



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 121.

An Act for making and keeping in Repair a Road or Passage for Horses on the Banks of the River *Severn*, between a certain Place at *Coalbrooke Dale*, to and above the *Welsh Bridge*, in the Town of *Shrewsbury*, in the County of *Salop*, for hauling and drawing Vessels along the said River. [27th May 1809.]

WHEREAS the present Method of hauling or drawing Barges and other Vessels along the River *Severn*, between a Place called *The Meadow Wharf*, in *Coalbrooke Dale*, in the County of *Salop*, and the Quays called *Mardol* and *Frankwell Quays*, above the *Welsh Bridge*, in the Town of *Shrewsbury*, in the said County, is attended with a great Expence to the Owners, and is injurious to the Owners of Lands adjoining to the said River: And whereas, if a proper Road was set out and made along the Banks of the said River, within the Limits aforesaid, to be made use of as a Hauling or Towing Path for Horses, it would be advantageous to the Land Owners and to the Owners of Barges and other Vessels navigating the said River, and beneficial to Trade in general; but the same cannot be effected without the Aid and Authority of Parliament; may it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Right Honourable *Charles Augustus Bennett*, commonly called *Lord Ossulston*, the Right Honourable *Henry Vane*, commonly called *Lord Barnard*,
[*Loc. & Per.*] Trustees.
26 Y Sir

Sir *John Hill* Baronet, Sir *Charles Oakeley* Baronet, Sir *Thomas Jones* Baronet, Sir *Andrew Corbett* Baronet, the Mayor, Recorder, Town Clerk, and Steward for the Time being of the Town of *Shrewsbury*, *John Allen*, *Joseph Asterley*, the Honourable *Henry Grey Bennett*, *Robert Burton*, *Henry Burton* Clerk, *Edward Burton*, *Samuel Tate Benyon*, *Benjamin Benyon*, *Charles Bage*, *John Beck*, *Peter Beck*, *John Bishop*, *Joseph Bromfield*, *Thomas Baker*, *John Baker*, *William Bayley*, *John Bickerton*, *Simon Barber*, *Richard Bratton*, *John Cotes*, *John Corbet*, *William Cludde*, *Edward Cludde*, *Joseph Carless*, *Edward Cullis*, *William Clement*, *Daniel Clarke*, *William Coupland*, *Edmund Darby*, *John Dodson*, *Thomas Eyton*, *Thomas Eyton* the younger, *John Eaton*, *John Edgerley*, *Joseph Enock*, *Robert Enock*, *Cecil Forester*, *Thomas Goodinge* Clerk, Doctor of Laws, *Edward Gittins* the younger, the Honourable *William Hill*, the Honourable *Richard Hill* Clerk, *John Hill* the younger, *Rowland Hunt*, *Francis Blythe Harries*, *William Henry Harnage*, *John Hughes*, *John Hughes* the younger, *William Hughes*, *Charles Hughes*, *Edward Hughes*, *William Harley*, *John Hiram Haycock*, *William Hazledine*, *John Hotchkiss*, *Thomas John Tyrwhitt Jones*, *Thomas Jones*, *William Jones*, *Edward Jenkins*, *Robert Jenkins*, *Edward Jeffreys*, *Andrew Jones*, *Edward Kynaston* Clerk, *Thomas Kynnersley*, *Richard Lyster*, *Thomas Lloyd*, *William Lloyd*, *Thomas Loxdale*, *Joseph Loxdale*, *Walter Michael Moseley*, *Thomas Morhall*, *John Maddock*, *George Ashby Maddock*, *Hugh Owen* Clerk, *Edward Price Owen*, *John Kynaston Powell*, *John Cressett Pelham*, *Thomas Pemberton*, *Robert Pemberton*, *James Parry*, *Francis Parry*, *Thomas Panting*, *John Rocke* Clerk, *John Rocke* the younger, Clerk, *John Ravenshaw*, *William Rowton*, *John Southern*, *Edward Studley*, *Francis Studley*, *William Smith*, *Richard Scott*, *John Scott*, *Christopher Scott*, *Thomas Scarth*, *Philip Sandford*, *Samuel Sandford*, *Joseph Sutton*, *Charles Price Stanier*, *William Simes*, *George Taylor*, *George Taylor* the younger, *William Teece*, *Edward Tipton* the younger, *George Augustus Thursby* Clerk, the Honourable *William Vane*, *Rowland Wingfield*, *John Wingfield*, *Edward Williams*, *Edward Williams* Clerk, *Francis Walford*, *John Wilde* Clerk, and *William John Younge*, and their Successors, to be elected in Manner herein-after mentioned, shall be and they are hereby appointed Trustees for setting out, making, and keeping in Repair a Road or Towing Path for Horses on the East Side of the said River *Severn*, from a Place called *The Meadow Wharf* at *Coalbrooke Dale* aforesaid, to a Place called *Cressage Bridge*, in the Parish of *Eaton Constantine*, in the said County of *Salop*; and also from the said Place called *Cressage Bridge* along the West Side of the said River to the upper End of a certain Piece of Land in the Parish of *Holy Cross* and *Saint Giles*, in the said County of *Salop*, called *Underdale Upper Meadow*, the Property of the Right Honourable Lord *Berwick*, and now in the Occupation of *James Bennett*, and likewise from the said last-mentioned Piece of Land, along the opposite Side of the said River *Severn*, to the Quay called *Mardol Quay* aforesaid, which said Road or Towing Path so to be set out and made as aforesaid shall not exceed Six Feet in Breadth, and the same shall and may be used with Horses as a Road or Towing Path for hauling and towing Barges and other Vessels in Manner herein-after mentioned.

Trustees may
remove Ob-
structions in
the Road, &c.

II. And be it further enacted, That the said Trustees, or any Five or more of them, or such Person or Persons as they or any Five or more of them, by any Writing under their Hands, shall for that Purpose nominate and

and appoint, by themselves, their Deputies, Agents, Officers, Workmen, and Servants, are hereby empowered and authorized, and shall have full Power and Authority to remove and take away all Gates, Rails, Stiles, Trees, Hedges, Bushes, Willows, and other Impediments or Obstructions upon any Lands or Grounds lying next or adjoining to or upon the Banks of the said River *Severn*, within the Limits aforesaid; which may in anywise hinder or obstruct the drawing of Vessels by Horses, as the said Trustees or any Five or more of them shall think fit for effecting the Purposes of this Act, and to build, erect, and set up such new and other Gates, Rails, Wickets, or other Fences, in or as near as conveniently may be to the same Places from whence the old ones shall be taken and removed; to be opened on all Occasions for the free Passage of Horses drawing Vessels as aforesaid, and returning along the said Road or Towing Path (subject to the Restrictions herein-after mentioned); and also to erect and build any Bridge or Bridges across any River or Rivers, Brook or Brooks, Ditch or Ditches, or other Places, for the better setting out and Improvement of the said Road or Towing Path, so as not to obstruct the Navigation of any such River or Brook, or to stop or pound the Water of any such River or Brook, and to alter, repair, and amend the said Gates, Rails, Wickets, and Bridges from Time to Time, and as often as the said Trustees or any Five or more of them shall think convenient, and also to make and set out along the Banks of the said River such Road or Towing Path as aforesaid, within the Limits aforesaid, in and through the Lands and Grounds upon the Sides of the said River, and from Time to Time to repair and amend the same, and also to lay on convenient Places of such Grounds or Lands all Manner of Timber, Gravel, and other Materials for the making, erecting, and repairing such Gates, Rails, Wickets, and Bridges, and for maintaining and keeping in repair such Road or Towing Path as aforesaid, and also to contract with any Workmen or other Person or Persons whomsoever for the making, doing, and effecting all and every the Works, Matters, and Things aforesaid, according to the true Intent and Meaning of this Act, and to do all other Matters and Things which shall be by the said Trustees, or any Five or more of them, adjudged necessary and convenient for the better Improvement, Advantage, Use, or Conveniency of the said Road or Towing Path, they the said Trustees, their Agents, Workmen, or Servants, doing as little Damage as may be to and upon the Premises, and making such Recompence and Satisfaction as is herein-after mentioned, to the Owners and Occupiers of the Lands, Tenements, Meadows, or Grounds respectively, for any Trees, Willows, Hedges, or Bushes to be cut down by virtue of this Act, or for any Damages that may happen or be occasioned to such Lands, Tenements, Meadows, or Grounds, for or on account of setting out, using, and repairing such Road or Towing Path as aforesaid, or on account of the Exercise of any of the Powers and Authorities hereby given to the said Trustees.

