby granted, and ſhall repay, reimburſe, and ſatisfy to the ſaid laſt mentioned Company, all ſuch Coſts, Charges, Damages, Loſſes, and Expences, whatſoever, as the ſaid laſt mentioned Company ſhall or may ſuſtain or be put to, directly or indirectly, for or by reaſon of the Execution of the ſeveral Powers and Authorities hereby granted; which ſaid ſeveral Payments, Indemnifications, Reimburſements, Satisfactions, Coſts, Charges, Damages, and Expences reſpectively, ſhall and may be proſecuted, ſued for, and recovered, againſt the ſaid *Glouceſter* and *Berkeley* Canal Company, by Action or Suit at Law in any of His Majeſty's Courts of Record at *Weſtminſter*, or the ſame ſhall and may be recovered and levied by any other of the Ways or Means expreſſed or mentioned in the ſaid recited Act.

For paying the Expences of this Act.

XXIII. And be it further enacted, That the Coſts and Charges of the obtaining and paſſing of this Act, and of making the Surveys, Plans, and Eſtimates, and all other Coſts, Charges, and Expences, relating to or concerning the ſame, or anyways incident thereto, ſhall be borne, paid, and defrayed, by the ſaid Canal Company out of the Money received or to be received or raiſed by virtue of the ſaid recited Act, or of this preſent Act.

Publick Act.

XXIV. And be it further enacted, That this Act ſhall be deemed and taken to be a Publick Act, and ſhall be judicially taken Notice of as ſuch, by all Judges, Juſtices, and others, without the ſame being ſpecially pleaded.

FINIS.