III. And be it further enacted, That it shall be lawful for the said Trustees or any Five or more of them, or such Persons as they or any Five or more of them shall from Time to Time appoint, their Deputies, Agents, Officers, Workmen, and Servants, to enter into and upon the Lands and Grounds of the several Persons, Bodies Politic, Corporate, or Collegiate, through which the said Road or Towing Path is intended to be made, in order to survey the same, and to set out and ascertain such

Lands may be entered for making Survey.

Parts thereof as they shall think necessary or proper for the making such Road or Towing Path; such Person or Persons making Satisfaction for the Damage they shall do thereby to the Occupiers of such Lands or Grounds, in case such Damage shall exceed the Sum of One Shilling.

Bodies Politic,
&c. em-
powered to
sell and
convey.

Trustees to
agree with
Owners of
Land for the
Ground to be
used in
making such
Road;

IV. And be it further enacted, That after such Parts of the said Lands or Grounds shall be so set out and ascertained as aforesaid for making the said Road or Towing Path, it shall be lawful for all Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, Husbands, Guardians, Trustees, and Feoffees in Trust, Committees, Executors, Administrators, and all other Trustees whatsoever, not only for and on Behalf of themselves, but also for and on Behalf of their *Cestuique* Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, and to and for every other Person or Persons whomsoever, who are or shall be seised, possessed of, or interested in any Lands or Grounds which shall be so set out and ascertained as aforesaid, or any Part thereof, to contract for, sell, or convey unto the said Trustees, or any Five or more of them, or to such Person or Persons as they or any Five or more of them shall nominate and appoint, for the Use of the Navigation of the said River, all or any Parts of such Lands or Grounds which shall from Time to Time be set out and ascertained as aforesaid, for such Price or Prices in Money, or other Equivalent, as to the said Trustees, or any Five or more of them, shall seem reasonable; and that all such Contracts, Agreements, Sales, and Conveyances shall be valid and effectual in Law to all Intents and Purposes whatsoever, any Law, Custom, or Usage to the contrary thereof notwithstanding; and all Bodies Politic, Corporate, or Collegiate, and all Persons whomsoever, so conveying as aforesaid, are hereby indemnified for what he, she, they, or any of them shall respectively do by virtue and in pursuance of this Act.

And also with
Owners and
Occupiers of
Land adja-
cent for
Trespases
and Damages.

V. And be it further enacted, That the said Trustees, or any Five or more of them, shall be and they are hereby empowered to compound and agree with the Owners or Occupiers of such respective Lands, Tenements, or Grounds, for such Damages and Trespases as shall be done by reason of the making and repairing such Road or Towing Path as aforesaid, for the Passage of Horses drawing Vessels along the said River between the said Places, and also for such Trespases as may be committed by drawing and laying upon convenient Places of such Lands or Grounds, Timber, Stone, Gravel, and other Materials for the making, erecting, and repairing such Bridges, Gates, Rails, and Wickets as shall be necessary for the Purposes aforesaid, and for maintaining and keeping in repair such Road or Towing Path as aforesaid, and also for any Trees, Hedges, or Willows that shall be thought necessary to be cut down for rendering the Navigation of the said River more commodious; and it shall be lawful for all Owners or Occupiers of such Lands, and their respective Executors or Administrators, and to and for all and every other Persons or Person whomsoever, who are or shall be seised or possessed of the said Lands, Tenements, or Grounds, to agree with the said Trustees, or any Five or more of them, for Satisfaction for such Damage as aforesaid.

VI. And

VI. And be it further enacted That if any Person or Persons, Bodies Politick, Corporate, or Collegiate, shall, for the Space of Twenty-one Days next after Notice in Writing given to the principal Officer or Officers of such Bodies Politick, Corporate, or Collegiate, or to such other Person or Persons respectively, or to the Tenant or Tenants in Possession of the Lands, Tenements, or Grounds over which the said Road or Towing Path shall be made or used, neglect or refuse to treat, or shall not agree with the said Trustees, or any Five or more of them, the said Trustees or any Five or more of them shall and may issue out a Warrant to the Sheriff of the County of *Salop* for the Time being; and in case such Sheriff shall be interested in the Matter in question, or any Way related to the Parties concerned therein, then to the Coroners of the said County, requiring such Sheriff or Coroners respectively to impanel, summon, and return an indifferent Jury of able and sufficient Men of the said County, qualified according to the Laws and Statutes of this Realm to be returned for Trials of Issues in His Majesty's Courts at *Westminster*, to appear before such Trustees, or any Five or more of them, at such Time and Place as by the said Warrant shall be appointed; not being less than Ten Days after such Warrant shall be served upon the said Sheriff or Coroners respectively, or more than Twenty Days after such Service, upon Pain for every Default in not making such Return of forfeiting the Sum of Twenty Pounds, to be sued for and recovered in Manner herein-after directed, and shall likewise return in Issues upon every Person so impanelled and returned not appearing, contrary to the true Intent and Meaning of this Act, any Sum not exceeding Five Pounds, which shall be levied as herein-after mentioned; and for Default of a sufficient Number of Jurymen appearing, the Sheriff or Coroners, or his or their Deputy, shall return other honest and indifferent Men of the Standers-by, or others that can be speedily procured, qualified as aforesaid to serve on Juries, to attend that Service to make up the Jury to the Number of Twelve; and all Persons concerned shall and may have their lawful Challenges against any of the said Jurymen when they come to be sworn; and the said Trustees, or any Five or more of them, are hereby empowered, by Warrant or Warrants under their Hands and Seals, from Time to Time, as Occasion shall require, to summon and call before them all and every Persons and Person who shall be thought proper or necessary to be examined as Witnesses touching the Matter in question; and the said Trustees, or any Five or more of them, may, if they think proper, order and authorize the said Jury, or any Six or more of them to view the Place or Places in question; which Jury upon their Oaths (all which Oaths any Two of the said Trustees are hereby empowered to administer) shall enquire and assess such Damage and Recompence as they shall think fit to be awarded to the Owners and Occupiers of, and Persons interested in any Lands, Tenements, or Grounds to be made use of, or receiving Damages as aforesaid; and the said Trustees or any Five or more of them shall give Judgement for such Damages and Recompence so to be assessed by such Juries, which said Verdict, and the Judgement thereupon declared or pronounced by the said Trustees, or any Five or more of them, and the Value and Recompence so assessed (Notice in Writing being first given of the Meeting of such Jury, at least Three Days before such Meeting, to the Parties concerned, or left at their Dwelling Houses or usual Places of Abode, or with the Tenant or Occupier of the Premises, or at his or her usual Place of Abode), shall be binding and conclusive, to all Intents and Purposes, against all and every

If Persons refuse to agree, the Sheriff to impanel a Jury to assess the Damages.

Verdict of the Jury to be final.

Party or Parties, their Heirs, Successors, Executors, Administrators, or Assigns, and all others claiming any Title or Interest in the same Lands, Tenements, or Grounds in Possession, Reversion, Remainder, Expectancy, or otherwise, as well Bodies Politick, Corporate, and Collegiate, Infants, Idiots, Lunatics, Femmes Covert, Tenants in Tail, as others, and their respective Heirs, Successors, Executors, and Administrators, and all claiming by, from, or under them, or any of them.

Persons summoned to give Evidence neglecting to appear, or Jurymen refusing to be sworn, to forfeit 5*l*.

VII. And be it further enacted, That if any Person or Persons summoned as aforesaid to give Evidence shall neglect or refuse to appear at such Time or Times, Place or Places, as shall be appointed in the Warrant or Warrants granted by any Five of the said Trustees as aforesaid, or appearing shall refuse to be sworn or examined by, or give Evidence before the said Trustees, or if any Person summoned as a Jurymen as aforesaid shall, after his Appearance, refuse to be sworn, or being so sworn refuse to give or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act, every Person so offending, having no reasonable Excuse, to be allowed by the said Trustees or any Five or more of them, shall for every Offence forfeit and pay any Sum not exceeding Five Pounds.

Expences of the Jury by whom to be paid.

VIII. Provided also, and be it further enacted, That in case any Jury to be summoned and sworn as aforesaid, shall give a Verdict for more Money, as a Recompence and Satisfaction for any such Lands or Damage as aforesaid, than what shall have been offered by the said Trustees, or any Five or more of them, before the summoning or returning of such Jury for such Recompence or Satisfaction, that then the Expences of summoning and maintaining such Jury, and the Witnesses, shall be paid by the said Trustees, or any Five or more of them, out of the Monies to arise by virtue of this Act; but if any such Jury shall give a Verdict for no more or for less Monies than shall have been offered by the said Trustees, or any Five or more of them, before the summoning and returning of such Jury, for such Lands or Trespas, that then the Expences of summoning and maintaining such Jury and the Witnesses, shall be borne by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; and such Expences having been ascertained and settled by the said Trustees, or any Five or more of them, to be paid to the Sheriff of the said County or his Deputy, or the Coroner of the said County or his Deputy, who shall summon such Jury, shall be deducted and taken out of the Monies so assessed and adjudged, as so much Money advanced to and for the Use of such Person or Persons; and the Payment or Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes, to be Payment and Tender of the whole Sum or Sums so assessed or adjudged: Provided always, that in all Cases of the Person or Persons having any such Controversy or Dispute being absent from *Great Britain* at the Time of such Controversy, the whole of such Expences shall be paid and borne by the said Trustees, and not deducted in any Manner from that Money so assessed or adjudged.

Verdict to be recorded.

IX. And be it further enacted, That the said Verdicts and Judgements shall be set down in Writing under the Hands and Seals of the Trustees, or any Five or more of them, acting in the Premises, and shall be kept amongst the Records and Writings of the said County of *Salop* by the

Clerk of the Peace for such County for the Time being; and the same or true Copies thereof shall be taken, adjudged, and deemed good and sufficient Evidence and Proof in any Court of Law or Equity whatsoever; and all Persons may have Recourse to the same gratis at all convenient Times; and may take Copies thereof, paying for every Copy not exceeding Seventy-two Words the Sum of Two-pence, and so proportionably for any greater or less Number of Words.

X. And be it further enacted, That no Agreement made by the Tenant or Occupier or Lessee of any such Lands which may happen to be prejudiced or damaged as aforesaid, shall be binding longer than the Interest or Possession of such Tenant or Tenants, or Occupier or Lessee, or those claiming under him or them shall continue; and the same shall not bind the succeeding Tenant or Tenants, or the Owner of the Lands, longer than the Term in which such Tenant, or those claiming under him, shall continue in such Possession as aforesaid, or the Continuance of such Lease, unless the Landlord or Landlords of such Tenant or Tenants shall be made Party or Parties to and execute such Agreement.

No Agreement made by Tenant or Lessee to be binding, &c.

XI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatick, or Person or Persons under any other Disability or Incapacity as herein mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of England, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account there, *ex parte* the Trustees for executing this Act, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Purchase of the Land Tax, or towards the Discharge of any Debt or Debts, or such Incumbrances or Part thereof, as the said Court shall authorize to be paid affecting the same Lands or Hereditaments, or affecting other Lands or Hereditaments standing settled therewith, to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Lands or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands 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 and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual

Application of Compensation where exceeding 200l.

annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

Application where Compensation is less than 200l. and exceeds 20l.

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

Application where the Money is less than 20l.

XIII. Provided also, and be it further enacted, That where such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Trustees, or any Five or more of them, shall think fit; or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out Titles.

XIV. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Trustees, or any Five or more of them; or in case such Person or Persons to whom such Sum or Sums of Money shall be so 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 and may be lawful to and for the said Trustees, or any Five or more of them, 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

the Accountant General of the Court of Chancery, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments [*describing them*], subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on the Application of any Person or Persons making Claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Publick Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Title or Interest, of the Person or Persons making Claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier or Cashiers of the Bank of *England*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

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

Upon any Question of Title to the Money so to be paid, Persons then in Possession to be deemed entitled thereto.

XVI. Provided also; and be it further enacted, That where by Reason of any Disability or Incapacity of the Person or Persons, or Corporation, entitled to any Lands, Tenements; or Hereditaments to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery, and to be applied to 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 of Chancery to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act; or so much of such Expences as the said Court shall deem reasonable, to be paid by the said Trustees, or any Five or more of them, out of the Monies to be received by virtue of this

The Court of Chancery may order Expences of Purchases to be paid by the Trustees.

[*Loc. & Per.*]

27 A.

Act,

Act; who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Not to hinder the Occupiers of Lands from fencing out the Road.

XVII. Provided always, and be it further enacted, That when the said Road or Towing Path shall be so set out as aforesaid, nothing herein contained shall be construed to hinder the Owners or Occupiers of the Lands on the Banks of the said River respectively from hedging, ditching, railing, or fencing out the said Road or Towing Path from the other Parts of the said Grounds or Meadows, in such Places as they shall think proper; provided such Hedges, Rails, or Fences are not made on the Side of the Road or Towing Path next the said River, so as in anywise to obstruct or hinder the free Passage along the said Road or Towing Path, according to the true Intent and Meaning of this Act.

Trustees may dig Gravel, &c.

XVIII. And be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, and for any Surveyor or Surveyors to be appointed by them, or any Five or more of them, and such Person or Persons as the said Surveyor or Surveyors shall appoint, to dig, gather, take, and carry away any Gravel, Furze, Heath, Stones, Sand, or other Materials; out of any River or Brook, or out of or from any Waste or Common within the said County which shall be proper and convenient for the making and repairing of the said Road or Towing Path, without paying any Thing for the same, such Person or Persons levelling or causing to be levelled all such Holes and Pits where any such Materials as aforesaid shall be dug, gathered, or taken, and from whence the same shall be carried away; and in case there should not be sufficient of such Materials in any such Rivers, Brooks, Commons, or Waste Grounds, it shall be lawful for such Surveyor or Surveyors, their Agents and Servants, by Order of the said Trustees, or any Five or more of them, to dig and gather such Materials in, and carry the same out of the several Grounds of any Person or Persons (not being the Ground whereon any Houses stand, or a Garden, Orchard, Yard, or Park, planted Walk or Walks, or Avenue to any House, or any Piece or Parcel of Ground set apart or used as a Plantation or Nursery for Trees), where such Materials are or may be found, and from Time to Time to carry away the same for making and amending the said Road or Towing Path, paying such Rates for such Materials, and for the Damage done to the Owners or Occupiers respectively of the Grounds where and from whence the same shall be dug, gathered, or taken away, or over which the same shall be carried, as the said Trustees, or any Five or more of them, shall adjudge reasonable; and in case of any Difference concerning the same between such Owners and Occupiers and the said Trustees, touching such Damage as aforesaid, the Justices of the Peace, at their next General Quarter Sessions to be holden for the said County, shall and may adjudge, assess, and finally determine the same.

Trustees may remove Obstructions.

XIX. And, in order to render the towing or hauling of Boats, Barges, and other Vessels along the said River more easy and safe, be it further enacted, That the said Trustees, or any Five or more of them, shall cause all Obstructions on the Bank or Sides of the said River to be removed and taken away, and the Channel of the said River to be deepened and kept properly cleansed and scoured, so as to render the towing or hauling of

of all Boats, Barges, and other Vessels along the said River as easy and convenient as can be done, not thereby prejudicing any ancient Ford which has been used for the passing of Horses or Cattle across the said River, and the Expences attending the same shall be defrayed out of the Monies which shall be collected or received by virtue of this Act.

XX. And be it further enacted and declared, That nothing in this Act contained shall extend or be construed to extend to hinder, prevent, or impede any of the Owners or Proprietors of any Wharf or Wharfs over which the said Road or Towing Path shall be made as aforesaid, and their Tenants, Servants, Agents, and Workmen from using, occupying, and enjoying such Wharf or Wharfs, together with free Liberty of loading, unloading, and laying Vessels in the said River *Severn*, along or near to the said Wharf or Wharfs, in the same Manner as before the passing of this Act, but that the said Owners or Proprietors, his, her, and their Heirs and Assigns, and his, her, and their Tenants, Servants, Agents, and Workmen, shall and may use, occupy, and enjoy the said Wharf or Wharfs, together with such Liberty as aforesaid, in as full and ample a Manner as the same hath or have heretofore been used, occupied, and enjoyed, and as the same might have been used, occupied, and enjoyed in case this Act had not been made, so as not to obstruct the making or using the said Road or Towing Path; any Thing herein contained to the contrary in anywise notwithstanding.

Owners of Wharfs shall have free Liberty of loading and unloading Vessels as before the passing of this Act.

XXI. And be it further enacted, That nothing in this Act contained shall extend or be construed to extend to authorize the said Trustees, or any of them, or any Person or Persons appointed and employed by them, or any of them, to take down, remove, injure, or in any Manner damage or obstruct the Water Engine and Stank or Dam erected, set up, or made at *Shrewsbury* aforesaid, for supplying the Inhabitants with Water, or to take down any House or other Building without the Consent of the Owner thereof first had and obtained, or to take down or injure any Tree or Trees now growing in the Quarry at *Shrewsbury*, without the Consent in Writing of the Person or Persons, Body or Bodies Politic, Corporate or Collegiate, entitled thereto, first had and obtained, any Thing in this Act to the contrary notwithstanding.

To prevent injuring the Water Engine, &c. at *Shrewsbury*.

XXXII. And, in order to prevent Trespasses upon the Lands or Grounds adjoining the said Road or Towing Path, be it further enacted, That if any Owner or Owners, Driver or Drivers of any Horse or Horses passing or repassing, or drawing any Vessels on the said River, shall wilfully permit and suffer any such Horse or Horses to wander over the Lands or Grounds of any Person or Persons, or to go off the said Road or Towing Path, whereby any Damage shall be done to any such Lands or Grounds; or if any Person or Persons shall open any Gate or Gates in the said Road or Towing Path, for the passing either of Men or Horses drawing Vessels on the said River, within the Limits aforesaid, or for other Purposes, and shall not shut such Gate or Gates after the said Men or Horses shall have passed through the same; or if the Master or Owner of any Horse or Horses passing or repassing, or drawing any Vessel, shall permit or suffer such Horse or Horses to pass on such Road or Towing Path, or to draw any Vessels without such Horse or Horses being muzzled, so as to prevent such Horse or Horses eating the Corn, Hay, or Grass growing or being on the Meadows or Grounds near the said Road or Towing Path,

Penalty on Drivers for Neglect.

every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings, to be levied by Distress and Sale of the Offenders Goods and Chattels, by Warrant under the Hand and Seal of any One Justice of the Peace of the said County of *Salop*.

Owners answerable for Damages done by their Men and Horses.

XXIII. And be it further enacted, That the Owner of every Horse hauling such Vessel shall be and is hereby made answerable for any Damage done by any Horse hauling the same as aforesaid, or by his or their Servant driving or having the Care of such Horse, either to the Lands, Grounds, Meadows, Hay, or other Property of the Owners or Occupiers of Lands on the Banks of the said River; and such Owner or Master shall be liable to the said Penalty, or to the Action of the Party injured, as if such Damage had been committed by himself.

Servants of-fending to repay Penalty to the Owner.

XXIV. And be it further enacted, That in case the Owner of any Horse employed in drawing Vessels up the said River shall be compelled to pay any Penalty by reason of any Act or Default done or committed by his Servant, such Servant shall be liable to repay such Penalty to the Owner; and in case of Non-payment upon Demand thereof, and Oath made by such Owner of the Payment by him of such Penalty, and that the same hath not been repaid to him by such Servant, although demanded (such Oath to be made before any One Justice of the Peace of the said County of *Salop*), the same Penalty shall be levied by Warrant under the Hand and Seal of such Justice of the Peace, by Distress and Sale of the Goods and Chattels of such Servant, together with all Costs and Charges attending such Distress and Sale, and the said Penalty, when recovered, shall be paid to such Owner in Satisfaction of such Penalty so by him paid for the Act or Default of such Servant as aforesaid; and in case sufficient Distress cannot be had, such Justice of the Peace shall and is hereby required to commit such Servant to the Common Gaol of the said County of *Salop*, there to remain, without Bail or Mainprize, for the Space of One Calendar Month.

Masters of Vessels lying at Wharfs or Quays to lay down their Masts.

XXV. And, in order to prevent any Interruption in the hauling and towing the Boats, Barges, and other Vessels along the said River *Severn*, be it further enacted, That the Masters or Persons having the Charge or Care of any Vessel lying moored at any Wharf or Quay, shall cause the Masts of all such Vessels to be laid down, so that no Interruption may be given to the hauling or towing Boats, Barges, or other Vessels along the said River; and in case the Master or Person having the Charge or Care of any Vessel lying moored at any such Wharf or Quay as aforesaid, shall not lay down the Masts of such Vessels, so as not to hinder or interrupt the hauling or drawing Vessels along the said River, he shall forfeit and pay any Sum not exceeding Forty Shillings for every Offence, to be levied and recovered in the same Manner as any other Penalty laid or inflicted by virtue of this Act is to be levied and recovered.

Owners to put their Names on their Vessels, &c.

XXVI. And be it further enacted, That every Owner, Master, or Person having the Charge of any Barge or Vessel navigating between the said Places, shall cause the Name of the Owner to be set in large White or Red capital Letters and Figures upon the Stern, or on some conspicuous Place on the Outside of every such Barge or Vessel, higher than the same shall sink into the Water when loaded, and the Master or Owner of the Horse

Horse or Horses drawing Vessels along the said River, between the Places aforesaid, shall also cause the Name of the Master or Owner of every such Horse, while drawing or hauling any such Barge or Vessel, to be set in large capital Letters on the Collar or some other conspicuous Part of the Gear or Furniture of such Horse; and if the Owner, Master, or Person having the Charge of any such Barge or Vessel shall not at all Times have the respective Owner's Name kept on the Outside of every such Barge or Vessel as aforesaid, or if the Owner of any Horse drawing or hauling any Barge or Vessel as aforesaid, shall not at all Times have his Name kept on the Collar, or some other conspicuous Part of the Gear or Furniture of every such Horse as aforesaid, every Person offending in any of the Cases aforesaid, shall for every Offence forfeit and pay a Sum not exceeding Five Pounds, to be levied by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of any One Justice of the Peace of the said County of *Salop.*

XXVII. And be it further enacted, That no Action or Actions of Trespasses whatsoever shall be brought by any Person or Persons against the Master or Owner of any Barge or Vessel, or of any Horses for any involuntary Trespass or Damage, until Thirty Days next after Demand shall have been made of any Damages received from such Master or Owner, and proper Satisfaction shall have been refused to be given for such Damages, and in case of any such involuntary Trespass, the Party liable to make Satisfaction for the same shall be at Liberty, before any Action brought to tender Amends, and to plead the same, in the same Manner as other Persons committing involuntary Trespasses are now empowered by Law to do.

No Action for involuntary Trespasses until Demand made, &c.

XXVIII. And be it further enacted, That if any Person or Persons shall wilfully damage or destroy the said Towing Path, or any Part or Parts thereof, pull down, damage, break, or destroy any of the Bridges, Arches, Gates, Stiles, or Wickets hereby authorized to be erected, set up, or made by virtue of this Act, or shall wilfully insult, obstruct, or molest any Person or Persons employed in or about the Execution of this Act, or shall injure or obstruct any Horse or Horses employed or used in hauling or drawing Boats, Barges, and other Vessels upon the said River *Severn*, or which shall be going to haul or draw any Boat, Barge, or other Vessel, or shall be returning after having been employed in drawing the same, every Person offending in any of the Cases aforesaid shall for every Offence forfeit any Sum not exceeding Forty Shillings, or be committed to the House of Correction for any Time not exceeding Three Calendar Months, at the Discretion of the Justice or Justices of the Peace before whom the Complaint of such Offence shall be made.

For preventing Persons damaging Towing Paths, &c.

XXIX. And, in order to preserve the said Towing Path, and support the Banks of the said River, be it further enacted, That the said Trustees, or any Five or more of them, shall and are hereby authorized and required to make and erect all such Works as may be thought necessary, in order to secure and support the Banks of the said River in such Places as they shall think proper, in order to prevent the said Banks being broken down, and the said Towing Path or Road being injured or damaged thereby.

For supporting the Banks of the *Severn.*

When Towing Path is passable, no Person to use any Towing Path on the opposite Side of the River.

XXX. And be it further enacted, That when the said Towing Path or Road shall be made and completed, and during such Time only as it shall be passable for Horses to haul and draw Vessels along the said River, it shall not be lawful for any Person or Persons to make use of any Hauling Path or Towing Path on the Lands and Grounds on the Side of the said River opposite to the said Towing Path or Road.

Occupiers of Lands to make new or repair old Gates, Stiles, &c.

XXXI. And be it further enacted, That if at any Time any of the said Gates, Stiles, Wickets, or the Locks, Hinges, or other Appurtenances thereof, to be made, erected, and set up as aforesaid, shall be broken down, or shall be so far out of Repair as not to be a proper Fence, then it shall and may be lawful for the Tenant or Tenants of the Lands whereon such Gates or Wickets, or the Locks, Hinges, or other Appurtenances thereof as aforesaid shall be broken down or out of Repair, to erect and set up a new or other Gate or Gates, or to do any necessary Repairs for the Preservation of the Fences; provided such Gates, Stiles, or Wickets are set up and erected, and such Repairs done in such Manner as those set up by virtue of this Act; and such Tenant or Tenants shall be paid by the Treasurer to the said Trustees immediately on Demand thereof all his or their Costs and Charges in that respect.

Vessels towed by Men not subject to Toll.

XXXII. And be it further enacted, That it shall be lawful for the Owners of Boats or Vessels, and the Persons employed by them, to haul such Boats or Vessels upon the said River between *Meadow Wharf* and *Mardol* and *Frankwell Quays* as aforesaid, by Men, and to make use of the said Towing Path for that Purpose, without being subject or liable to the Payment of any Toll.

Owners of Lands may use Towing Path as a Drift-way for their Cattle.

XXXIII. And be it further enacted, That all Owners and Occupiers of Lands through which the said Towing Path shall be made, shall have free Liberty to use the said Towing Path as a Foot-way, Bridge-way, or Drift-way for their Cattle, to, from, or through their respective Lands, and to or from their proper Watering Places at the said River; and in case any such Person or Persons as aforesaid shall not give way to the Horses employed in hauling such Boats or Vessels, or shall suffer his or their Horses or Cattle to stop or interrupt the Horses employed in hauling Boats or Vessels as aforesaid, every such Person shall for every such Offence forfeit any Sum not exceeding Forty Shillings, at the Discretion of the Justice before whom the Complaint shall be made; and all Persons authorized to use the said Towing Path by themselves or with Horses (not drawing) or other Cattle as aforesaid, shall be liable to the like Penalties and Forfeitures for any Trespasses or Neglects herein-before specified, as Owners or Drivers of Horses employed in hauling Boats or Vessels as aforesaid are subject and liable to by this Act; and that no Person or Persons, Horse or Horses (except as aforesaid, and except such as shall be used or employed for the Purpose of making or repairing the said Towing Path, and the Works hereby authorized to be made and erected), shall be permitted to use or pass upon the said Towing Path.

Persons using Towing Path shall give way to Horses hauling Vessels.

XXXIV. Provided always, and be it further enacted, That all Persons authorized to make use of the said Towing Path, by virtue of this Act, or having the Care of any Horses or Cattle not drawing (which are hereby permitted to pass upon the said Towing Path), shall and are hereby required

quired to give Way, and to cause all Horses or Cattle as aforesaid to give way to all Horses hauling Boats or other Vessels as aforesaid.

XXXV. And be it further enacted, That it shall and may be lawful for the said Trustees, or any Five or more of them, to order all Footpaths running parallel with and lying within the Distance of Fifty Yards from the said Towing Path, as soon as the same shall be made and completed, to be stopped up by such Means and in such Manner as they shall direct; and from the Time such Footpath shall be so stopped up, it shall not be lawful for any Person or Persons to use the same, but all Persons having before that Time a Right to pass along any such Footpath shall have Liberty to use the said Towing Path in lieu of such Footpath, in such Manner as they had a Right to make use of any such Footpath before the same was stopped up.

Trustees may stop up Footpaths which run near the Towing Path.

XXXVI. And be it further enacted, That the said Trustees, or any Five or more of them, shall and may keep a Ferry Boat or Ferry Boats at or near the said Piece of Land belonging the Right Honourable *Thomas Lord Berwick*, situate in the Parish of *Holy Cross* and *Saint Giles* aforesaid, called *Underdale Upper Meadow*, now in the Occupation of the said *James Bennett*, adjoining or near to the said River, between the Places aforesaid, and moor or anchor the same on the Banks thereof; which said Ferry Boat or Ferry Boats shall be used for the Purpose of conveying the Horses and the Men attending them across the said River from one Part of the said Road to the other; and that such Horses and the Men attending them may and shall go off the said Road or any Part thereof by the nearest and shortest Way to the Water Side, in order to go on board such Ferry or Ferries, and shall and may land on the opposite Side on or as near as may be to the Road there set out by the said Trustees for the Purposes of this Act; and that a Road or Carriage Way of the Breadth of Twelve Feet in every Part thereof shall be made and extended from the said Towing Path over and across the said Piece of Land in the Occupation of *James Bennett*, in a Southwardly Direction, to communicate with the now present Road leading from a certain Place called *Underdale* towards *Shrewsbury* aforesaid, for all of which Purposes Satisfaction shall be made to the respective Owners or Occupiers of the Land, such Satisfaction to be ascertained and recovered as aforesaid.

Trustees to keep Ferries for carrying over Horses, &c.

XXXVII. And be it further enacted, That if any Person or Persons whomsoever shall wilfully and maliciously cut the Cable or Cables, or the Rope or Ropes of any Boat or Boats upon the said River, between the Distances aforesaid, or shall loose or unmoor and turn adrift, or wilfully and maliciously cut, spoil, or injure the same, or any of the Masts, Ropes, Tackling, or other Appurtenances thereto belonging; every Person offending in any of the said Cases shall forfeit and pay any Sum not exceeding Five Pounds.

Punishing Persons destroying Ferry Boats.

XXXVIII. And, in order to raise a sufficient Sum of Money for purchasing so much Land as will be necessary for making the said Road or Towing Path, and keeping the same in Repair for the Time to come, and for enabling the said Trustees to make Compensation for any Trespasses and Damages which may happen to be done to the Land Owners or Occupiers of Land through which the said Road or Towing Path doth lead, and for

Trustees may take Tolls for effecting the Purposes of this Act,

for the Improvement of the said Navigation, be it further enacted, That it shall be lawful for the said Trustees, or any Five or more of them, or such Person or Persons as they, or any Five or more of them, shall from Time to Time, by Writing under their Hands, nominate and appoint, to ask, demand, receive, and take such Sum or Sums of Money as shall be from Time to Time ordered, directed, and appointed to be received and taken as a Toll, not exceeding the Sum of Two Shillings *per* Mile for every Horse passing on the said Road or Towing Path, and drawing any Barge, Trow, Wherry, Boat, or other Vessel on the said River *Severn* between *Meadow Wharf* at *Coalbrooke Dale* aforesaid, and the Quays called *Mardol* and *Frankwell Quays* aforesaid; and in case any Person or Persons shall refuse or neglect to pay the said Tolls herein-before authorized to be taken and received, or any Part thereof, on Demand thereof made as aforesaid, it shall and may be lawful for the Person or Persons appointed to collect such Tolls as aforesaid, and he and they is and are hereby empowered to seize and distrain any such Horse or Horses for or in respect whereof the said Tolls ought to be paid as aforesaid, together with the Gears and Accoutrements belonging to the same, and detain the same until Payment thereof, together with reasonable Charges for such Seizure and Distress, and if such Distress shall not be redeemed within Five Days after such Seizure thereof as aforesaid, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent.

Towing Paths
to be mea-
sured and
Mile Stones
erected.

XXXIX. And, for the more regular ascertaining of the Distances along the said Road or Towing Path, be it further enacted, That the said Trustees, or any Five or more of them, may, if they shall think fit, cause the said Road or Towing Path to be measured, and Stones or Posts to be placed in or near the same, with Inscriptions thereon, denoting the Number of Miles and Distance of Places, as they shall think proper; and if any Person or Persons shall wilfully break, damage, or pull up any such Stones or Posts, or shall obliterate or deface any of the Letters, Figures, or Marks on the said Stones or Posts, and be thereof convicted before any Justice of the Peace for the said County of *Salop*, by the Confession of the Party, or by the Oath of One credible Witness, such Person or Persons so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence, One Moiety whereof shall be paid to the Informer, and the other Moiety to the said Trustees, or to their Treasurer or Clerk, to be applied for the Purposes of this Act; and that all Distances less than a Mile shall be deemed a Mile for the Purposes of this Act.

Application
of Tolls.

XL. And be it further enacted, That all Tolls herein-before granted shall be and are hereby vested in the said Trustees, and shall be by them, or any Five or more of them, applied in the First Place in discharging the Expences incurred in or anyways relating to the obtaining this Act, and in the purchasing of so much Land as will be necessary for making the said Road or Towing Path as aforesaid, and keeping the same in Repair, and for Payment of all such Damages and Trespasses as may happen to be sustained by the Owners or Occupiers of any Land or Ground lying or being on or near the Banks of the said River, or any other Person, for or by reason of carrying this Act, and the several Provisions, Powers, and Authorities thereof, into Execution.

XLI. And be it further enacted, That from and after the Payment of all such Expences, Damages, and Sums of Money as aforesaid; and of Interest for all Money borrowed under the Provisions of this Act, it shall be lawful for the said Trustees and they are hereby empowered and required to make and declare a Dividend of the Surplus arising from such Tolls, among the Persons who shall have subscribed under this Act, towards the carrying the same into Execution, not exceeding the Rate of Ten Pounds *per Centum per Annum*, after reserving thereout sufficient for the Payment of all Expences and Charges which may arise, in respect of any Repairs or other incidental Expences which may from Time to Time occur; and the said Trustees shall, after paying such Expences and Dividends, and reserving such Sum for incidental Charges as aforesaid, from Time to Time lay out and invest in Government Securities any further Surplus for and towards the making a Fund for the Payment of all Annual Charges, Expences, and Repairs as aforesaid; and when such Sum as shall be sufficient for that Purpose shall have been so laid out and invested as aforesaid, the said Tolls shall be reduced as far as the same can be done, leaving sufficient for such Purposes as aforesaid; Provided always, that such Tolls may again be increased, so as not to exceed the Tolls by this Act granted, in case at any Time thenceforth such reduced Tolls shall not be sufficient for the Purposes aforesaid, and so from Time to Time as Occasion may require.

Application
of the Money.For reducing
the Tolls.

XLII. Provided always, and be it further enacted and declared, That Horses employed in drawing Vessels laden with Corn in the Straw, Muck, or Lime used for Manure, shall be exempted from the Payment of the said Tolls and every Part thereof, and that no Tolls shall be demanded or taken for any Horse or Horses which shall have been employed in drawing Vessels hereby liable to pay Tolls, provided such Horse or Horses shall return within the Space of Twelve Hours after the Time they shall have been so employed, and for which the Tolls shall have been paid as aforesaid, otherwise such Horses shall be liable to the like Tolls as if they were actually drawing.

For exempt-
ing certain
Things from
the Payment
of Tolls.

XLIII. And be it further enacted, That the said Trustees or any Seven or more of them, shall be and are hereby empowered, by any Writing under their Hands, from Time to Time to appoint such Person or Persons as they shall think fit to be a Collector or Collectors of the said Tolls; and also a Treasurer or Treasurers, or other Officers, to receive all Monies arising by virtue of this Act (such Treasurers, Collectors, and other Officers giving Security to the Satisfaction of the said Trustees, or any Seven or more of them, for the due Execution of their respective Offices); and such Collector or Collectors, and all other Persons who shall receive any Money by virtue of this Act, shall from Time to Time pay over all the Monies so collected or received into the Hands of the Treasurer or Treasurers to the said Trustees, at such Times and in such Manner as the said Trustees, or any Seven or more of them, shall direct and appoint; and the said Trustees, or any Seven or more of them, may also appoint a Clerk or Clerks, and such other Officers as they shall think fit to employ in the Execution of this Act, and may allow to such Treasurers, Collectors, Clerks, and other Officers such Salaries or Recompence out of the Monies to be raised by virtue of this Act, as they the said Trustees or any Seven or more of them shall think reasonable; and all such Officers shall be from Time to Time re-

Trustees may
appoint Of-
ficers.Collectors to
pay Money to
Treasurer.Officers re-
movable.

Trustees may
examine Of-
ficers on Oath.

Persons found
in Arrear, or
refusing to
account and
deliver up
Books and
Papers,

Justices to
inquire into
the Default,
and commit
the Offender.

Trustees may
compound
with Offen-
ders.

Officers to
give Security,
and no Vic-
tualler to hold
any Place of
Profit.

Trustees may
purchase
Houses, &c.
for the Use of

moved at the Will and Pleasure of the said Trustees, or any Seven or more of them; and the said Trustees, or any Seven or more of them, shall and may from Time to Time as they shall think proper summon before them, and if they think fit examine upon Oath (which Oath any One of the said Trustees is hereby empowered to administer) all or any of the said Treasurers, Collectors, Clerks, and all other Officers employed or intrusted with the Receipt or Payment of all or any of the Monies to be raised by virtue of this Act; and every such Treasurer, Clerk, or other Officer or Person employed or intrusted as aforesaid, is hereby required to render to the said Trustees, or any Seven or more of them, a true, exact, and perfect Account in Writing of all and every the Sums and Sum of Money so by him respectively received or expended as aforesaid; and in case any such Treasurer, Collector, Clerk, or other Officer or Person so employed or intrusted shall be found in arrear, or refuse to account, or to pay the Money due upon the Balance of such Account, according to the Orders and Directions of the said Trustees or any Seven or more of them, or shall not deliver to the said respective Trustees, or any Seven or more of them, being thereunto required, all the Books, Papers, and Writings relating to the Execution of this Act, then and in any or either of the said Cases any Two or more Justices of the Peace for the County or Place wherein such Treasurer, Collector, Clerk, or other Officers shall be or reside, shall make Inquiry concerning such Default or Refusal, either by Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath (which Oath such Justices are hereby empowered and required to administer without Fee or Reward); and if any such Treasurer, Collector, Clerk, or other Officer shall be convicted of any or either of the Offences aforesaid, such Justices shall commit such Offender or Offender to the Common Gaol for such County or Place, there to remain, without Bail or Mainprize until he or they shall have made a true and perfect Account, and paid such Monies as shall appear to be remaining in his or their Hands to the said Trustees, or any Seven or more of them, or until he or they shall have compounded for the same with the said Trustees, or any Seven or more of them, and shall have paid such Composition in such Manner as they or any Seven or more of them shall appoint; which Composition the said Trustees or any Seven or more of them are hereby empowered to make, or until he or they shall have delivered up such Books, Papers, and Writings as aforesaid, or given Satisfaction in respect thereof to the said Trustees or any Seven or more of them: Provided always, that no such Officer or Person who shall be committed as aforesaid shall remain or be kept in Prison for any longer Space of Time than Twelve Calendar Months.

XLIV. And be it further enacted, That the said Trustees, or any Five or more of them, shall and are hereby required to take Security from their Collectors and Treasurers, to be appointed as aforesaid, for the due Execution of their respective Offices; and that no Person who shall sell Ale, Wine, or any Spirituous Liquors, shall be a Collector of the Tolls granted by this Act, or hold any Office or Place of Profit under the said Trustees.

XLV. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, to agree for and purchase, out of the Monies arising by virtue of this Act, in their own Name or in the Name

Name of any Seven or more of them, any House or Houses, or Land whereon to erect any House or Houses on the Banks of or near to the said River, and to erect such House or Houses for the Purpose only of collecting and receiving the Tolls arising by virtue of this Act, and the Inhabitan-
the Collect-
ors and other
Officers.

XLVI. And be it further enacted, That it shall be lawful for the said Trustees, or any Seven or more of them, at a Meeting to be held in pursuance of this Act, from Time to Time to assign over the Tolls arising by virtue of this Act, or any Part thereof (the Costs and Charges of such Assignment to be paid out of the said Tolls), as a Security for any Sum or Sums of Money, with Interest, not exceeding Five Pounds *per Centum per Annum*, to such Person or Persons, or their Trustees, who shall advance the same; and all and every Person and Persons to whom the said Trustees, or any Seven or more of them, shall at any Time make such Assignment or Assignments, shall be entitled to the said Tolls or to their equal Proportions thereof, according to their respective Sums in such Assignment mentioned, to be advanced, to secure the Repayment thereof, with Interest as aforesaid, without any Preference by reason of Priority of Assignment, or on any Account whatsoever; and the Money so borrowed shall be applied in the first Place in discharging the Expences incurred in or in relation to the obtaining of this Act, and afterwards in such Manner as the Tolls are directed to be applied, and to no other Use whatsoever; and Entries or Memorials of such Assignment or Assignments, containing the Dates, Names of the Parties, and Sums of Money borrowed, shall be made in a Book or Books to be kept for that Purpose by the Clerk or Clerks, Treasurer or Treasurers to the said Trustees, which said Book or Books shall and may be perused at all seasonable Times without Fee or Reward; and all and every Persons and Person to whom any Assignment or Assignments shall be made as 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, Interest, or Benefit to the Principal or Interest thereby secured to any Person or Persons whomsoever, by Indorsement on the Back of the said Assignment or otherwise, and which said Transfer or Assignment shall be produced and notified to the said Clerk or Clerks, Treasurer or Treasurers, who shall cause an Entry or Memorial to be made of such Assignment or Transfer, containing the Dates, Names of the Parties, and Sums of Money therein transferred in the said Book or Books to be kept for the entering of the said original Assignments, for which the said Clerk or Clerks, Treasurer or Treasurers, shall be paid the Sum of Two Shillings and Sixpence and no more; and after such Entry made, and not till then, every such Assignment shall entitle such Assignee, his and her Executors, Administrators, and Assigns to the Benefit thereof and Payment thereon, and such Assignees may in like Manner assign again, and so *toties quoties*, and it shall not be in the Power of such Person or Persons who shall have made such Assignment to make void, release, or discharge the same, or any Monies thereby due, or any Part thereof.

Trustees may
assign the
Tolls and
Duties as a
Security for
Money bor-
rowed.

Entries, &c.
to be made
by the Clerk
or Treasurer.

Assignments
may be trans-
ferred.

XLVII. And be it further enacted, That all and every Person and Persons who, upon any Examination directed to be taken by virtue of this Act, shall give false Evidence before the Trustees appointed or to be appointed by virtue of this Act, or before any Justice or Justices of the Peace, shall

For punishin^g
Persons giv-
ing false Evi-
dence.

shall and may be prosecuted for the same, and such Person or Persons as shall be convicted thereof shall be subject and liable to the same Punishments and Disqualifications which any Person or Persons can or may be subject or liable to for wilful and corrupt Perjury by any of the Laws or Statutes of this Realm.

No Trustee to sit or act where interested, or unless qualified by this Act.

XLVIII. Provided always, and be it further enacted, That no Person shall be capable of acting as a Trustee in any Case in the Execution of this Act (unless in the administering of the Oath herein-after mentioned to other Trustees, which they are hereby authorized and empowered to do) unless he shall be seised of or entitled to Lands, Tenements, or Hereditaments in Possession for his own Life, or the Life of another Person, of the Yearly Value of One hundred Pounds above Reprises, or be possessed of or entitled to a Personal Estate to the Amount or Value of Two thousand Pounds, or in any Case where he shall be concerned in Interest, and also unless the Person shall before the Time of acting as a Trustee take and subscribe the Oath following; (that is to say),

‘ I *A. B.* do swear, That I truly and *bona fide* am in the actual Possession, Enjoyment, and Receipt of the Rents and Profits of Lands, Tenements, and Hereditaments for my own Life, or the Life of another Person, of the Yearly Value of One hundred Pounds above Reprises, or possessed of or entitled to a Personal Estate of the Value of Two thousand Pounds; and that I will truly and impartially, according to the best of my Skill and Knowledge, execute and perform all and every the Powers and Authorities as a Trustee appointed in pursuance of an Act passed in the Forty-ninth Year of His Majesty King *George* the Third, intitled, An Act [*insert the Title of this Act*].

‘ So help me GOD.’

Penalty for acting not being qualified.

Which Oath any One of the said Trustees is hereby authorized to administer; and in case any Trustee shall sit and act in any Case where he shall be interested, or without having such an Estate, or without taking such Oath as aforesaid, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds, to be recovered in any of His Majesty's Courts of Record at *Westminster*, by Action of Debt or on the Case, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance shall be allowed, and upon any such Suit or Prosecution brought the Proof of the Qualification shall lie upon the Person prosecuted.

For Choice of new Trustees.

XLIX. And be it further enacted, That when any of the said Trustees shall die or refuse to act, then and as often as the Case shall happen the surviving or remaining Trustees, or any Five or more of them, may appoint a Meeting of Trustees for the Election of One or more Trustee or Trustees as the Case shall require, to supply the Place or Places of the Person or Persons so dying or refusing to act, and shall give Notice of the Time and Place of such Meeting or Meetings in One or more of the Newspapers usually printed in the said Town of *Shrewsbury*, Fourteen Days before the Time of Meeting for such Election; and the said Trustees, or any Five or more of them assembled together at the Time and Place appointed for such Meeting, shall and may proceed to elect One or more Trustee or Trustees in lieu of such of the said Trustees as shall be dead or have refused to act; and the Person or Persons so to be chosen shall from thenceforth be and act as a Trustee or Trustees, and shall have the same

Power and Authority in the Execution of this Act, as if he or they had been expressly named and appointed a Trustee or Trustees in and by this Act.

L. And be it further enacted, That the said Trustees, or any Five or more or them, shall meet at the House known by the Sign of the *Talbot* in *Atcham*, in the said County of *Salop*, on the Third *Tuesday* next after the passing of this Act, and proceed to the Execution of this Act, and may then and from Time to Time afterwards adjourn themselves, and meet at the same Place, or at such other Place or Places, and at such Time and Times, not exceeding the Space of Three Calendar Months from their last Meeting, as they or any Five or more of them shall think proper; and if at any Time it shall happen that a sufficient Number of Trustees shall not attend to act or to adjourn, then and in every such Case, and from Time to Time afterwards as often as it shall so happen, the Meeting appointed to be then and there held, shall be adjourned by the Treasurer or Clerk to the said Trustees for the Space of Fourteen Days, and be held at the same Place where such Meeting was then last appointed to be held; but the Treasurer or Clerk shall cause Notice to be given in One or more of the Newspapers usually printed in the said Town of *Shrewsbury*, Seven Days at the least before every such subsequent Meeting is to be held.

Time and Place of first Meeting.

In Default of a sufficient Number to act, Notice to be given of another Meeting.

LI. And be it further enacted, That no Agreement, Order, or Appointment of the said Trustees, or any of them, shall be good and valid unless the same shall be made at some Meeting to be held in pursuance of this Act, nor shall the same be varied, vacated or altered by a less Number of Trustees than those who made and signed such original Agreement, Order, or Appointment; nor shall any Trustee be capable of acting in the Execution of the Powers hereby granted during the Time he shall hold any Place of Profit under this Act; but all such Trustees as are or shall be Justices of the Peace may act as Justices of the Peace in the Execution of this Act, notwithstanding their being Trustees.

No Act valid except at a public Meeting.

Trustees not to act where interested.

LII. And be it further enacted, That all the Penalties and Forfeitures hereby inflicted or authorized to be imposed (the Manner of levying and recovering whereof is not herein otherwise particularly directed), shall upon Proof of the Offences respectively before any one Justice of the Peace for the County or Place wherein the Offender shall be or reside, either by the Confession of the Party or Parties offending, or by the Oath of One or more credible Witnesses or Witnessess (which Oath such Justice of the Peace is hereby authorized and required to administer without Fee or Reward), be levied by Distress and Sale of the Goods and Chattels of the Party or Parties offending, by Warrant under the Hand and Seal of such Justice; and the Overplus, after such Penalties and Forfeitures, and the Charges of such Distress and Sale are recovered and deducted, shall be returned upon Demand unto the Owner or Owners of such Goods and Chattels; and such Penalties and Forfeitures shall be from Time to Time paid to the said Trustees, or any Five or more of them, or to their Treasurer, and shall be applied to the Purposes of this Act; and in case sufficient Distress shall not be found, or such Penalties and Forfeitures shall not be forthwith paid, it shall be lawful for such Justice of the Peace, and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Offender or Offenders to be committed to the Common Gaol or

Manner of recovering Penalties.

Application of Penalties.

House of Correction, there to remain without Bail or Mainprize, for any Time not exceeding Three Calendar Months, unless such Penalties and Forfeitures, and all reasonable Charges, shall be sooner paid and satisfied.

Power of Trustees to lease Tolls.

LIII. And be it further enacted, That the said Trustees, or any Seven or more of them, shall and may, and are hereby empowered, by Writing under their Hands and Seals, to set, demise, and to farm let the Tolls by this Act granted, or any of them, to any Person or Persons who shall be willing to take or farm the same, from *Meadow Wharf* to any other Place or Places between that Place and the said Quays at *Shrewsbury* aforesaid, for any Term or for any Number of Years not exceeding Three Years, upon Twenty-eight Days Notice in Writing to be given in One or more of the Newspapers usually printed in the said Town of *Shrewsbury*, to the highest Bidder upon a public Bidding, and for the best Price such Trustees can get for such Tolls, or any Part thereof, payable at such Times, and under such Covenants, Restrictions, and Agreements as the said Trustees, or any Five or more of them, shall think fit, so as such Covenants, Restrictions, and Agreements, be consistent with the Tenor, true Intent, and Meaning of this Act; which Rents shall be paid to the said Trustees, or any Five or more of them, or to their Treasurer, or to such Person or Persons as they or any Five or more of them shall appoint to receive the same; and the Money so to be paid shall be applied and disposed of in the same Manner as the Tolls herein-before granted are by this Act directed to be applied, and to no other Purpose.

Recovery of the Rent reserved.

For taking Security for Payment of the Rent.

LIV. Provided always, and be it further enacted, That the said Trustees, or any Five or more of them, shall and are hereby required to take Security for the due Payment of the Rent which shall be agreed to be paid for the said Tolls in double the Sum which shall be agreed to be paid for the same.

Books of Orders, &c. to be kept, and admitted as Evidence.

LV. And be it further enacted, That the Account of all Monies which shall be received, raised, and borrowed, or disbursed by virtue of this Act, and also of all Debts, Contracts, Orders, Agreements, Verdicts of Juries, and Proceedings of the said Trustees or any of them, relating to this Act, shall be regularly and fairly entered in Books to be kept for that Purpose, and such Entries, being signed by any Five or more of the said Trustees, shall be deemed Originals, and shall be admitted to be read in Evidence in all Courts whatsoever.

Appeal to the Quarter Sessions.

LVI. Provided always, and be it further enacted, That all Persons who shall think themselves aggrieved by the Order or Judgement of any Justice of the Peace, upon account of any Offence committed or supposed to be committed against this Act, or by any Order of the said Trustees, for altering, stopping up, or diverting any Footpath or Footpaths, may appeal to the Justices of the Peace for the said County of *Salop*, at their next General or Quarter Sessions of the Peace, (the Person or Persons so appealing giving Security to the Satisfaction of the said Justices to prosecute such Appeal with Effect, and to pay the Costs which shall be ascertained by the said Justices at the General or Quarter Sessions, in case such Order or Judgement shall be affirmed), and the Justices in the said General or Quarter Sessions are hereby authorized and required to determine such Appeal, and to make such Order therein, and to award such Costs as to them shall appear just, which Order shall be final and conclusive to all Parties, and shall

shall not be moved or removeable by any Writ of *Certiorari* into any of His Majesty's Courts of Record at *Westminster*, or elsewhere; and that no Order or Proceeding to be made or had by or before any Justice of the Peace in relation to the Premises shall be quashed or vacated for Want of Form only.

LVII. And be it further enacted, That if any Action or Suit shall be brought and commenced by the said Trustees, or any Five or more of them, against any Person or Persons whomsoever, for or on Account of any Matter or Thing to be done contrary to the true Intent and Meaning of this Act, the same shall be brought, commenced, and prosecuted in the Name of the said Treasurer for the Time being; and that no Action or Suit shall be brought or commenced against any Person or Persons for any Thing to be done in pursuance of this Act, unless the same shall be brought and commenced within the Space of Three Calendar Months next after the Fact committed, and shall be brought, laid, and tried in the said County of *Salop* and not elsewhere; and the Defendant or Defendants in all Actions or Suits may plead the General Issue, and give this Act, and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing was done in pursuance of this Act, and if the same shall appear to have been so done, or if any such Actions or Suit shall not be commenced within the Time before limited, or shall be laid or brought in any other County than as aforesaid, that then and in any or either of such Cases the Jury or Juries shall find for the Defendant or Defendants, and if a Verdict or Verdicts shall be found for such Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance after the Defendant or Defendants shall have appeared, or if upon any Demurrer, Judgement shall be given for the Defendant or Defendants, then and in any of the said Cases such Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for his or their Costs in other Cases by Law.

Trustees to bring all Actions in the Name of the Treasurer.

All Actions to be commenced within Three Months.

General Issue.

Treble Costs.

LVIII. And be it further enacted, That the several and respective Persons who have subscribed or may hereafter subscribe any Sum or Sums of Money, for and towards making and repairing the said Towing Path or Road and Branch of Road, and their respective Heirs, Executors, and Administrators, shall and they are hereby required to pay the Sum or Sums so subscribed, or such Parts or Proportions thereof and within such Time and Times, and to such Person or Persons as the said Trustees or any Five or more of them shall by any Writing under their Hands authorize to receive the same; and if any Person or Persons shall after Twenty-one Days previous Notice in Writing under the Hands of the Treasurer or Clerk or Clerks of the said Towing Path or Road and Branch of Road, for that Purpose to him, her, or them given, or left at his, her, or their Dwelling House or usual Place of Abode, refuse or neglect to make Payment of the respective Sums by him, her, or them so subscribed or agreed to be subscribed, or such Part or Parts thereof as may be required in such Notice, it shall be lawful for the said Trustees or any Five or more of them, in the Names of the said Trustees, or any Five or more of them, or in the Name or Names of their Treasurer or Treasurers, or their Clerk or Clerks, to bring or cause to be brought any Action of Debt, or on the Case, Bill, Plaint, or Suit, against any Person or Persons so refusing or neglecting as

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aforesaid, his, her, or their Heirs, Executors, or Administrators, in any of His Majesty's Courts of Record at *Westminster*, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance shall be allowed; and on Proof of such Person or Persons having so subscribed or agreed to subscribe, and of such Notice being given as aforesaid, the respective Sums so subscribed or agreed to be subscribed, or so much thereof as shall be required to be paid in such Notice, shall be recovered with full Costs of Suit.

Publick Act. LIX. 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 being specially pleaded,

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